

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, AUGUST 15, 2018
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET, PUEBLO, COLORADO**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Betty Alt, Donald Bruestle, Kiera Hatton, Judy Leonard, Roger Lowe, John Musso, and Zachary Swearingen.

Commissioners Absent: Epimenio Griego and Philip Mancha.

Staff Present: Joan Armstrong, Director; Sandy Blanco; and Gail Wallingford-Ingo.

Others Present: Marci Day, Assistant Pueblo County Attorney.

Chair Hatton called the Pueblo County Planning Commission meeting to order at 5:30 p.m.

APPROVAL OF JULY 18, 2018 MINUTES

Ms. Alt moved to approve the minutes of the July 18, 2018 meeting as mailed. Mr. Bruestle seconded the motion. The motion carried unanimously.

APPROVAL OF AUGUST 15, 2018 AGENDA

Mr. Lowe moved to approve the agenda of the August 15, 2018 meeting as mailed. Mr. Swearingen seconded the motion. The motion carried unanimously.

CHAIRPERSON'S REPORT

Chair Hatton reported several people met with the PuebloPlex developers last week in preparation for a public hearing in September, 2018.

DIRECTOR'S REPORT

The Director's Report was presented by Joan Armstrong. She requested the staff report be made a part of the record of proceedings.

- (a) Acceptance of Map Amendments and Planned Unit Developments--None.
- (b) Correspondence--Memorandum, dated August 10, 2018, from Frank and Melanie Palcic, updating the status for [Easement Vacation No. 2017-002](#).
- (c) Continuance--[Special Use Permit No. 2018-009](#), the applicant requested continuance to the September 19, 2018 Planning Commission hearing.
- (d) Withdrawals--None.
- (e) Board of County Commissioners' Action--Summary of actions taken on August 8, 2018.
- (f) Administrative Review:
 - [Special Use Permit No. 596](#) (also known as SUP 1986-020 for filing purposes only) allows sand and gravel extraction with associated processing operations, portable batch plant specifically utilized for overflow business and emergency situations as needed, concrete batch plant, office facility, tool and supply area, steel fabrication area, outside yard storage, drivers' room, laboratory testing facility and aggregate sales operation in the A-2 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing conditions of approval, Other Requirements, and to present a report at the August, 2021 Planning Commission hearing, as per staff's report dated August 9, 2018, which was made a part of the record.

Ms. Armstrong requested the Commission take action to accept the late correspondence, request for continuance, Board of County Commissioners' actions, and the administrative review as presented.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

Ms. Alt moved to accept the late correspondence, request for continuance, Board of County Commissioners' actions, and the administrative review as read into the record and make the Commission's comments a part of the record of the proceedings. Mr. Lowe seconded the motion. The motion carried unanimously.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Hatton reported that the applicant and/or representative are called upon to speak, followed by any opposition, with the applicant having the final say.

PUBLIC HEARING

Ms. Armstrong explained there was one item on the Consent Agenda and two items on the Regular Agenda for this evening's meeting.

CONSENT ITEM

Ms. Leonard moved to approve the Consent Item listed below. Mr. Swearingen seconded the motion. The motion carried unanimously.

- [Special Use Permit No. 2017-005 Rescission](#), Castle Rock Construction Company, c/o Matt Fonte requests rescission of a special use permit that allowed a temporary concrete batch plant in an A-1, Agricultural Zone District. The concrete batch plant involved storage of materials, aggregates, and construction equipment. The 13.2± acre batch plant site was located approximately 750 feet to the northwest of the intersection of Wildhorse Road (Pueblo Boulevard/State Highway 45) and Highway 50. The batch plant provided material for the State Highway 45 Rehabilitation Project. The Project is completed; therefore, staff is requesting rescission. Staff's review dated August 8, 2018 was made a part of the record.

The Commission rescinded Special Use Permit No. 2017-005. Resolution No. PCPC 18-016, dated August 15, 2018, was also approved.

REGULAR ITEMS:

Statement of Conduct and Demeanor

Chair Hatton stated in order for the business of the Commission to be conducted in the most effective and expeditious manner, it is necessary that all persons maintain a demeanor of civility toward each other. Uncivil conduct will not be tolerated. Such behavior shall constitute the forfeiture of a person's right to remain in attendance and may result in them being asked to leave the meeting by the chairperson or, upon their refusal, being escorted out of the meeting by the proper authority.

- [Special Use Permit No. 2017-009 Revised](#), Verizon Wireless (Applicant), c/o Shawn Turk, Black & Veatch Corporation (Representative), Pueblo West Metropolitan District (Owner), South Avenida Del Oro East and West Camino Al Cielo. The applicant is requesting a special use permit to allow the establishment of a 50-foot stealth type telecommunications tower and related accessory buildings and support facilities on a 465.5 square foot leased parcel of land in an S-1, Public Use Zone District. The leased parcel is encompassed within a 1.2-acre parcel of land more commonly known as Pueblo West Fire Department, Station 2, addressed as 529 East Avenida Del Oro. The property is located on the north side of South Avenida Del Oro East at its intersection with West Camino Al Cielo in the westerly portion of the Pueblo West community. The REVISED submittal reduces the overall height of the tower by 10 feet and its co-location availability to one (1) additional carrier.

*This special use permit was continued from the April 18, 2018, June 20, 2018, and July 18, 2018 Planning Commission hearings.

Staff's review, dated August 7, 2018, was made a part of the record.

Mr. Shawn Turk, Black & Veatch Corporation, 4600 Syracuse Street, Denver, Colorado, represented the special use permit. He stated this is a proposal for a wireless tower at the Pueblo West Fire Department Station No. 2. They originally presented a 60-foot tower that would accommodate three total carriers, noting they revised the design based on the feedback they received at the last Planning Commission meeting. They dropped the tower to 50 feet, accommodating two carriers. They were also directed to get some additional

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

insight and feedback from the community on the tower design, noting they sent an email to everybody that attended the two previous community meetings and anybody who had sent correspondence to the owner. He provided photos of other designs, but only got back three responses. One was for the mono-pine, one was in support of modifying the clock tower, and the third indicated they didn't want a tower at all. They felt it wasn't beneficial to hold a community meeting due to the lack of response. They redesigned the tower but didn't change the color, noting it would be tan to keep it as light as possible.

IN FAVOR

Mr. Bryan Eicens, Engineer, Verizon Wireless, 3030 South Vaughn Parkway, Aurora, Colorado, spoke in favor of the special use permit. He stated they need a site to off-load their existing Pueblo West site. They are out of resources, noting they have a significant gap in coverage and felt this was the least intrusive means of addressing the gap. They wanted a 60-foot tower, but were willing to go down to 50 feet, noting they can't go down any lower. They spent two years monitoring the coverage in Pueblo West. They are getting customer complaints and sales complaints, noting it's a public safety hazard. They would like approval tonight to plan a network that would provide efficient coverage for Pueblo West.

Mr. Bruestle asked Mr. Eicens if one of the reasons to justify putting up the tower was to reduce the number of dropped calls. Mr. Eicens replied yes, noting dropped calls and capacity. When the network gets overloaded, there are no resources and people can't make calls. There are dropped calls in the area because they don't have sufficient coverage, and as people travel further away from Pueblo West, they're on the edge of the network. There is a gap in coverage in Pueblo West and this is a start. They have an application for a tower to the north, noting they need to be at both locations, north and southwest. They need additional RF sources and can't have one or two sites with the growing capacity. The community is growing and the growth of cell phone usage is increasing daily, noting they need to keep up the pace with a tower.

IN OPPOSITION

Ms. Deborah Ahlin, 496 South Avenida Del Oro, Pueblo West, Colorado, spoke in opposition to the special use permit. She stated she's a resident of the neighborhood and failed to come to the last meeting. They moved to Pueblo West from Castle Pines in the Denver area and has been a loyal customer of Verizon Wireless for 24 years. She recently received a telephone call asking all the Verizon Wireless customers in Pueblo West to support the tower at the fire station, noting she was deeply offended. The neighborhood meeting in April was cancelled, noting they were told to contact a Verizon Wireless representative. They have been told little to nothing. She has a 91-year old neighbor with four or five lots across the street from the proposed tower, noting he doesn't have email and probably why they didn't get as many telephone calls back in opposition. The neighbors went door to door and people were unaware of this proposal, noting they didn't receive anything in the mail because they were outside of the limits. The limits set forth for notification were far too small, noting the Commission needed to be made aware so changes could be made. She is deeply opposed to this proposal and was expecting a community meeting at the fire station so the neighbors could get together. There would have been 100 of them there, noting that's how many people were opposed to the proposal. She is very concerned about the lack of information the neighborhood received. At one meeting, they were told they would have the tower and to make up their minds on which design they wanted. That is where she's at right now. A group of people took signatures in front of Wal-Mart, noting nobody from the neighborhood signed that petition. They were probably people from Colorado Springs or Denver who were on their way to the Pueblo Reservoir.

Ms. Ahlin stated the reason why she had Verizon Wireless for 24 years was because she never had a dropped call. They did a lot of research and she learned more about cell phone towers than she cared to know. It was unfair that the rest of the neighborhood didn't know this meeting was taking place, noting they can't access the information on their computers. It wasn't the Commission's fault, noting the lack of information is what's driving the proposal. She wrote to Verizon Wireless in New Jersey and filed a formal complaint about the robo-call, noting she was told by Pueblo West officials to decide which cell phone tower she wanted because she had no choice in the matter. She didn't understand why it was taking so long to decide, noting they've been left in the dark and is thoroughly disgusted. The

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

Commission has to make a hard decision, noting she hopes they make the right decision and deny the proposal.

Ms. Barbara Davis, 1183 Loasa Drive, Pueblo West, Colorado, spoke in opposition to the special use permit. She stated she lives 405 feet from the proposed site. In September or October, 2017, she submitted a letter of opposition and read it into the record. Pertaining to the request of Special Use Permit No. 2017-009, they were writing to express their strong opposition to such structure, a now 50-foot tower and ground equipment. For several reasons, Special Use Permit No. 2017-009 should be denied. In regards to the applicant's reasonable means to create an environment harmonious with the surrounding properties was impossible. They, as most in the area, were very selective about purchasing their property to build their home. They were taken by the views offered by the location, open skies, absence of power lines, street lights, etc. They were willing to live on dirt roads, pull weeds, ward off an occasional snake, and battle tumbleweeds, along with going without high speed internet, cable, and sewer, just to name a few. All in return for the views. The Pueblo West Metropolitan District has restrictive covenants including height limitations. If property owners were expected to abide by these covenants, then why would those owners be expected to embrace a 50-foot cell phone tower that would no doubt lessen the value of their property. Mr. Turk, representative for Black & Veatch Corporation, stated himself that it was designed to blend as much as possible to the existing fire station to minimize impacts to the surrounding properties. The proposed tower would have a minimal footprint on the parcel. In what way does such a structure blend with what's considered rural residential? As for the footprint, that's not the only thing that concerns them, noting the height and the intrusion of the views were a real detriment. It would only create visual pollution, which by definition refers to the impacts of pollution that impair one's ability to enjoy a vista or view. Visual pollution disturbs the visual areas by creating harmful changes in the natural environment. He also stated that the proposed location was as far removed as possible from aesthetically sensitive areas. They find that to be an interesting remark. He goes on to say Verizon's proposed facility would enhance the current uses and enjoyment of the surrounding property by providing wireless coverage. They weren't wireless customers and in no way see how wireless coverage would enhance the current uses and enjoyment of their property. In fact, once again, it would only serve to devalue their property and infringe on their present enjoyment, and changing the color from white to brown wouldn't solve a thing. They don't see this proposed tower as harmonious to that of the surrounding properties, nor do they feel that Verizon has exhausted its search for a compatible site. There are several business zoned areas near Pueblo West in which high power lines and a convenience store with bright lights would seem a better option and a more harmonious location. In regards to the special use adversely affecting public health, safety, and welfare; at this time, they hadn't found any information pertaining to health concerns pro or con. They believe it was better to error on the side of caution if the question existed. Long term effects were just that, a projection into the future. What studies could support the health and safety of such structures if no data could be provided? Arguments say microwaves and televisions could be equally harmful. The exception to that being those items used temporarily and exposed by choice, not exposed 24 hours a day, seven days a week.

Ms. Day reminded the Commission the Federal Communications Commission (FCC) Regulations limit their ability to make a decision based on health issues. They were prevented from considering those issues when making a decision on a cell phone tower by the FCC Regulations. Ms. Davis stated until absolute proof could be provided as to the health concerns, what compensation would be available to those potentially in harm's way by no choice of their own? As for the welfare of those being affected by the tower; welfare, a noun, refers to the health, happiness, and fortunes of a person or group. Health, as discussed above, effects are undetermined. Happiness; they cannot begin to imagine how Verizon cell coverage would enhance their happiness, the enjoyment of their property, or well-being. They see no benefit whatsoever by a cell tower being placed so near their home, or in this residential setting. On the contrary, Verizon and those receiving revenue by it would be the only ones happy at their expense and others in the area. Fortune, as discussed above, the fortune would go to Verizon and the Pueblo West Metropolitan District. Several studies showed a negative effect on property values located near cell towers. Mr. Turk claims a survey showed that cellular service was of major importance to homebuyers. It was more important than schools when looking for a home. Millennials; 83% said cell service was the most important fact in purchasing a home, noting their research showed just the opposite. Out of 1,000 surveyed, 94% reported that cell towers in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it; 79% said under no circumstances would they purchase or rent a property within a few blocks of cell towers or antennas; 90% said they were concerned with the increasing

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

number of cell towers and antennas in residential neighborhoods; various studies showed anywhere from 5%-30% loss of property values. The welfare of this neighborhood would be negatively affected by the proposed cell tower. They were concerned about the welfare of the community as a whole as well. Pueblo West has long been known for its wide-open spaces and views, not only in the rural areas but the entire community. The Pueblo West Metropolitan District page boasts about the Vistas of the Rocky Mountains, noting the vistas of the great Rocky Mountains, from the luscious Spanish Peaks to white-capped Pikes Peak, offer 300 days of sunshine and breathtaking and awe-inspiring sunrises and sunsets. Magnificent star gazing at the night sky was light pollution free and relaxing. Their concern is what happens to the appeal of the entire area once the sky was filled with unsightly cell towers taking over the horizon. Do they just become desensitized for the sake of a multi-million-dollar company to profit at their expense? To a great degree, their very way of life was being threatened by this proposed tower, not only in the area of the proposed site, but to all who would be able to see a 50' tower, noting it would be visible from a number of areas throughout the Pueblo West community. Unfortunately, many property owners weren't aware of this special use permit. In all due respect, the letter of the law dictates notification to those within 300' of the proposed site, noting the spirit of the law wished to assure everyone affected was notified of their opportunity to declare themselves at this public hearing. A good many of those within view don't drive past the posted notice and many don't make a habit of looking at the public notices. This was by no fault of the Planning Commission or anyone else, just an unfortunate circumstance. Their property actually sits 405' from the location being considered; therefore, they don't meet the criteria to be formally notified, yet they would be affected by the structure. As pertinent as technology and cell coverage was to their society, the proposed use wasn't compatible within the area being requested. There were other locations more suitable.

Ms. Davis stated they had two Planning Commission meetings and two neighborhood meetings. A third neighborhood meeting was scheduled per the direction of the Pueblo County Planning Commission, stating the Open House was intended to purely solicit feedback on two additional designs, but was cancelled. They were told to pick one or the other and they didn't have a choice, to take it or leave it. They pay taxes and live in the community, noting she hoped the Commission saw it for what it was. It is a money maker for the Pueblo West Metropolitan District once they lease the land, and for Verizon Wireless having other carriers. Verizon Wireless did surveys with 600 people in favor, but where do they live and who are they? They have 99 signatures from people who live in the direct area that don't want it. She went to a meeting two weeks ago at the Pueblo West Metropolitan District, noting they had an Executive Session to discuss towers and this was the only one mentioned. She went again last night to hear what they came up with, but nothing was mentioned. They seemed genuinely concerned about the values and the views, and discussed placing the wires underground to help with the views for those people who live along the path. Their property values are as equally important to them, noting they're okay with cell phone towers and understand the need for them, just not this. It doesn't fit in with the location, which is a residential area. There were other options, noting they can bury wires or have 30' poles. They would like to have a third meeting, noting they still had questions.

Mr. Lawrence Ahlin, 496 South Avenida Del Oro, Pueblo West, Colorado, spoke in opposition to the special use permit. He stated he previously submitted a letter of opposition to Planning and Development and thanked staff for their thorough review and recommendations, noting the report was very complete. He brought copies of the Open House flyer that Verizon Wireless sent to the neighborhood. The first flyer stated if they're unable to attend to contact Shawn Turk, and the second one stated the meeting was cancelled with no further discussion. The meeting was scheduled for May 14, 2018, from 5:30 p.m. to 6:30 p.m. The timeframe for the meeting had been discussed at a previous meeting, noting many of the neighbors didn't get home by 5:30 p.m., due to traffic and other things. They suggested and requested having the meeting on a Saturday morning like they did for the fire station, which filled the place. He asked the Commission to deny the request.

Ms. Day asked Mr. Ahlin if he wanted to enter the documents into the record, and Mr. Ahlin replied yes. They were entered into the record as Opposer's Exhibit 2.

Mr. Michael Barris, 1170 West Loasa Drive, Pueblo West, Colorado, spoke in opposition to the special use permit. He stated the corner of their property line was approximately 180 feet from the proposed location of the 50-foot tower. They have been Verizon Wireless customers for over ten years and didn't oppose cell phones or cell phone towers that were harmonious with the surrounding area. As Verizon customers, they don't have dropped

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

calls. They acknowledge that Black & Veatch Corporation, represented by Mr. Turk, presented a more powerful design per the Pueblo County Planning Commission's recommendation. They agreed the special use permit should be denied for three reasons. The proposed tower still wasn't compatible with the surrounding parcels of land, noting it didn't create a harmonious environment with that of the surrounding properties. The proposed tower was two and a half times as tall as the adjacent fire station or any structure established in the immediate area. The second reason was that Verizon Wireless should be following the Pueblo County Code and be required to co-locate on the ATC tower first. If Verizon Wireless was exempted from co-locating on the ATC tower because it didn't meet their search criteria, what would prevent other carriers such as T-Mobile from being exempted from co-locating on the proposed Verizon Wireless tower once precedent was set. They could use the same argument that Verizon Wireless was using to avoid co-location. The last reason is that priority shouldn't be given to one carrier because the Pueblo West Metropolitan District was going to financially benefit as the owner of the leased location. Section 332-C-7 of the Federal Communications Act was the State and local authority over zoning and land use decisions for personal wireless service facilities. Specifically, a State or local government may not unreasonably discriminate amongst providers or services. There was another proposed 60-foot tower located on private property that's owned and managed by T-Mobile. If the Commission approves this special use permit for Verizon Wireless, would they be able to deny the proposed tower for T-Mobile? Would the approval of this special use permit enhance their defense in the pending case against the Planning Commission by T-Mobile and Eco-Site for the Walker Ranch location? Would it result in another Federal case against Pueblo County if they deny the second proposed T-Mobile tower? Can they defend the concern that the Pueblo West Metropolitan District has influenced the Planning Commission's decision and due process? He appreciated the opportunity to present his concerns and thinks his feelings were expressed. He was consistent with some of the property owners in the area that didn't have access either physically or electronically to the information that was provided.

Mr. Clifford Davis, 1183 Loasa Drive, Pueblo West, Colorado, spoke in opposition to the special use permit. He stated he just retired from the military after 23 years of service. He was stationed all around the world and saw cell phone towers not being used. In London, they're attached to the outside of buildings, noting space and views were important in London and Japan. He could walk outside his parent's front door and see the Spanish Peaks, which was 70 miles straight as a bird flies, noting Verizon Wireless wants to set a 50-foot tower right in front of that view. The Planning Commission denied this three times, and he showed a graph of where the tower would be seen, noting there wasn't a spot in Pueblo West that someone wouldn't see the tower. They weren't just affecting the people in the immediate vicinity, they're affecting everyone in the red as depicted on the graph. He entered the graph into the record as Opposer's Exhibit 3. He stated the tower looks like a fake clock that doesn't work, or a water tower. Verizon Wireless stated there were no lighting requirements, noting per FAA Circular No. 70/7460, any structure 150 feet above ground level should have one or more double lights installed at the highest point. His bedroom, which faced the proposed cell phone tower, would have bright lights flashing all night. How would that affect the views? How would that affect their sleep patterns? In doing some research, there were currently four towers 180 feet or higher in Pueblo West. Verizon Wireless had seven towers that were attached to buildings that were 25-feet high or less. They could easily establish smaller buildings and smaller network areas, but it wasn't beneficial for Verizon Wireless to do that because of the cost. The 5G technology was right around the corner, which operated on a shorter wave band. Would there be more towers and more people in opposition, or would they put the towers on the side of buildings? If his parents decide to move, he wouldn't purchase their property without the views. In the case of an emergency call, it didn't matter what carrier they're on, noting any tower in the area would take the call.

Mr. James Donohue, 530 South Avenida Del Oro, Pueblo west, Colorado, spoke in opposition to the special use permit. He stated their property is across the street and east of the proposed site. Their property line was within 200 feet of the proposed monstrosity. They can look out their picture window at Pikes Peak, but the tower would be their view from their living room. He asked the Commission and the people in the audience if they would like to have that view from their picture window. He asked for hands up from those people in the audience that were against the tower, and 12 raised their hands. He stated it's a residential area that didn't need that type of tall building. Verizon Wireless told them it would be more expensive to locate on three different poles at 30-feet high, each pole having a different wattage, to accomplish the same thing. A 30-foot pole wouldn't offend anybody, noting that's the height limitation in the covenants for Pueblo West. They were obliged to

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

abide by the 30-foot height limitation and Verizon Wireless should do the same. He would appreciate their vote against the proposal.

REBUTTAL

Mr. Ron Martinez, Network Insurance Engineer, Verizon Wireless, 1523 Lexington Road, Pueblo, Colorado, rebutted the testimony given. He stated he came to speak about the situation he encountered on a daily basis. He covered the Pueblo area and surrounding sites in Canon City and Florence. He has worked for Verizon Wireless for 22 years, noting the need for a cell tower in the area was badly needed. He heard complaints from customers that live in Pueblo West because they didn't have coverage. His parents used to live just west of the proposed site and most of the time he couldn't get a call through to them. The terrain in the area was very challenging as far as RF coverage. The internet service providers in the area were limited, noting Comcast only goes so far west so a lot of people were forced to go with Qwest, which has limited band width as far as download speeds. The elderly customers that may need to call a family member in the case of an emergency wouldn't be able to get on the network. People take for granted that Verizon Wireless was doing its best to get cell towers up in their areas, but every time they try to put up a tower, there's opposition to it. He understands some of it, but there are a lot of people that want cell phone coverage. The Pueblo West Middle School was in the area, noting the tower would cover it so parents would be able to locate their children. He wasn't saying it would solve all of their issues, but it was a step in the right direction and they're trying to make the community better by providing them with a service.

Mr. Swearingen stated, from his understanding, it wasn't necessarily coverage, but dropped calls and data, and questioned if that was correct, or coverage as well. Mr. Eicens replied both, noting capacity was the driving force, but coverage was also an issue. The main primary objective for the site was to off-load Pueblo West. They were above the exhaustion threshold and the area was suffering for coverage. Mr. Swearingen questioned the 5G network and if they were planning to have it. Mr. Eicens replied Pueblo West wasn't ready for 5G. It was in Denver and major cities right now, noting the wave length was high in the spectrum frequency and Pueblo West couldn't carry the 5G network. Mr. Swearingen asked Mr. Eicens what the timeframe was for 5G as it currently sits. Mr. Eicens replied that was tough to answer, noting he's been working on the application for the past two years. Generally, they take a year and the approval or denial process takes two years. He has other projects like the ATC tower on Highway 50. He needs both locations to off-load, noting the tower was out of resources and everybody was being affected. Mr. Swearingen questioned the ATC tower. Mr. Eicens replied the top of the tower was occupied. A couple of the neighbors brought line of sight surveys, but that wasn't how they design a network. They have to use the frequencies for every tower. They can't have one tower seeing the entire City of Pueblo because it would destroy the entire network. There has to be some control aspect of the RF. Mr. Swearingen asked Mr. Eicens when Verizon Wireless identified the needs of the ATC Walker location. Mr. Eicens replied it was identified during the two-year process about a year ago. He looked at it, evaluated it, and all his graphs skyrocketed, noting he needed more cell phone sites to sustain the amount of coverage. Mr. Swearingen asked Mr. Eicens if the problems could be alleviated with a plan to put a tower even further to the west on the ridgeline that would give coverage and data to the entire area. Mr. Eicens replied that was subjective, noting until he had a willing landlord it was a possibility, but very subjective.

Mr. Bruestle stated the height limitation in the S-1, Public Use Zone District dictated 35 feet. Several years ago, when the Commission had its first residential application for a wind turbine in Pueblo West, it was limited to a height of 35 feet to the top of the blades. He opposed it, noting he was an advocate of renewable energy and knew that height mattered with wind turbines and didn't feel that 35 feet was adequate. Mr. Eicens stated when they get down to 35 feet, they're talking small cells, which was limited to one to two carriers at very low power. Mr. Bruestle stated it was testified that a 30-foot tower would be more acceptable, noting height was the problem. Mr. Eicens stated there has to be a good balance of height, noting they can't have all tall structures on the top of mountains. Mr. Bruestle stated he didn't recall hearing the argument of why the application wouldn't be acceptable with a lower height even if it involved more installations. Mr. Eicens stated he originally applied for a 60-foot tower to off-load a taller tower, but 30 feet wouldn't off-load the tower to a certain point for the neighbors. They needed a tower that would propagate more people, and the lower they went, the smaller the footprint and the less people it talked to. They needed 50 feet, noting 30 feet was wasting their money. Verizon Wireless didn't like putting up towers, noting they're doing it to improve reliability. It wasn't for making

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

money, noting they're trying to improve the network in the area. Mr. Bruestle asked Mr. Eicens if it was possible to put up the tower if it didn't exceed 35 feet, and Mr. Eicens replied no, not at that location.

Ms. Maureen Lopez, Real Estate Specialist, Verizon Wireless, 4591 East Yale Avenue, Denver, Colorado, spoke in favor of the special use permit. She stated they did their due diligence with the FAA and the FCC and determined the tower wouldn't have to be lit. The towers that were 199 feet or taller were usually lit. She wanted to emphasize the health and safety issues. Somebody from the audience stated they couldn't talk about health and safety issues. Ms. Lopez stated she wanted to talk about the 9-1-1 service. Ms. Day pointed out that the FCC regulations limited the consideration of the radio frequency waves affecting the health of the people around it. Ms. Lopez stated they're in business to make money and were building a network, noting they wanted the most reliable network out there for their customers. Their customers were of the utmost importance to them. The situation now was that over 76% of 9-1-1 calls were made from a cell phone, noting they felt an obligation to make sure the calls went through. If there was only one AT&T tower in the area and they had Verizon Wireless, the call would go through over their network. The 9-1-1 call would also go over the fastest carrier or the most advanced tower. If they were to drive through Denver, they would see towers on the sides of buildings. They rarely put up towers in Denver, noting there were a lot of tall buildings. That wasn't a consideration for this area, noting they don't have any tall buildings. Their first choice was co-location, noting if they could co-locate, it was faster because the tower was already up and less expensive. The network was very intricate, noting if they got too close to another tower, they could get co-channel interference and the capacity of both towers go down. It was like driving on I-25, noting small cells or 30-foot towers were designed like off-ramps to the highway. They weren't the foundation of the network, which was a macro-site. They need to have both, noting they couldn't just have small towers, they needed some macro-sites. They hadn't seen anything about property values dropping. In fact, they were experiencing the opposite, noting communities were contacting them because of their coverage.

Mr. Swearingen stated that nobody from the Pueblo West Metropolitan District was present to speak in favor of the special use permit.

Chair Hatton closed the hearing and entered staff's comments into the record.

MOTION

Mr. Lowe moved to approve Special Use Permit No. 2017-009 Revised. Mr. Swearingen seconded the motion.

Discussion occurred. Ms. Alt stated they needed to emphasize they were not voting on the view and questioned the property values. Ms. Day replied the Commission was allowed to consider all of the information they heard inside the hearing process. It was the responsibility of the proponents and the opposition to bring the information to them, and their job to decide the weight of the information they received. Ms. Alt stated they weren't taking the views into consideration, or that the tower could cause people to become ill. Ms. Day stated that was correct, noting the factors the Commission uses to decide whether to approve or deny a special use permit were located within Section 17.140.050 of the Pueblo County Code which identifies four standards the Commission must find based on the evidence and testimony presented in the hearing. The requested use was listed as a special use in the zone district in which the parcel was located, or they may find, based upon determination of the Zoning Administrator or their own finding, that the request was similar to the uses; the granting of the special use permit wouldn't substantially modify the land use plan or the intent, purpose, or spirit of this title, being Title 17 of the Land Use Code of Pueblo County; the special use permit proposal incorporated reasonable means to create an environment harmonious with that of the surrounding properties; and the special use permit would not adversely affect the public health, safety, or welfare. There were additional regulations in Section 332-C-7 of the Federal Communications Act that preserved their authority over zoning and land use decisions for personal and wireless service facilities, but there were limitations on that authority. They may not unreasonably discriminate among providers or functionally equivalent services and couldn't regulate in a manner that prohibited or had the effect of prohibiting the provision of personal wireless services, noting they had to act on applications within a reasonable time period and denial must be in writing, supported by substantial evidence into the written record. It also preempted local decisions premise directly or indirectly on the environmental effects of radio frequency emission.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

Those were the four standards from their Code, as well as the additional ones set by the FCC.

After discussion, a roll call vote was taken.

Mr. Bruestle – no, it wasn't compatible with the existing properties in the area.

Ms. Leonard – recused.

Ms. Alt – no, it wasn't compatible with the surrounding area.

Mr. Lowe – no, for the same reasons.

Mr. Musso – no.

Mr. Swearingen – no, not all co-location possibilities were exhausted and they needed to look at a future plan that could be incorporated.

Chair Hatton – no, the design was a huge point of contention and wasn't harmonious with the surroundings. They needed cell phone coverage out there and it was a legitimate problem. They needed to work on a design and come back with something that was usable.

The motion was denied by a vote of 6-0-1, with Ms. Leonard recusing. Resolution No. PCPC 18-017, dated August 15, 2018, was also approved.

- **Easement Vacation No. 2017-002**, Frank M. and Melanie J. Palcic (Owners/Applicants), Wachob and Wachob, Inc., c/o Daniel Wachob (Representative), 6230 Waco Mish Road. The applicants are requesting to vacate the platted ten (10) foot wide Public Utility Easement located within Parcel A of Lot Line Vacation No. 2016-015. Vacating the easement will make available a buildable area for construction of a pavilion. The property is physically addressed as 6230 Waco Mish Road and is located between Waco Mish Road and Alondra Drive west of Red Cloud Road in the Colorado City area.

*This easement vacation was continued from the March 21, 2018, May 16, 2018, June 20, 2018, and July 18, 2018 Planning Commission meetings.

Chair Hatton stated the hearing remained open for Easement Vacation No. 2017-002 from the July 18, 2018 Planning Commission meeting. This wasn't a new full public hearing so they needed everyone to limit their testimony to new information only.

Ms. Joan Armstrong, Director, Pueblo County Department of Planning and Development, made staff's review, dated August 8, 2018, a part of the record. She stated at the last Planning Commission meeting on July 18, 2018, the Planning Commission requested staff to invite a representative from San Isabel Electric to talk about the electric line. The applicant did that and the representative was present.

IN FAVOR

Mr. Darryl Stewart, Chief Operating Officer, San Isabel Electric, 813 East Industrial Boulevard, Pueblo West, Colorado, spoke in favor of the easement vacation. He stated he was there to give some clarification on the easement they're vacating and how it didn't affect the electric service to the Romero's property. In his opinion, the two are separate issues. The vacation of the easement wouldn't affect the utility service.

Chair Hatton asked Mr. Stewart to clarify if they recommended approval of the easement vacation, would there be access to the electrical utility services, and Mr. Stewart replied yes.

IN OPPOSITION

Ms. Telesfora Marie Romero and Mr. Ronald Romero, 6220 Waco Mish Road, Colorado City, Colorado, spoke in opposition to the easement vacation. She stated they live on the east side of Mr. Palcic, and read a letter into the record. In 2013 (2003 as corrected), Mr. Palcic contracted with San Isabel Electric to physically vacate a public electrical easement without applying to the Pueblo County Planning Commission for a legal easement vacation; therefore, there was no public notification given to the surrounding residents. This action of physically vacating a public electrical easement had already violated the rights of the

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

surrounding neighbors and violated the Pueblo County Zoning Regulations. The proof was that contract between Mr. Palcic and San Isabel Electric dated 2013 (2003 as corrected), which was previously submitted to the Planning Department. In a recent telephone conversation with Mr. Stewart regarding the 2003 physical rerouting of a public electrical line, Mr. Stewart stated that Mr. Palcic was supposed to follow through with the paperwork and dropped the ball. He did not follow through to legally vacate the public electrical easement in 2013 (2003 as corrected). Ms. Romero stated she referenced 2013 instead of 2003, as depicted in her letter.

Chair Hatton stated they weren't hearing a case from 2003 or 2013, noting they were hearing Easement Vacation No. 2017-002. They have to make a judgement based on Easement Vacation No. 2017-002 and not previous incarnations.

Ms. Romero stated since 2003, according to San Isabel Electric employee, Les Welch, the original electrical contract had been relocated several times. San Isabel Electric wouldn't share that information on mapping, dates, etc. It was necessary to call a San Isabel Electric board member in order to get the Engineering Department to share information on exactly where the lines were currently located that directly or indirectly affected electrical access to 6220 Waco Mish Road, the Romero residence. The location of these relocated lines and easements associated with these relocated electrical lines directly affected the building of structures on Mr. Palcic's property. They helped to set the parameters that must be followed in the building of structures, solid walls, storage units, etc. In staff's review, dated August 8, 2018, Page 1, Purpose, it stated the applicants were requesting to vacate the platted ten-foot wide public utility easement within Parcel A of Lot Line Vacation No. 2016-015. Vacating the easement would make available a buildable area for construction of a pavilion. These relocated electrical lines, the easements associated with those relocated lines, and other undisclosed outside electrical lines had a great deal to do with the construction of the pavilion or indoor swimming pool. To get a complete picture of the situation, it was necessary that all outside electrical lines, including those feeding the hot tub, pavilion, and swimming pool, etc., be disclosed. Some of these electrical lines remain today on the public easement. San Isabel Electric and Mr. Palcic needed to disclose the location of these lines. She was told by Mr. Stewart regarding these other electrical lines "why complicate the issue?" She believed that in order to make good decisions regarding the vacation of public easements and building an accessory building, all the facts needed to be on the table. The disclosure of all these electrical lines were germane to the vacation of the electrical easement and the building of the pavilion. Her second concern was that all outside electrical lines weren't being disclosed by San Isabel Electric or Mr. Palcic. These other outside electrical lines must be disclosed so that the Pueblo County Planning Commission could make an informed recommendation to the Board of County Commissioners regarding the proposed public utility line vacation and other issues regarding the building of the pavilion.

Ms. Romero stated Mr. Palcic had an Easement 1 Contract with San Isabel Electric that was signed August 15, 2002, Work Order #02-0338. The power line was built URD within Unit 34, Lots 9, 10, 18, and 19, currently known as Parcel A of Lot Line Vacation No. 2016-015. Although this contract was made in 2002, it was not filed in Pueblo County until February 28, 2018, Work Order #02-0338. This contract established a perpetual right-of-way easement for the power line designed as of June 26, 2002, or as constructed from that design and more particularly described as ten feet either side of an As Built URD power line within Unit 34, Lots 9, 10, 18, and 19, currently known as Parcel A of Lot Line Vacation No. 2016-015. Upon the original construction of the line, the land to which this easement applied shall thereupon become certain as defined by the actual line together with ten feet either side of the centerline, as constructed at all points to permit access for all of the purposes above enumerated; provided, however, that if the original construction didn't completely cross the above said land, this easement should also apply to the extension of the line completely across said property. The undersigned agreed to not place within ten feet either side of the centerline of said underground or overhead electric line or system, buildings, structures, piles of earth, rubbish, debris, trees, shrubbery, or other substances or materials. The physical rerouting of the public electrical easement was shown on a revised Improvement Survey Plat for Parcel A, Lot Line Vacation No. 2016-015, as revised by Wachob and Wachob, Inc., on April 25, 2018. This was depicted as Exhibit 8 in staff's review, dated August 8, 2018. Mr. Palcic made a perpetual right-of-way easement contract with San Isabel Electric and agreed not to place within ten feet of centerline underground or overhead electric line or system, buildings, structures, piles of earth, or other substances or materials on the easement. However, he violated that contract. The following structures, piles of earth and other substances or materials had been placed on the ten-foot easement on either

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

side of the centerline of the diverted electrical line, preventing easy access to San Isabel Electric should repairs needed to be made. There were seven items that were obstructing that access. Some of them were depicted in staff's review, dated August 8, 2018. They included an oversized dog run approximately 8 feet by 20 feet; a driveway full of rock and large boulders collected from vacant lots south of Alondra Drive and other areas around the neighborhood; a cement retaining wall approximately 8 to 10 feet high; a pile of earth approximately 25 feet by 10 feet by 8 feet, as depicted in Exhibits 4 and 5 of staff's review, dated August 8, 2018; a solid rock wall, as depicted on Exhibit 8 of staff's review, dated August 8, 2018; a water drainage pipe; and footers for the pavilion and indoor swimming pool built in the summer or fall of 2017, as depicted on Exhibit 8 of staff's review, dated August 8, 2018.

Ms. Romero stated her third concern was that all of the above structures, rocks, dirt piles, water pipes, and footers, obstructed access to the electrical lines by San Isabel Electric. These electrical lines feed her property's electricity. Who has the authority to do something about these obstruction issues? How can the County Planning and Zoning Department help to resolve these issues? Her fourth point is that Mr. Palcic and San Isabel Electric were just waiting for the public electrical easement to be legally vacated before they again relocate the electrical lines from around the perimeter of his property. That was just her opinion based on all the changes that have occurred. In Mr. Palcic's March 20, 2018 letter to the Pueblo County Planning Commission, Point #9, depicted in Exhibit 9 of staff's review, dated August 8, 2018, it stated once the contract with San Isabel Electric to relocate the supply line was accomplished, the existing new perimeter easement on her property would be a dead line and, that too, would be vacated. She had discussed it with San Isabel Electric and they agreed that once the new line was installed, the perimeter line would serve no purpose. The feed for these electrical boxes travel downhill. This unfortunately would probably have to be a separate application. Obviously this wouldn't happen until the new feed contract was accomplished. This seemed to indicate to her that Mr. Palcic and San Isabel Electric had no intention of honoring the perimeter easement. She hoped that she was wrong. Her final point and concern was perhaps the more important point. If the public easement was vacated, then so were her protections to get electrical through the current lines around the perimeter of Mr. Palcic's property. The public easement ensured that Mr. Palcic had to provide access through his property through different means. However, if the public easement was vacated, then he didn't have to provide access to electricity through his property. This was important because her house at 6220 Waco Mish Road had been getting electricity from San Isabel Electric for 21 years. This was an agreement between Permanent Electric Service, San Isabel Electric and Kyle Mock, the original owner of her property at 6220 Waco Mish Road. This contract was made with San Isabel Electric on March 3, 1997. This electricity had been either through the public easement or the lines through Mr. Palcic's property since 1997. This was five years prior to Mr. Palcic's contract in 2003. Her home was located at Unit 34, Lot 11, or Parcel #4722403002. Please don't cut her off from this public easement and the right to continue getting electricity through Mr. Palcic's property. If the public easement was vacated, then San Isabel Electric and Mr. Palcic could cut her off and they would be forced to get electricity by other means. Where did that leave her right to get electricity for lines that had served her house for 21 years? If the public easement was vacated, then her right to get electricity either through the public easement or through the rerouted perimeter lines on Mr. Palcic's property could be dissolved. Electricity had been the major reason that she had defended her right so much. She had appealed to the Planning Commission to protect these rights to access electricity through Mr. Palcic's property. Please don't recommend Easement Vacation No. 2017-002 for approval. This would take away any protective rights that this easement provides. For all the concerns stated, they opposed the vacation of Easement Vacation No. 2017-002.

Ms. Romero stated over the past two weeks she had two funerals and company, noting her letter was in rough draft form and submitted it into the record as Opposer's Exhibit B.

Ms. Day asked Mr. Stewart if the granting of this easement vacation would change where the lines enter the Palcic's property, and Mr. Stewart replied no. Ms. Day asked Mr. Stewart if they would change where the lines exit the Palcic's property, and Mr. Stewart replied no. Ms. Day asked Mr. Stewart if denial of the easement vacation would change anything, and Mr. Stewart replied no. Ms. Day asked Ms. Armstrong if staff made a determination that the requested easement vacation would not adversely impact the development or redevelopment of the surrounding properties or neighborhood. Ms. Armstrong replied yes, noting it would not adversely impact the development. Ms. Day asked Ms. Armstrong to clarify the conditions made to the Board of County Commissioners, noting the Planning Commission had to make a recommendation to the Board of County Commissioners, who

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

make the final determination. The conditions stated the requested easement vacation would not adversely impact the development or redevelopment of the surrounding properties or neighborhood. Ms. Armstrong clarified that staff made a determination that there would be no impacts to the surrounding properties or neighborhood. The easement that Ms. Romero referred to goes around Mr. Palcic's property, noting it was a private easement between San Isabel Electric and Mr. Palcic. They were requesting the vacation of a public utility easement and Pueblo County didn't get involved in easements between electric companies and citizens. If the electric line within a private easement was moved, it didn't come through Pueblo County for a vacation. That was the discussion or agreement between the two parties being San Isabel Electric and the property owner. The pictures depicted in her staff review weren't included to show any impacts to the ten-foot utility easement with San Isabel Electric. The pictures were depicted to show the issues on the property that Mr. Palcic and she are working through, noting they were separate from the easement vacation.

REBUTTAL

Mr. Palcic rebutted the testimony given. He stated he hoped this meeting would find some rest with the misleading charges raised by his neighbors. If the Commission read all the letters in the case, they would see the truth as the long journey was revealed. The reason for this case was singular, noting it was simply about one thing and one thing only, the Romero's views, as depicted in their early letters. He told them over a year ago that he couldn't do anything about their views. If his neighbor decided to put up a garage, he wouldn't raise a finger and object because that was his property. That was what property ownership was all about, not about accusing neighbors of something that wasn't a legal foundation. He believed they knew early on that their argument for views was invalid and went to the electrical argument because it had more weight and validity. He also believed all the other arguments were a way for them to get their way and the best chance they had. The Scripture told him he had to love his neighbor and he tried, noting he tried very hard, but they've never had neighbors like that before. They pray for them every day and try to be cordial and respectful, but when it comes right down to it, they were trying to develop their property in the way they saw fit. He understood completely their concern, but he also understood his right to build on his property, and why they did the lot line vacation and lot line rearrangement. If he had known better, he would have done this legal vacation years ago. As they heard, there wasn't an electrical issue, noting there would always be electricity. He had never tried to get out of his responsibility. He listened to somebody that he shouldn't have listened to and made a mistake. He didn't understand how metropolitan districts worked, noting he came from West Virginia. It was a new concept and knew he did wrong. They were trying to remedy it, noting there was no way around it. If he had to move a wall, structures, or destroy them, he would do it. He had a complete attitude of compliance and didn't want to be a problem child. He wanted to help. He was a landscape architect and was trying to do a good thing. He believed in a higher quality of landscaping, which was the reason why what they saw was there. He was requesting the Commission approve this legal removal of something that had been vacant for 15 years. There was nothing there, noting it was a paper easement.

Chair Hatton closed the hearing and entered staff's comments into the record.

MOTION

Mr. Swearingen moved to forward a recommendation of approval of Easement Vacation No. 2017-002 to the Board of County Commissioners with three comments and two conditions of approval. Ms. Alt seconded the motion. The motion carried by a 5-1-1 vote with Mr. Musso opposing and Mr. Lowe recusing. Ms. Armstrong clarified the recommendation was to recommend approval to the Board of County Commissioners.

UNFINISHED BUSINESS

Chair Hatton stated she didn't know of any unfinished business other than the Comprehensive Development Plan. Ms. Armstrong stated she was working to get it in the budget.

NEW BUSINESS

Mr. Bruestle stated tonight there was a complaint about the 300-foot radius distance being inadequate, noting it wasn't the first time. He questioned if the 300-foot radius distance was standard practice in the State of Colorado, or something adopted by Pueblo County. Ms. Armstrong replied it was in their Code, but didn't remember if it was in the State Statute. Mr.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
AUGUST 15, 2018**

Bruestle questioned if they were obliged not to extend it beyond 300 feet. Ms. Day replied she didn't think so, but would do some research. She wasn't sure if the 300-foot requirement was from State Statute, but if it was, they could probably increase it. Mr. Bruestle asked the Commission members if they would consider increasing the distance. If a couple more people were notified and showed up at the meeting, what harm was done? Ms. Day stated it would have to be done through a text amendment, which would come before the Commission for recommendation, and then to the Board of County Commissioners for approval. Mr. Bruestle stated they could put the issue on a future agenda for discussion after research had been done. Chair Hatton stated in the past, they had the same discussion with their oil and gas text amendments that didn't go anywhere, and with the cannabis related usage. If they were going to have that discussion, she would like for them to be consistent from a personal point of preference. Ms. Armstrong stated they didn't have anything specifically for cannabis. They didn't notify owners, but the property was posted with publication in the newspaper. Ms. Day stated Chair Hatton was probably referring to the buffer zone. Chair Hatton agreed, noting to never mind.

Ms. Armstrong reported there would be a special meeting of the Planning Commission on September 13, 2018, for the PuebloPlex Development. It was scheduled for 5:30 p.m., noting she was asked by Matrix to have it at 4:00 p.m. She told them she would have to ask the Planning Commission members. Chair Hatton stated she had meetings that day until 5:00 p.m. Ms. Day stated at the last meeting, when they requested the informational meeting, she told them to remind Matrix that most of the Commission members had day jobs and other considerations, and to work with the existing schedule. Ms. Leonard stated she wouldn't be able to attend, noting she would be in a conference. Chair Hatton stated she was concerned about a quorum. Ms. Day stated Ms. Leonard and Mr. Lowe would be out of town, and Chair Hatton couldn't make the 4:00 p.m. meeting. Mr. Bruestle stated they needed to contact Mr. Griego and Mr. Mancha to find out if they could attend. Ms. Day stated September 13, 2018 wasn't their regular meeting. Ms. Armstrong stated it was a special meeting because of the issues at hand that needed to be discussed. Ms. Day stated the regular Planning Commission meeting in September would be on September 19, 2018. Mr. Bruestle questioned if the topic of the PuebloPlex Comprehensive Plan would consume a lot of time for the regular meeting on September 19, 2018. Ms. Armstrong replied yes, noting they were hearing the comprehensive plan, text amendment, and map amendment. Mr. Bruestle stated he could attend the 5:30 p.m. meeting. Mr. Swearingen stated he could attend at 5:30 p.m., if he moved some things around. Chair Hatton stated she could also attend at 5:30 p.m. Ms. Alt asked Ms. Armstrong why Matrix was requesting a 4:00 p.m. meeting. Ms. Armstrong replied because they were coming from Denver. It was her concern not having a quorum due to the two members not being there. Chair Hatton stated Mr. Griego was working out of town. Ms. Alt stated she could attend at either time. Ms. Armstrong stated the meeting needed to stay at 5:30 p.m. Ms. Alt asked Ms. Armstrong if they would be voting that night. Ms. Armstrong replied yes, noting they were voting on a recommendation for the Comprehensive Plan amendment. Ms. Alt asked Ms. Armstrong if they were expecting a lot of opposition, and Ms. Armstrong replied not that she was aware of. Ms. Armstrong stated the meeting would be at 5:30 p.m. Chair Hatton asked Ms. Armstrong if they could give one or two alternate dates. Ms. Armstrong replied no, noting public comments and a schedule had to be met.

REPORTS OF COMMITTEES

None.

ADJOURNMENT

There being no further business, Chair Hatton adjourned the meeting at 7:55 p.m.

Respectfully submitted,



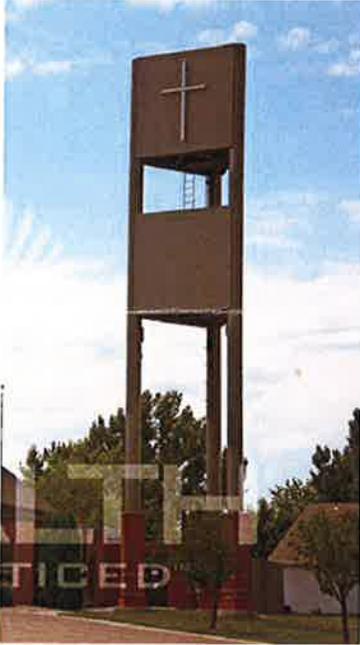
Joan Armstrong, Director
Department of Planning and Development

SJB

COMMUNITY OPEN HOUSE

Verizon Wireless' Proposed PUE Calle Facility

✓ **BETTER CAPACITY**



✓ **ROBUST LTE SIGNAL**



Verizon Wireless is working with the Pueblo West Metro District to obtain approval of a facility located at 529 Avenida Del Oro East that will improve service in your neighborhood within the Pueblo West Community.

Verizon is hosting an open house on May 14th from 5:30 to 6:30 p.m. at 529 Avenida Del Oro East (Fire Station No. 2**), Pueblo West, to provide feedback on two alternative designs for this location. Verizon encourages all community members to attend.**

Per direction from the Pueblo County Planning Commission, the Open House is intended to purely solicit feedback on two additional design options. The modification will include removal of one additional carrier that will reduce the overall height of the structure by 10'.

- *Poster Boards containing two additional design options will be presented: a monopine versus a modified clock tower.*
- *Residents will be asked to review the poster boards and sign-in on the sheet corresponding with their preferred design.*
- *Verizon representatives will not be making a formal presentation, but will be available to answer questions regarding the design options only.*
- *If you are unable to attend the meeting, please email Shawn Turk directly with your input.*



If you have any questions regarding this project, please contact:

Name: Shawn Turk
Phone: (720) 289-4106
Email: turks@bv.com

COMMUNITY OPEN HOUSE

Verizon Wireless' Proposed PUE Calle Facility

✓ BETTER CAPACITY

✓ ROBUST LTE SIGNAL



MEETING CANCELLED

**Please Contact VZW Representative
with any questions**

Verizon Wireless is working with the Pueblo West Metro to obtain a facility at 529 Avenida Del Oro East. The structure will be located within the Pueblo West

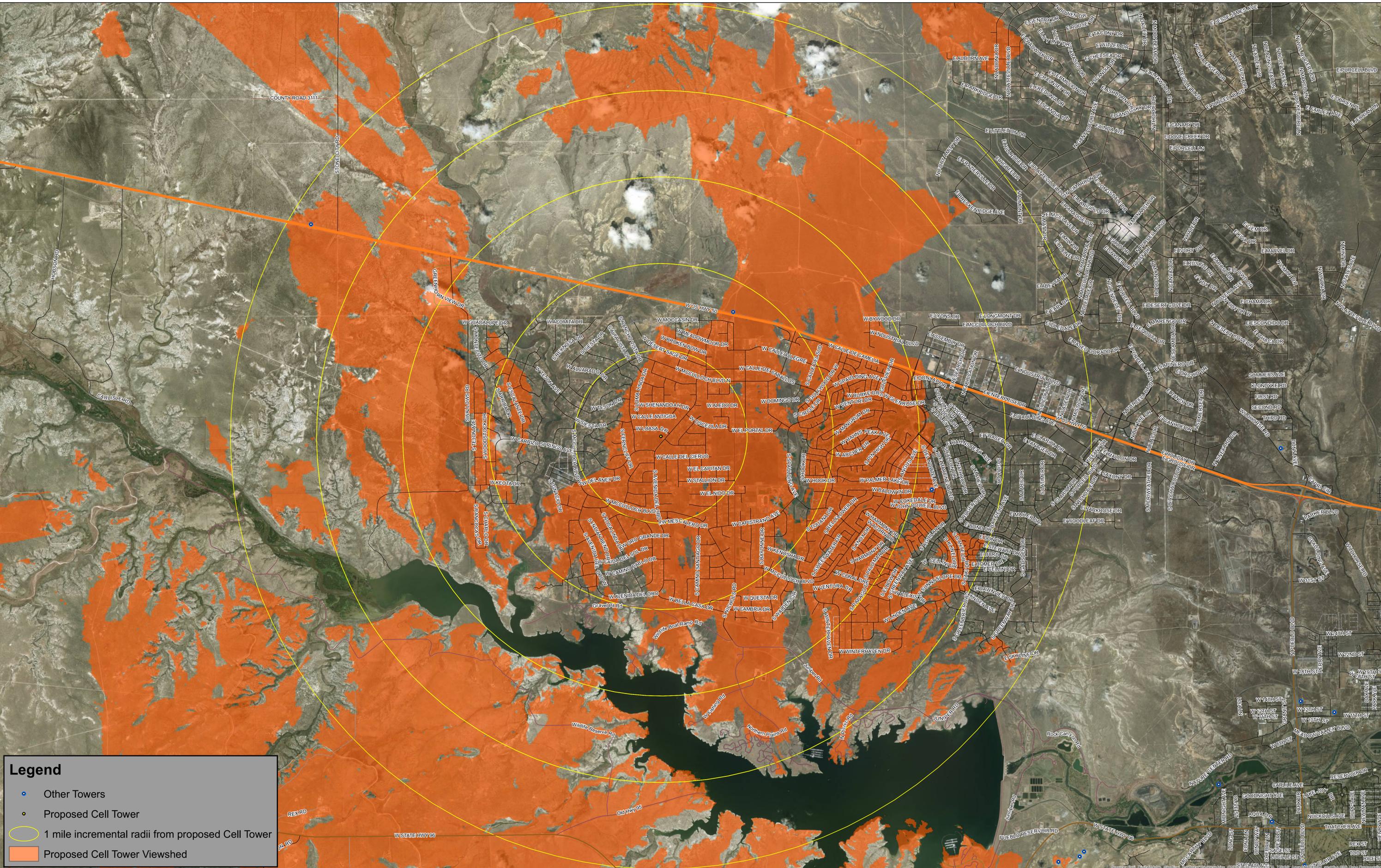
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- *If you are unable to attend the meeting, please email Shawn Turk directly with your input.*



If you have any questions regarding this project, please contact:
Name: Shawn Turk
Phone: (720) 289-4106
Email: turks@bv.com



Legend

- Other Towers
- Proposed Cell Tower
- 1 mile incremental radii from proposed Cell Tower
- Proposed Cell Tower Viewshed

1:28,800
1 inch = 2,400 feet

0
0.5
1
2
Miles

Proposed Cell Tower Visibility

SUP 2017-009 OPPOSER'S EXHIBIT 3

Prepared by the Pueblo County GIS Center
 For: Barbara Davis
 The Pueblo County GIS Center makes no claims as to the accuracy of the information portrayed in this document.
 For further information, please contact the Pueblo County GIS Center.
 215 W 10th St, Pueblo CO 81003 719.583.6240 (v) 719.583.6249 (f)

Base Data Sources: Pueblo County, CDOT
 File Name: Cell_Tower_180314.mxd
 Path: S:\gis\robert\Custom\Barbara Davis, Barbara
 Date of Preparation: Mar 19, 2018
 Prepared by: Robert De Herrera

To: Pueblo County Planning Commission

From: Ronald Romero and Telesfora Marie Vigil Romero

Date: August 14, 2018

Subject: EASEMENT VACATION NO. 2017-002

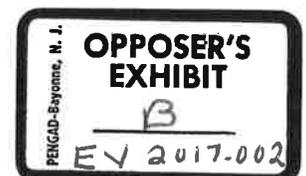
Frank M and Melanie J. Palcic (Owners/Applicants)
Wachob and Wachob, Inc., c/o Daniel Wachob (Representative)
6230 Waco Mish Road.

Statements and Concerns:

1. In 2003, Frank M. Palcic contracted with San Isabel Electric to physically vacate a public electrical easement (See Proof #1) without applying to the Pueblo County Commission for a legal easement vacation. Therefore, there was no public notification given to surrounding residences, at the time. This action of physically vacating a Public electrical easement has already violated the rights of surrounding neighbors and violated Pueblo County Zoning Regulations (Reference Regulations here) *Proof #1 - San Isabel contract in 2003 (This is a line extension contract). This has been previously submitted to planning.* In a recent telephone conversation with Mr. Daryl Steward, regarding the 2003 physical rerouting of a public electrical line, Mr. Stewart of San Isabel Electric stated, that Mr. Palcic was suppose to follow through with the paper work and dropped the ball. In other words, he did not follow through to legally vacate the public electrical easement in 2003. I believe Mr. Palcic had no plans of making it legal until it became absolutely necessary to continue with the building of the pavilion/indoor swimming pool in 2017. In Mr. Palcics, March 20th, 2018 letter to the board under the title of **Letter dated January 28, 2018**, paragraph 1, sentence 4-6, Mr. Palcic states, " **In July, 2017 I came into the building department and inquired about my routing slip for this project**" (referring to the building of the pavilion/indoor swimming pool). " **I was told to have a plot plan signed off at zoning and then bring that over to the building department for a permit. The issue quickly arose that the physical vacation of the utility in 2003 was not yet legally vacated.**" Mr. Palcic realized his failure to legally vacate the easement but continued to excavate, build drainage pipes, and lay footers across the electrical easement, anyway.

Proof: Exhibit 9 of Memorandum from Joan Armstrong to Pueblo County Planning Commission dated: August 8, 2018

My first concern is that by physically vacating the public electrical easement in 2003, without first legally vacating it, Mr. Palcic has already violated the rights of property owners in the 300 foot circle. In, addition he also violated Pueblo County Zoning regulations. How, can something, this major, go undetected and go on for so long. The property owners of 6230 Waco Mish Road, San Isabel Electric, and possibly other major Colorado City entities knew of this situation. What is the Pueblo County Planning Commission going to do about the land owners, in this case, not going through the proper channels, in a timely manner? Is this a case of "it's easier to ask forgiveness, than permission?"



a San Isabel employee.

2. Since 2003, according to San Isabel employee, Les Welch, the original electrical contract has been relocated several times. San Isabel Electric would not share that information (mapping, dates of relocation). It was necessary to call a San Isabel board member in order to get the Engineering Department to share information to exactly where the lines are currently located, that directly or indirectly affects electrical access to 6220 Waco Mish Rd., the Romero residence. The location of these relocated lines and easements associated with these relocated electrical lines directly affects the building of structures on Mr. Palcic's property. They help to set parameters that must be followed in the building of structures (pavilion, solid walls, storage sheds etc.) Mrs. Joan Armstrong under page 1, Easement Vacation No. 2017-002, **PURPOSE**, stated, " **The applicants are requesting to vacate the platted ten (10) foot wide Public Utility Easement within Parcel A of Lot Line Vacation No. 2016-015. Vacating the easement will make available a buildable area for construction of a pavilion.**" These relocated electrical lines, the easements associated with these relocated lines, and other undisclosed outside electrical lines have a great deal to do with the construction of the Pavilion/Indoor Swimming Pool. To get a complete picture of the situation it is necessary that all outside electrical lines including those feeding the hot tub and pavilion/swimming pool/ pool house be disclosed. Some of these electrical lines remain today, on the public easement. San Isabel and Frank Palcic need to disclose the location of these lines. I was told, by San Isabel's, Daryl Stewart, regarding these other electrical lines, "**Why complicate the issue?**" I believe that in order to make good decisions regarding the vacation of public easements and building of accessory building all the facts need to be on the table. The disclosure of all these electrical lines are germane (sp) to the vacation of the electrical easement and the building of the Pavilion/Indoor swimming pool. **My second concern** is that all outside electrical lines are not being disclosed by San Isabel Electric or Mr. Frank Palcic. These other outside electrical lines must be disclosed so that Pueblo County Planning Commission can make an informed recommendation to the Pueblo County Commissioner regarding the proposed Public Utility Line Vacation and other issues regarding the building of a pavilion/indoor swimming pool.

*Proof:
Memo
to:
Pueblo County
Planning
Commission
from
Joan Armstrong
Dated:
August 8,
2018.*

3. Mr. Palcic has an Easement I contract with San Isabel that was signed, August 15th, 2002. W.O. #02-0338. ~~This~~ This power line was built URD within Unit 34 Lots 9, 10, 18, 19. (Currently known as Parcel A of Lot Line Vacation No. 2016-015.) Although this contract was made in 2002 it was not filed in Pueblo County until February 28, 2018, W.O. #02-0338. (Proof # __). This contract established a perpetual right of way easement for the power line designed as of June 26, 2002 or as constructed from that design and more particularly described as ten (10) feet either side of An AS BUILT URD Power LINE WITHIN UNIT 34 LOTS 9, 10, 18, 19.

*This →
has
been
submitted
to planning
previously.*

Upon the original construction of the line, the land to which this easement applies shall thereupon become certain as defined by the actual line together with 10 feet either side of the centerline, as constructed, at all points to permit access for all of the purposes above enumerated; provided, however, that if the original construction does not completely cross the above said land, this easement shall also apply to the extension of the line completely across

said property. The undersigned agrees to not place, within TEN (10) feet either side of the centerline of said underground or overhead electric line or system, buildings, structures, piles of earth, rubbish, debris, trees, shrubbery, or other substances or materials. Etc.

The physical rerouting of the public electrical easement is shown on a revised improvement Survey Plat for Parcel A, Lot Line Vacation. 2016-015, as revised by Wachob and Wachob, Inc. on April 25, 2018 (Proof # *See Exhibit 8 of Memo from Joan Armstrong to Pueblo County Planning Commission dated Aug. 8, 2018*)

Mr. Palcic made a perpetual right of way easement contract with San Isabel Electric, and agreed not place within 10 feet of centerline underground or overhead electric line or system, buildings, structures, piles of earth, etc. or other substances or materials on the easement. However he violated that contract. The following structures, piles of earth and other substances or material have been placed on the 10 feet easement on either side of the center line, of the divered electrical line, preventing easy access to San Isabel Electric, should repairs need to be made:

1. An oversized dog run approximately, eight (8) feet by twenty (20) feet.
2. A drive way full of large boulders collected from vacant lots south of Alondra Drive and other areas around the neighborhood. (recently placed there)
3. A cement retaining wall approximately 8-10 feet high,
4. A pile of earth approximately twenty-five (25) feet x ten (10) feet x eight (8) ft. → *Picture of wall page 4 of Exhibit 4*
5. A solid rock wall (east of electrical easement). - *Exhibit 8 of Joan Armstrong's memo - Exhibit 6 of Exhibit 5. It shows piles of earth on Mr. Palcic's property.*
6. Water drainage pipes (installed summer or fall of 2017)
7. Footers for pavilion/ indoor swimming pool. (built summer or fall of 2017)

My third concern is that all of the above structures, rocks, dirt piles, water pipes, footers, obstructs access to the electrical lines by San Isabel. These electrical lines feed my properties electricity. Who is in the authority to do something about these obstruction issues? How can the County Planning and Zoning help to resolve these issues.

Point #4 My fourth concern is that Mr. Palcic and San Isabel Electric Company are just waiting for the public electrical easement to be legally vacated before they again relocate the electrical lines from around the perimeter of his property. On the last page (page 5) of Mr. Palcic's March 20th, 2018. letter to the Pueblo County Planning Commission, point #9. Mr. Palcic state the following: (Proof: *See Exhibit 9 of Joan Armstrong's memo to Planning dated Aug 8, 2018*)

9. Once the contract with San Isabel Electric to relocate the supply line is accomplished the existing "new" perimeter easement on my property will be a dead line and that to will (be) vacated. I have discussed this with San Isabel Electric and they agree that once the new line is installed, this perimeter line will serve no purpose. The feed for these electrical boxes travels downhill. This, unfortunately, will probably have to be a separate application. Obviously this will not happen until the new feed contract is accomplished etc."

seems to indicate
This ~~shows~~ that both San Isabel & Mr. Palcic have ^{No} intention of honoring the perimeter easement.

My final point and concern, is perhaps the more important point. If the public easement is vacated then so are my protections to get electrical through the current lines around the perimeter of Mr. Palcic's property. The public easement ensures that Mr. Palcic has to provide access through his property thru different means. However, if the public easement is vacated then he does not have to provide access to electricity through his property. This is important because my house, 6220 Waco Mish Rd. has been getting electricity from San Isabel Electric for 21 years. P(Proof # __ Line Extension agreement for Permanent Electric Service between San Isabel Electricity and Kyle Mock, 3-3-1997. This electricity has been either through the public easement or the lines thru Mr. Palcic's property, since, 1997. This is 5 years prior to Mr. Palcic's contract in 2003. T My home is located at Unit 34, Lot 11 or parcel #4722403002. Please, do not cut me off from this public easement and the right to get continue getting electricity thru Mr. Palcic's property. If the public easement is vacated, then San Isabel Electric and Mr. Palcic, can cut me off and then my husband and I will be forced to get electricity by other means. Where does this leave my right to get electricity for lines that have served this house for 21 years? If the Public easement is vacated, then my right to get electricity either through the public easement or through the rerouted perimeter lines on Mr. Palcic can be dissolved. Electricity has been the major reasons that I have defended my rights, so much. I appeal to the Planning Commission, a to protect these right to access electricity thru Mr. Palcic's property. Please, do not recommend easement vacation #2017-002, for approval. This will take away our public rights to get access to electricity thru Mr. Palcic's property.

In short,

^{Public Electrical}
The¹ Easement provides for

"Protective rights" to be honored ^{for} to electricity, ^{that protective quality} that may or of a public easement ^{or may} not be available with out the public easement,

- For all the concerns stated my husband Ronald & I oppose the vacation of Easement NO. 2017-002.
- Thank you for hearing our concerns.