

## ROUTT COUNTY PLANNING COMMISSION AGENDA

**JUNE 4, 2020  
6:00 PM**

Due to the COVID-19 pandemic, this hearing will be conducted through the Zoom application. You may access this meeting by clicking [here](#).

Live audio is available by calling (669) 900-6833.

Meeting ID: 828 3534 3424

Password: 310181

### 1. CALL TO ORDER

### 2. PUBLIC COMMENT

Members of the public may address the Planning Commission on items not on the agenda. (Comments regarding items on the agenda will be taken during that agenda item.)

### 3. APPROVAL OF MINUTES

#### A. Minutes From May 21, 2020

Documents:

[052120-pc-corrected.pdf](#)

### 4. ITEMS FOR CONSIDERATION

#### A. Zirkel Wireless

Zirkel Wireless Conditional Use Permit for a Telecommunications tower for wireless internet service

Activity #:	PL-19-189
Petition:	A Conditional Use Permit for a Telecommunications tower for wireless internet service.
Applicant:	Zirkel Wireless
Legal:	Secs 8,9-10-85 & 10/16 Tom Thumb Claim Sec 9-10-85
Location:	West slope of Hahn's Peak via USFS access road 490

Documents:

[PC staff report\\_6.4.20.pdf](#)

[Comments 6.2.20.pdf](#)

[Zirkel presentation.pdf](#)

### 5. ADMINISTRATOR'S REPORT

Administrator's Report may include the reading of future Planning Commission agendas and recent Board of County Commissioner decisions.

### 6. ADJOURNMENT

Agenda packets can be accessed at [www.co.routt.co.us/AgendaCenter](http://www.co.routt.co.us/AgendaCenter).

If you need a special accommodation as a result of a disability, please call the Commissioners' Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.

# ROUTT COUNTY PLANNING COMMISSION

## MINUTES

**May 21, 2020**

The regular meeting of the Routt County Planning Commission was called to order at 6:00 p.m. with the following members present: Chairman Steve Warnke, Bill Norris, Troy Brookshire, John Merrill, Peter Flint, Billy Mitzelfeld, Brian Kelly, Roberta Marshall, Greg Jaeger and Andrew Benjamin. Commissioner Rohail Abid was absent. Interim Planning Director Kristy Winser and staff planners Alan Goldich and Chris Brookshire also attended. Sarah Katherman prepared the minutes. This meeting occurred via Zoom.

### **PUBLIC COMMENT**

There was no public comment.

### **ZOOM TRAINING**

Chairman Warnke reviewed the protocol for virtual hearings. Ms. Winser discussed the County's new Virtual Meeting Policy and highlighted Section 8.e. She stated that all applicants will have to sign a waiver for the virtual meeting format, and will be allowed the opportunity to delay their hearing if they are uncomfortable with it. Ms. Winser stated that staff will be enforcing a policy that will require all input and materials to be submitted 72 hours prior to the hearing. This should minimize the amount of information that would be missed. Mr. Goldich clarified that the staff report would be completed and available for review one week prior to the hearing. He said that the agenda could be updated with additional materials that come in after the staff report is complete up until 72 hours prior to the meeting. There was a discussion of whether Commissioners would be allowed to vote if, for technical reasons, they miss a portion of the meeting. Ms. Winser said she would check with the County Attorney. There was a demonstration of screen sharing, and a discussion of voting procedure. Ms. Winser stated that agendas, at least in the first month or so of virtual hearings, would be limited to a single petition. All agreed that flexibility and adaptation would be needed as this new meeting format is implemented.

### **MINUTES - February 21, 2020**

Commissioner Kelly moved to approve the minutes of the Routt County Planning Commission meeting cited above, as written. Commissioner Jaeger seconded the motion. **The motion carried 9 - 0.**

### **ADMINISTRATOR'S REPORT**

Ms. Winser reviewed the upcoming agendas. Beginning on June 4<sup>th</sup> meetings will be held every Thursday until the pending applications have been heard.

**The meeting was adjourned at 7:00 p.m.**

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# Zirkel Tower

## Conditional Use Permit

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**ACTIVITY #:** PL-19-189

**HEARING DATES:** Planning Commission (PC): 6/04/2020 at 6:00pm

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**PETITIONER:** Zirkel Wireless

**PETITION:** Telecommunications tower for wireless internet service

**LEGAL:** Secs 8,9-10-85 & 10/16 Tom Thumb Claim Sec 9-10-85

**LOCATION:** West slope of Hahn's Peak via USFS access road 490

**ZONE DISTRICT:** A/F

**AREA:** a 19.7 acre mining claim

**STAFF CONTACT:** Kristy Winser Kwinser@co.routt.co.us

**ATTACHMENTS:**

- Narrative including site photos
- Site Plan
  
- Referrals (Building, CPW and Forest Service)
- Executed QCD

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**History:**

Alan Belvo of Zirkel Wireless obtained an interest in the Tom Thumb Lode Mining claim in 2019. While processing the application, it came to our attention that based on the deed submitted, there are several interest holders of the Mining Claim. Also, there was a reverter clause referenced in one of the deeds provided by Timothy Magill, an interest holder.. It stated, "Grantor conveys the above-described real property on the condition that non-mining development is prohibited on said real property and, in the event of a breach of this condition, said real property should revert to Grantor." The grantor is Routt County, and it is unknown the intent of this language.

The applicant was informed that all surface owners would need to consent for Zirkel to make this application, and the deed would need to be amended. Both concerns have been addressed. The applicant submitted statements of authority from all interest owners, and the applicant has discussed the deed with the County Attorney and Board of County Commissioners. An amended Quit Claim Deed was approved to modify the existing Quit Claim to resolve the reverter clause. The modification is that the reverter clause now states: *Grantor conveys the above-described real property on the condition that non-mining development is prohibited on the said real property except for wireless telecommunication facilities and their associated improvements.* A copy of the executed modified deed is attached.

**Site Description:**

The property is a 19.4-acre parcel zoned AF and is located on the southeast slope of Hahn's Peak. Access is via an existing USFS access road 490. The site location for the equipment is approximately 1,000 sf (42.5' x 25') for the building and connected antenna on a flat "shelf" portion of the property surrounded by steep slopes above and below the site area. The site location is rocky and exposed, but trees surround the property. The position of the equipment will require a variance. A Setback Variance application has also been submitted and is scheduled for consideration on June 8, 2020.

**Project Description:**

Zirkel Wireless proposes installing an antenna attached to a small structure on private property for internet service in North Routt County. The building is 300 sq. ft. with solar panels on top which will be the power source. The height of the building with antenna is 30 ft. The equipment will operate year-round. Installation will require four employees to be on site during the installation only (less than four weeks) and during periods of maintenance. Once built, site visits will only occur when performing maintenance, to refill the propane tanks, and in the event of an internet outage. Site visitation is expected to be less than six times per year. Access to the property in the summer and fall will be via truck or UTV and by snowmobile during winter.

**Staff Comments:**

The site and access challenges have been addressed through design amendments in coordination with the Building Department to meet building codes, specifically snow and wind loads. The building is proposed to be muted colors to fit into the surrounding landscape. The Forest Service will issue a permit for access. The permit will not authorize access to the site by any other owners or for any reason other than constructing, operating, and maintaining the communication site. CPW also provided comments supporting the application.

Standards for Free Standing Telecommunication Facilities in Section 8.10.3 of the Zoning Regulations state that the telecommunication facility shall be visually mitigated from adjacent residential development and public rights-of-ways. The distance to the nearest residences and RCR 129 and Steamboat Lake is over 2 miles. Views from Steamboat Lake and RCR 129 near Steamboat Lake appear to be screened by a ridge that hides the improvements on Hahn's Peak. Therefore, visual mitigation measures may not be necessary. However, typical measures considered are opaque fencing and/or landscaping around the equipment area.

In response to issues with towers previously approved and built but not on air, the County drafted a condition of approval for consideration for wireless communication facilities. Condition No. 17 states "Permittee shall bring the facilities subject to this CUP into service ("on air") within three (3) months of the submittal of the application for a building permit for the facility. Facilities that are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the telecommunication facility owner and the site reclaimed. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charged against the owner. The permittee shall post a bond with the County in the amount of 150% of the cost of restoration of the site. This bond will be used to guarantee the reclamation of the site in the event that reclamation and removal of equipment is not completed".

**\*\*\*Issues for Discussion\*\*\***

- *Has the applicant meet the Standards for Free Standing Telecommunication Facility of Section 8.10.3 of the Routt County Zoning Regulations?*
  - Shall be visually mitigated from adjacent residential development and public rights-of-ways.
- *Consider a Finding of Fact that will address visual mitigation. Staff included draft language in Finding Of Fact No. 2 if you find this necessary.*

## **Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution**

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties, and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

The following checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this petition. The checklist is divided into five (5) major categories:

1. Health, Safety and Nuisances
2. Regulations and Standards
3. Community Character and Visual Issues
4. Roads, Transportation and Site Design
5. Natural Environment

Interested parties are encouraged to review the Master Plan, Sub Area plans and Zoning Resolution to determine if there are other policies and regulations that may be applicable to the review of this petition.

Staff Comments are included at the end of each section, highlighting items where the public, referral agencies, or planning staff have expressed questions and/or comments regarding the proposal. **Staff comments regarding compliance with regulations and policies are noted in bold below.**

### **Public Health, Safety and Nuisances**

#### **Applicable Regulations – Routt County Zoning Resolution**

- 5.1.1 Every use shall be operated so that it does not pose a danger to public health, safety or welfare.
- 5.1.2 Every use shall be operated in conformance with all applicable federal, state and local regulations and standards. Failure to comply with any and all applicable federal, state and local regulations and standards may be cause for review and/or revocation of any Land Use Approval granted pursuant to these regulations.

- 6.1.7.C Natural Hazards
- 6.1.7.H Wildland Fire
- 6.1.7.I Noise
- 6.1.7.L Odors
- 6.1.7.M Vibration

**Staff comments:** There are no public health or safety concerns from the proposal. The wireless site facility will need to comply with Federal, State, and local regulations, as stated in the conditions, if approved. There are no known hazards, and the site has been designed in keeping with building code standards. Noise, odors, or vibration concerns are not expected.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Regulations and Standards

### Applicable Regulations – Routt County Zoning Resolution

- 5.2 Dimensional Standards:
- 5.3 Secondary Dwelling Unit Standards
- 5.12 Airport Overlay Zone District Standards
- 6.1.2 The proposal shall be consistent with applicable Master Plans and sub-area plans.
- 6.1.5 The proposal shall meet or exceed accepted industry standards and Best Management Practices (BMP's).

### Applicable Policies – Routt County Master Plan

- 5.3.A The County encourages the use of “green” building techniques that lead to the conservation of energy and overall reduction of pollution in our environment.
- 5.3.D Require Best Management Practices and grading plans and strongly discourage overlot grading.
- 8.10.1.B The construction and use of a telecommunication facility shall not cause interference to other adjacent telecommunication facilities. The County shall be held harmless if interference occurs.
- 8.10.1.D The operator shall agree to allow co-location of other users on the tower, providing their requested use is compatible to the existing use, to limit the construction or proliferation of cellular tower sites in the area.

**Staff comments:** The applicants had a pre-submission meeting with Building and Planning Staff to discuss the proposal. Site design amendments were considered to address the regulations, best management practices and visual impacts. The building will be brown with a green metal roof. The equipment power source will be solar panels with a back up generator.

The applicant will need to obtain FCC licensing and agree to allow for colocation however, due to the type of equipment being used and site challenges, it may not be likely for typical wireless carriers to co-locate.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Community Character and Visual Concerns

### Applicable Regulations – Routt County Zoning Resolution

- 5.1.4 Outdoor storage of materials which might cause fumes, odors, dust, fire hazard, or health hazards is prohibited unless such storage is within enclosed containers or unless a determination is made that such use will not have a detrimental impact on the environment
- 5.9 Sign Standards
- 5.10 Standards for Structures within mapped Skyline Areas
- 6.1.6 Outdoor Lighting: The proposal shall comply with the Outdoor Lighting Standards in Section 6.3 of these Regulations.
- 6.1.7.G Visual Amenities and Scenic Qualities.
- 6.1.7.K Land Use Compatibility.
- 6.1.7.O Historical Significance.
- 8.10.1.A No (telecommunication) tower shall exceed 100 feet in height.

### Applicable Policies – Routt County Master Plan

- 4.3.B Use Permits that significantly alter the historical use, intensity of use, or character of an area may be deemed incompatible with this plan.
- 5.3.C Discourage development on ridges that result in skylining.
- 5.3.E Routt County requires that all new developments do not contribute to light pollution.
- 5.3.F Routt County will continue to consider the impacts of development and uses on view corridors, water, wetland, and air.
- 8.10.1.C Telecommunication facilities that are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the telecommunication facility owner and the site reclaimed. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner.
- 8.10.3.A Shall be visually mitigated from adjacent residential development and public rights-of-way.
- 8.10.3.B Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the review process.

### Staff comments:

The site is located on an old historic mining claim surrounded by wilderness. Although the site is in a mapped skylined area, cell towers are exempt from the Skyline Regulations. At 30-foot in height the wireless facility will be exceedingly less than the 100-foot max height for wireless facilities.

There was a stipulation found on the deed stating non-mining development is prohibited on said real property. However, after consideration of an amendment to this language, an exception was approved for wireless telecommunication facilities and their associated improvements that acknowledges that development of wireless equipment was not the intent of the prohibition.

The equipment should not be visible from the County Roads due to the topography and surrounding trees which are taller than the equipment. Additional visual mitigation would be muted colors to fit in with the surrounding natural area.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Roads, Transportation and Site Design

### Applicable Regulations – Routt County Zoning Resolution

- 5.4 Parking Standards
- 5.5 Addressing Standards
- 5.6 Access to Buildable Lot Standards
- 5.7 Right of Way Access Standards: A Right of Way Access Permit is required prior to construction of any new access point onto a County Road or other Local Public Road or Right of Way.
- 5.8 Road Construction Standards
- 6.1.4 Public Road Use Performance Standards: The proposal shall comply with the Public Road Use Performance Standards in Section 6.2 of these Regulations.
- 6.1.7.A Public Roads, Services and Infrastructure
- 6.1.7.B Road Capacity, traffic, and traffic safety
- 6.1.7.N Snow Storage

### Applicable Policies – Routt County Master Plan

- 4.3.K Driveways and roads shall be designed to minimize erosion, cuts and scarring. When scarring of hillsides is unavoidable, prompt revegetation shall occur with native plant species.

#### **Staff comments:**

The site is very steep except for an existing small flat area directly off the access road within the setback. A variance is requested to allow the structures to encroach into the setbacks. Access is off of an existing Forest Service Road FS 490 , therefore, no grading, cuts or scarring are expected.

Traffic is anticipated to be low. This is an unmanned site and traffic to the site would be limited to construction and routine maintenance estimated to be about 6 times per year after construction. Access during the summer and fall will be via truck or UTV and by snowmobile during winter through a Forest Service issued permit.

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

## Natural Environment

### Applicable Regulations – Routt County Zoning Resolution

- 3.2.14 Performance Bond
- 5.11 Waterbody Setback Standards
- 6.1.7.D Wildlife and Wildlife Habitat.
- 6.1.7.E Water Quality and Quantity.
- 6.1.7.F Air Quality.
- 6.1.7.J Wetlands.
- 6.1.7.P Reclamation and Restoration.
- 6.1.7.Q Noxious Weeds.

### Applicable Policies – Routt County Master Plan

- 5.3.B While respecting private property rights, the County will not approve development applications or special use permits that would lead to the degradation of the environment without proper mitigation that would bring the proposal into compliance with the Master Plan, appropriate sub-area plans, Zoning Resolution, and Subdivision Regulations.
- 9.3.G Minimize the cumulative impacts of development on wildlife and wildlife habitat.
- 9.3.H Protect and/or improve the diversity of native vegetation.
- 9.3.E Review Impacts on wildlife caused by recreational use, residential developments, and other developments and permits, then adjust, amend, terminate, or revoke as maybe deemed beneficial to wildlife.

**Staff comments: A referral was sent to CPW for comment, who responded with support for the proposal. There are no waterbodies on the property or water quality, air or wildlife concerns.**

**The applicant will need to provide a bond as a condition of approval for restoration of the site.**

*\*\*Is the application in compliance with the Policies and Regulations outlined above? Yes or No*

**PLANNING COMMISSION OPTIONS:**

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

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

1. The proposal with the following conditions meets the applicable guidelines of the Routt County Master Plan and is in compliance with Sections 4, 5, 6 and 8.10 of the Routt County Zoning Regulations.
2. With this approval comes the recognition that the public benefits outweigh strict non-compliance and that visual mitigations are precluded by the nature of the technology and the surrounding landscape.

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

1. The CUP is contingent upon compliance with the applicable provisions of the Routt County Zoning Regulations including but not limited to Sections 5, 6, and 8.
2. The CUP is limited to the uses and facilities presented in the approved project plan. Any additional uses or facilities must be applied for in a new or amended application.
3. Any complaints or concerns that may arise from this operation may be cause for review of the CUP, at any time, and amendment or addition of conditions, or revocation of the permit if necessary.
4. In the event that Routt County commences an action to enforce or interpret this CUP, the substantially prevailing party shall be entitled to recover its costs in such action including, without limitation, attorney fees.
5. No junk, trash, or inoperative vehicles shall be stored on the property.
6. This approval is contingent upon the acquisition of and compliance with any required federal, state and local permits; the operation shall comply with all federal, state and local laws. Copies of permits or letters of approval shall be submitted to the Routt County Planning Department prior to operations.

7. Fuel, flammable materials, or hazardous materials shall be kept in a safe area and shall be stored in accordance with state and local environmental requirements.
8. All maintenance, security, or exterior lighting shall be downcast and opaquely shielded.
9. Prior to the issuance of the permit, the permittee shall provide evidence of liability insurance in the amount of no less than \$1,000,000 per occurrence. Permittee shall notify the Routt County Planning Department of any claims made against the policy. Routt County shall be named as an additional insured on the policy. Certificate of liability insurance shall include all permit numbers associated with the activity.
10. Accessory structures/uses associated with this permit may be administratively approved by the Planning Director, without notice.
11. The permit shall not be issued until all fees have been paid in full. Failure to pay fees may result in revocation of this permit. Permits/Approvals that require an ongoing review will be assessed an Annual Fee. Additional fees for mitigation monitoring will be charged on an hourly basis for staff time required to review and/or implement conditions of approval.
12. Transfer of this CUP may occur only after a statement has been filed with the Planning Director by the transferee guaranteeing that they will comply with the terms and conditions of the permit. If transferee is not the landowner of the permitted area, transferee shall submit written consent of the transfer by the landowner. Failure to receive approval for the transfer shall constitute sufficient cause for revocation of the permit if the subject property is transferred. Bonds, insurance certificates or other security required in the permit shall also be filed with the Planning Director by the transferee to assure the work will be completed as specified. Any proposal to change the terms and conditions of a permit shall require a new permit.
13. The Permittee shall prevent the spread of weeds to surrounding lands, and comply with the Colorado Noxious Weed Act as amended in 2013 and Routt County noxious weed management plan.

**Specific Conditions:**

14. The CUP is valid for the life of the use provided it is acted upon within one year of approval. The CUP shall be deemed to have automatically lapsed if the uses permitted herein are discontinued for a period of one (1) year.
15. The construction and use of a telecommunication facility shall not cause interference to other adjacent telecommunication facilities. The County shall be held harmless if interference occurs.
16. If tower lighting is required by the FAA, the operator shall use only white (preferably) or red strobe lights at the minimum intensity, minimum number of flashes per minute, and minimum number of lights allowed by the FAA.
17. Permittee shall bring the facilities subject to this CUP into service (“on air”) within three (3) months of the submittal of the application for a building permit for the facility. Facilities that are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the telecommunication facility owner and the site shall be reclaimed. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner. The permittee shall post a bond with the County in the amount of 150% of the cost of

restoration of the site. This bond will be used to guarantee the reclamation of the site in the event that reclamation and removal of equipment is not completed.

18. In order to limit proliferation of cellular tower sites in the area, the operator shall agree to allow co-location of other users on the tower, providing their requested use is compatible with the existing use.
19. A Routt County Building Permit must be obtained for the wireless facility.
20. Prior to the issuance of a Certificate of Occupancy, the permittee shall provide the Planning Department with as-built drawings of the tower and facilities.
21. Revegetation of disturbed areas shall occur within one growing season with a seed mix which avoids the use of aggressive grasses. See the Colorado State University Extension Office for appropriate grass seed mixes.
22. The telecommunication equipment shall be painted a color compatible with the existing character of the site and surrounding properties.
23. Anti-perching devices shall be installed along antennae frames, horizontal cross arms, and any other vantage point used by raptors for predation.

# Zirkel Wireless Tower Conditional Use Permit Project Narrative October 2019

## I. Background and Project Description

### Project Description and Need

Zirkel Wireless proposes to provide improved internet service in North Routt County by installing an antenna attached to a small structure on private property. The property is a 19.7 acre mining claim owned by SHAB Holdings, LLC (the applicant) located on Hahn's Peak. The property owner will lease a portion of the property to Zirkel Wireless for the purpose of installing and operating the antenna site, which will be powered by solar panels. The property is zoned AF and is located on the southeast slope of Hahn's Peak. Access is via an existing unmarked USFS access road. The access road connects only to the applicant's property and is a dead end. Routt County Planning Staff have determined that the proposed use is a Conditional Use Permit for the antenna. A Setback Variance has also been submitted.

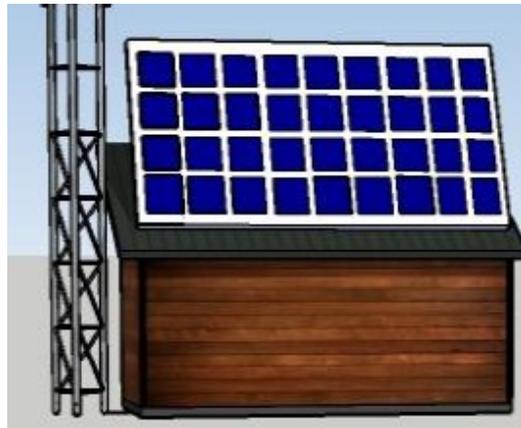
There is a significant need for improved internet service in North Routt. The expected public benefit of providing fast and reliable internet connectivity is huge. According to Diane Kruse with Neo Connect, who prepared the Routt County Strategic Broadband Plan in 2016, "we do not yet know the far-reaching impacts that the internet will have on our lives and on generations to come. However, it is certain that NOT having access to advanced broadband networks would be equivalent to being in the dark without electricity." The 2016 Broadband plan targeted North Routt as an underserved and unserved area.

Many communities in Colorado find they are lacking adequate internet service or do not have access at all, creating a "digital divide" among those with access and those without. The digital divide typically exists between those in cities and those in rural areas. Rural areas are costlier and more difficult to provide advanced broadband networks, reducing the opportunity to build a business case doing so.

Advanced broadband infrastructure has the potential to create more jobs, increase the community's competitive ability globally, create new technologies, increase opportunities for our community's companies, enhance public safety, provide better and less expensive healthcare, and provide greater educational opportunities throughout our communities. Having access to fast and reliable internet would allow children to engage more with their education from home and allow parents to work from home. These two facts alone would most likely increase North Routt's population and property values.

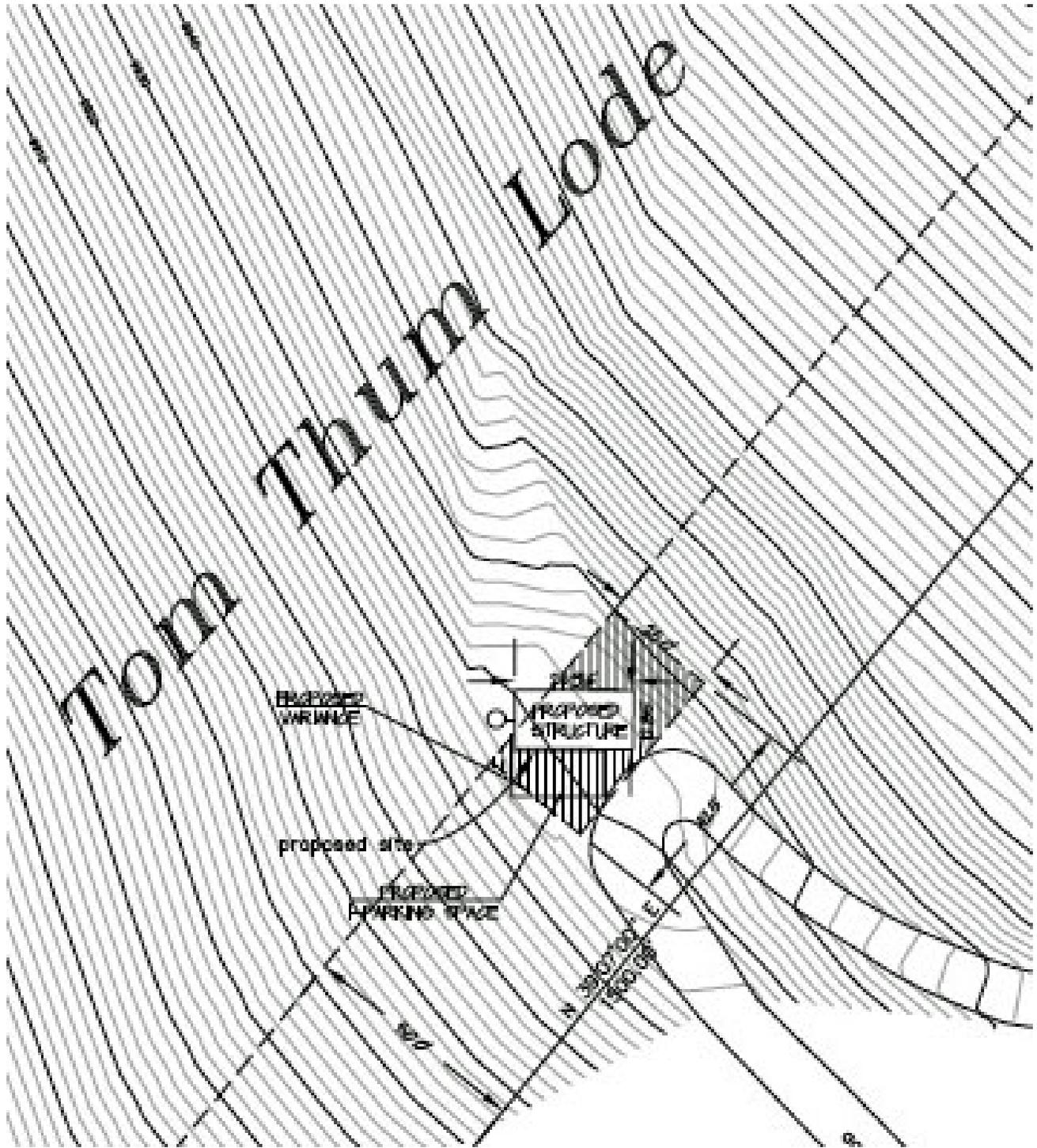


The disturbance area for the structure is very small - approximately 1,000 sf (42.5' x 25') for the building and connected antenna (see elevation below).



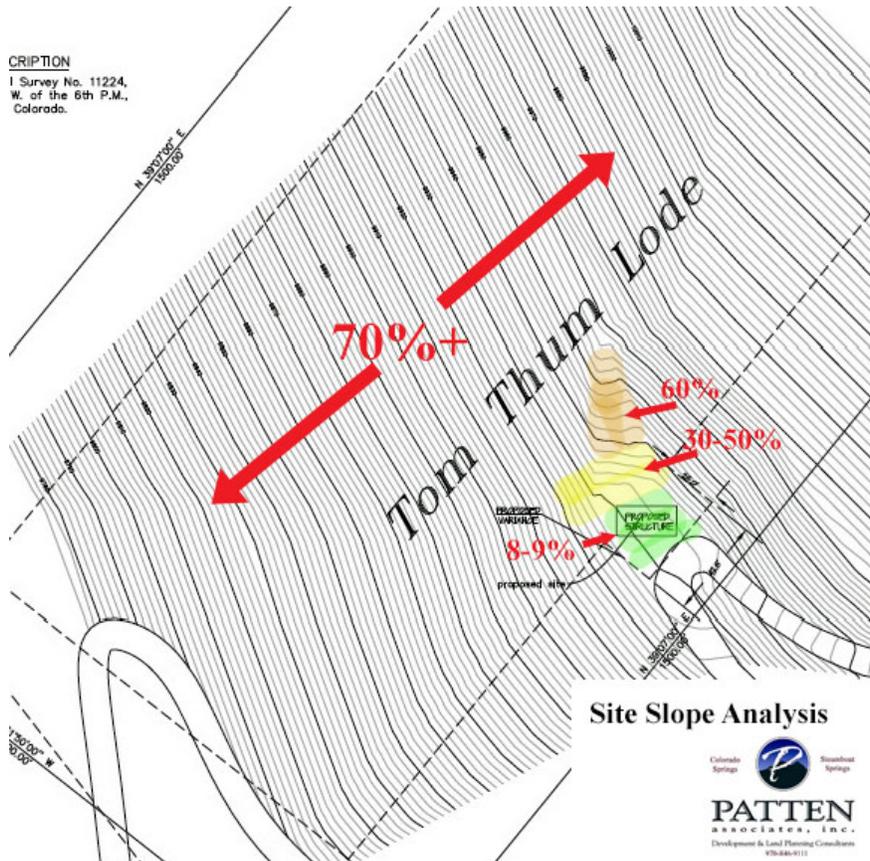
The site is very steep except for a small flat area directly off the access road within the setback (see site photo below). This is the only area that is considered “buildable” under the zoning regulations and the only possible location for the improvements. This represents only about .12% of the site. No disturbance of the steep slopes would occur. There are no mapped geologic hazards on the site based on RC GIS mapping. Please see Site Plan and Slope Analysis on next page.





Site Plan





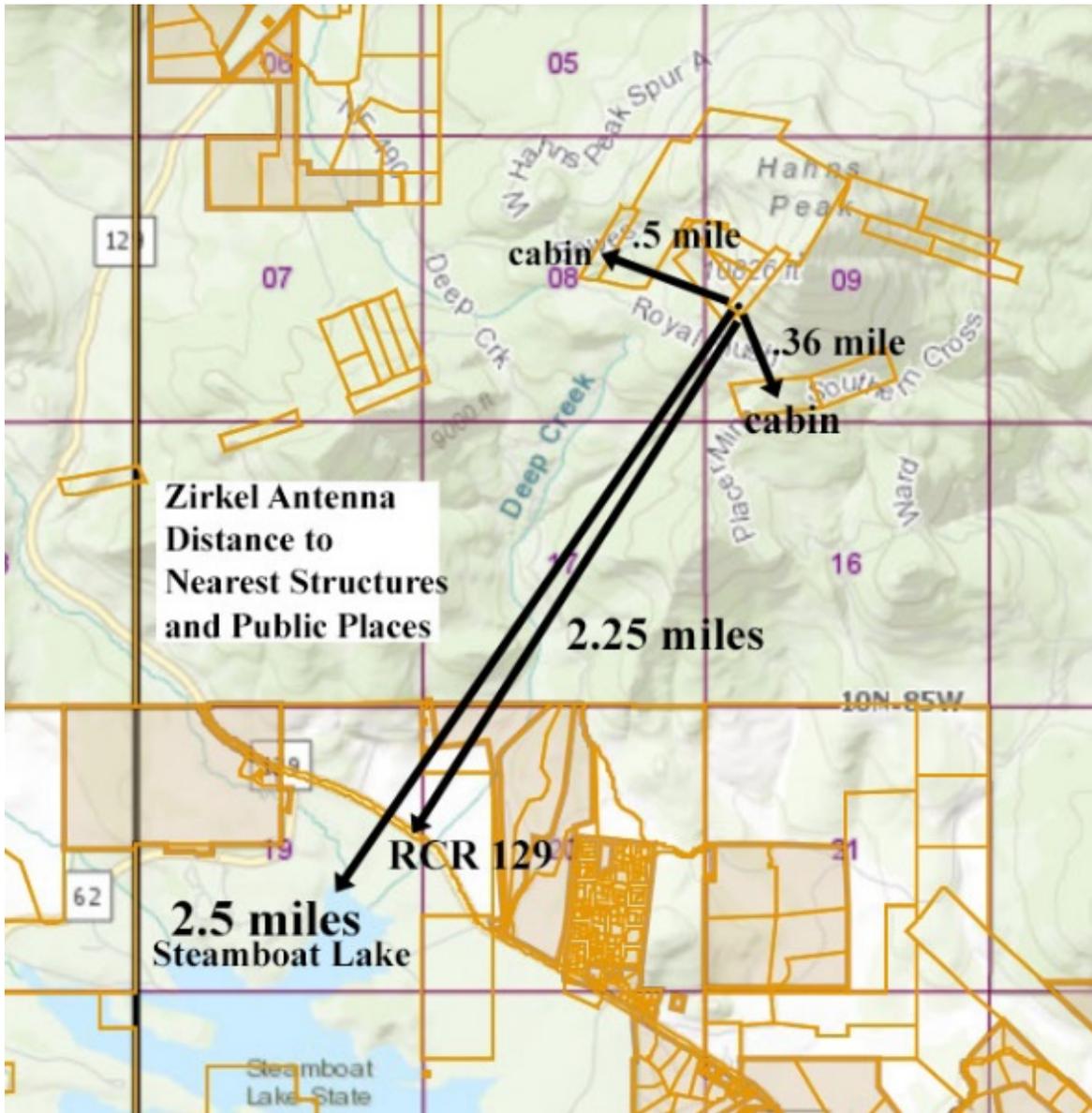
The equipment will operate year-round with 4 employees on-site only during the installation (less than 4 weeks) and during periods of maintenance. No employees will be stationed at this location. Traffic will be very minimal. Once built, site visits will only occur when performing maintenance, to refill the propane tanks, and during an internet outage. Site visitation is expected to be less than 6 times per year. Access to the property in the summer and fall will be via truck or UTV and by snowmobile during winter.

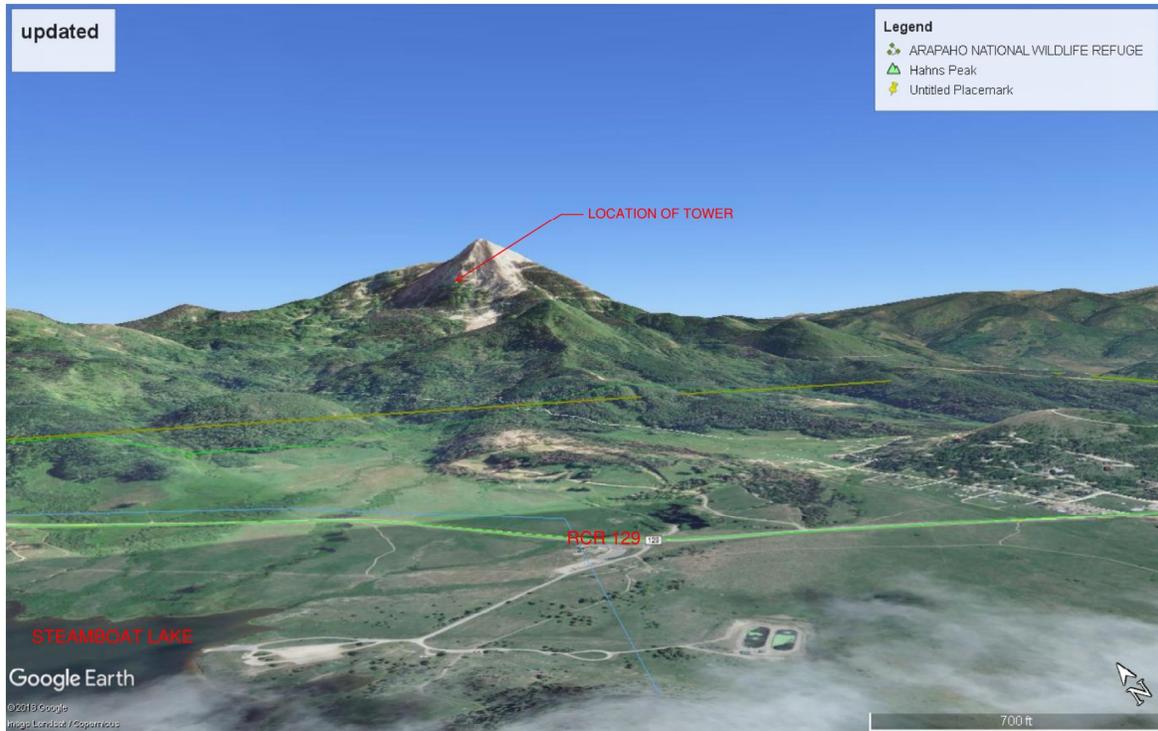
Regarding wildlife impacts, the equipment does not endanger or cause harm to wildlife and will be closed off to wildlife inside a shelter. During the installation process, food attractants from the site will be secured and removed to avoid conflict with black bears. Vehicles will be kept locked if they are left on site without anyone around to avoid human-black bear conflict. If any trash or recycling from food/drink is stored on site, they will be stored in an IGBC (Interagency Grizzly Bear Committee) certified container. To protect raccoon, skunk, and squirrel habitats, tree branches that overhang buildings will be removed and any potential chimneys will be capped as well as regular repair of potential attic holes to prevent entry. Surrounding mesh fencing will be buried at least 18" underground to prevent small mammals from invading desirable locations. All containers and enclosures will be secured with tight fitting lids and tie downs. Food sources will be kept away from the site. Jack Taylor, District Wildlife Manager for this area has agreed to these wildlife mitigation provisions.

Co-location has been encouraged by Routt County for similar proposals. The applicant is open to having other entities co-locate equipment on the antenna to minimize future impacts of similar facilities.

## Visual Impact

There will be very little visual impact because the building and antenna will be hidden in the trees and hillside. Additionally, the distances to the nearest residences are large and the distances to RCR 129 and Steamboat Lake are over 2 miles. Views from Steamboat Lake and RCR near Steamboat Lake are screened because the improvements are hidden by a ridge on Hahn's Peak. Please see the graphics below demonstrating visual impact and distances to nearest cabins and public places.





## II. Criteria Evaluation

Applicant responses to criteria are in italics.

### **Standards for Free Standing Telecommunication Facility of Section 8.10.3 of the Routt County Zoning Regulations:**

A. Shall be visually mitigated from adjacent residential development and public rights-of-ways.

*The graphics above demonstrate the minimal visual impacts of the proposed improvements relative to the two residences in the general area and RCR 129/Steamboat Lake. The distances to these viewpoints are significant and the specific location of the antenna and structure are within the trees and are not taller than them where they are on the site minimizes visual impacts from public areas.*

B. Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the review process.

Structure colors and materials have been chosen to blend in with the existing character of the site (see sketch of structure on page 2). Landscaping is not necessary to screen the equipment area. The location of the tower site is far removed from any nearby residences.

## **Compliance with the Routt County Master Plan, Sub Area Plans and Zoning Resolution**

The Routt County Master Plan, Sub Area plans and Zoning Resolution contain dozens of policies and regulations regarding land use. Section 5 of the regulations are designed to limit or eliminate conditions that could negatively impact the environment and/or use of surrounding properties and shall apply in all Zone Districts and to all land uses unless otherwise noted. Section 6 Regulations apply to all Minor, Administrative, Conditional or Special uses allowed by permit only, PUD plans, Site plans, and Subdivisions.

A checklist was developed by Planning Staff to highlight the policies and regulations most directly applicable to this type of petition. The checklist is divided into the 6 major categories below. The specific policies and regulations are not listed here (to be found in the Staff Report). The applicant's responses to each category are found in italics.

### **1. Public Health, Safety and Nuisances**

*Construction will comply with FAA and FCC regulations governing safe operation, including those that regulate radio frequency emissions. County GIS mapping indicates no geologic hazards on the site. There is little to no anticipated noise, odors or vibration expected.*

### **2. Regulations and Standards**

*The proposal meets all regulations and standards except for the setback variance (see separate submittal for setback variance). The facility produces no odors, waste, or pollutants and noise from equipment is expected to be very low (there are no residences in close proximity). As noted above, the telecommunication facility construction will need to comply with strict FAA and FCC regulations governing safe operation and best management practices, including those that regulate radio frequency emissions. Co-location has been encouraged by Routt County for similar proposals. The Applicant is open to having other entities co-locate equipment on the structure to minimize future impacts of similar facilities.*

### **3. Community Character and Visual Issues**

*The distances to the nearest cabins, which are likely used seasonally, are .36-.5 miles. The improvements are screened from view by a mountain ridge from RCR 129 near Steamboat Lake and the closest part of Steamboat Lake. Distances are over 2 miles to RCR 129 and the lake. Thus, the proposal will not diminish the value, use or enjoyment of the adjacent properties, nor curtail desirable light, air and open space in the neighborhood, nor change the character of the neighborhood.*

### **4. Roads, Transportation and Site Design**



*Access is via an existing USFS access road. An Access Permit has been submitted to the USFS. There will be very little traffic at this site. The equipment will operate year-round with 4 employees on-site only during the installation (less than 4 weeks) and during periods of maintenance. There will not be anybody stationed at this location. Once built, site visits will only occur when performing maintenance, to refill the propane tanks, and during an Internet outage. Site visitation is expected to be less than 6 times per year. Access to the Property in the summer and fall will be via truck or UTV and by snowmobile during winter.*

## **5. Natural Environment**

*Regarding wildlife impacts, the equipment does not endanger or cause harm to wildlife and will be closed off to wildlife inside a shelter. During the installation process, food attractants from the site will be secured and removed to avoid conflict with black bears. Vehicles will be kept locked if they are left on site without anyone around to avoid human-black bear conflict. If any trash or recycling from food/drink is stored on site, they will be stored in an IGBC (Interagency Grizzly Bear Committee) certified container. To protect raccoon, skunk, and squirrel habitats, tree branches that overhang buildings will be removed and any potential chimneys will be capped as well as regular repair of potential attic holes to prevent entry. Surrounding mesh fencing will be buried at least 18" underground to prevent small mammals from invading desirable locations. All containers and enclosures will be secured with tight fitting lids and tie downs. Food sources will be kept away from the site. Jack Taylor, District Wildlife Manager for this area has agreed to these wildlife mitigation provisions.*

*Solar panels are being proposed for off-the-grid clean energy. There is no classified waterbody or wetlands on site.*

## **6. Mitigation**

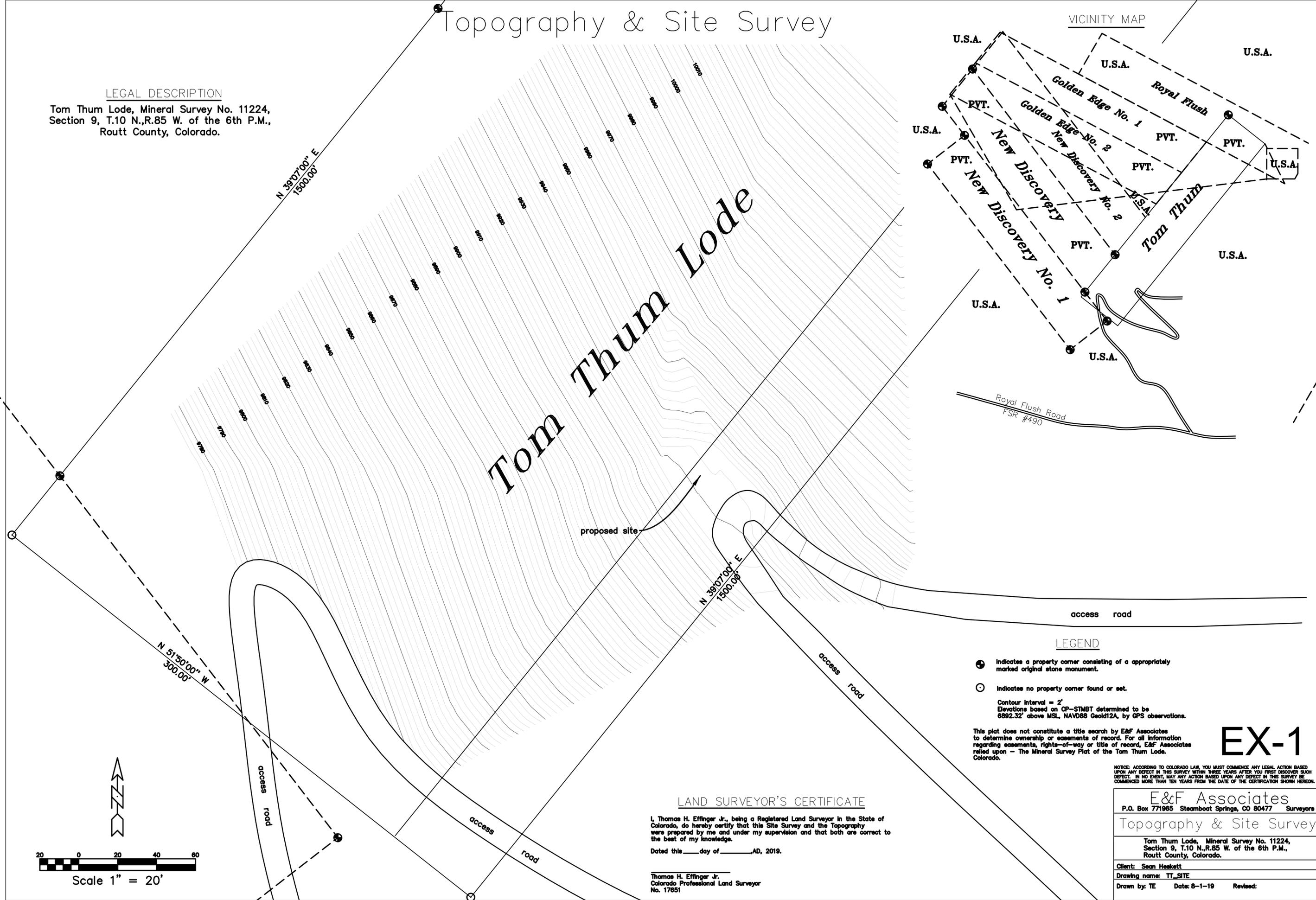
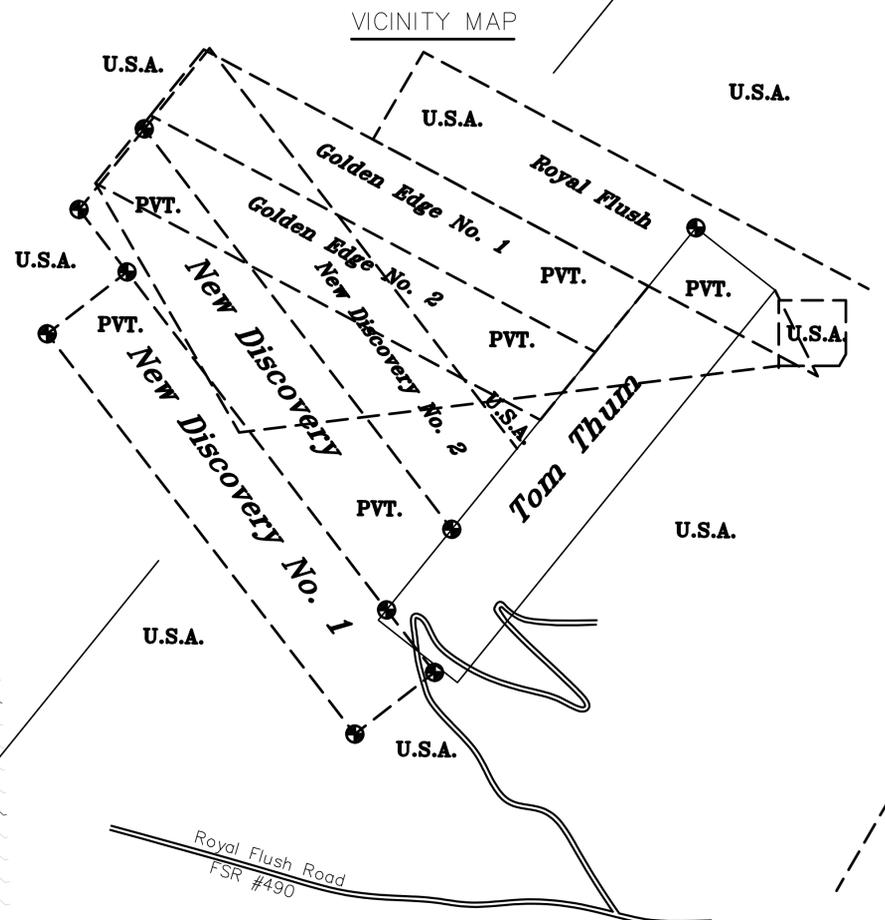
Mitigation measures are built into the proposal as described above.





# Topography & Site Survey

LEGAL DESCRIPTION  
 Tom Thum Lode, Mineral Survey No. 11224,  
 Section 9, T.10 N., R.85 W. of the 6th P.M.,  
 Routt County, Colorado.



### LEGEND

- Indicates a property corner consisting of an appropriately marked original stone monument.
  - Indicates no property corner found or set.
- Contour interval = 2'  
 Elevations based on CP-STMBT determined to be 6892.32' above MSL, NAVD83 Geoid12A, by GPS observations.
- This plat does not constitute a title search by E&F Associates to determine ownership or easements of record. For all information regarding easements, rights-of-way or title of record, E&F Associates relied upon - The Mineral Survey Plat of the Tom Thum Lode, Colorado.

# EX-1

### LAND SURVEYOR'S CERTIFICATE

I, Thomas H. Effinger Jr., being a Registered Land Surveyor in the State of Colorado, do hereby certify that this Site Survey and the Topography were prepared by me and under my supervision and that both are correct to the best of my knowledge.

Dated this \_\_\_\_ day of \_\_\_\_\_, AD, 2019.

Thomas H. Effinger Jr.  
 Colorado Professional Land Surveyor  
 No. 17651

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**E&F Associates**  
 P.O. Box 771965 Steamboat Springs, CO 80477 Surveyors

**Topography & Site Survey**

Tom Thum Lode, Mineral Survey No. 11224,  
 Section 9, T.10 N., R.85 W. of the 6th P.M.,  
 Routt County, Colorado.

Client: Sean Heskett  
 Drawing name: TT\_SITE  
 Drawn by: TE Date: 8-1-19 Revised:

# Topography & Site Survey

## LEGAL DESCRIPTION

Tom Thum Lode, Mineral Survey No. 11224,  
Section 9, T.10 N., R.85 W. of the 6th P.M.,  
Routt County, Colorado.

N 39°07'00" E  
1500.00'

N 51°30'00" W  
300.00'

# Tom Thum Lode

ANTENNA

PROPOSED VARIANCE

proposed site

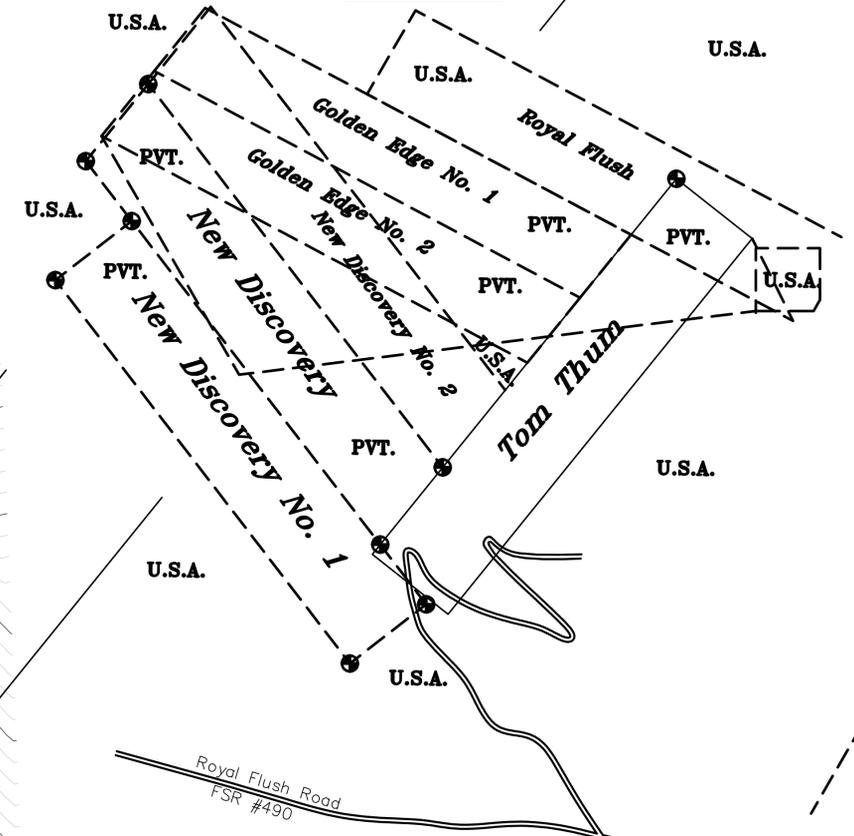
PROPOSED PARKING SPACE

SETBACK

PROPOSED STRUCTURE

N 39°07'00" E  
1500.00'

## VICINITY MAP



## LEGEND

- Indicates a property corner consisting of a appropriately marked original stone monument.
- Indicates no property corner found or set.
- Contour Interval = 2'
- Elevations based on CP-STMBT determined to be 6892.32' above MSL, NAVD83 Geoid12A, by GPS observations.

This plot does not constitute a title search by E&F Associates to determine ownership or easements of record. For all information regarding easements, rights-of-way or title of record, E&F Associates relied upon - The Mineral Survey Plat of the Tom Thum Lode, Colorado.

C-1

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**E&F Associates**  
P.O. Box 771965 Steamboat Springs, CO 80477 Surveyors

Topography & Site Survey

Tom Thum Lode, Mineral Survey No. 11224,  
Section 9, T.10 N., R.85 W. of the 6th P.M.,  
Routt County, Colorado.

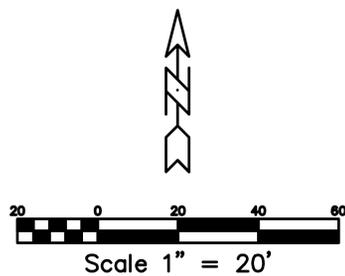
Client: Sean Heskett  
Drawing name: TT\_SITE  
Drawn by: TE Date: 8-1-19 Revised:

## LAND SURVEYOR'S CERTIFICATE

I, Thomas H. Effinger Jr., being a Registered Land Surveyor in the State of Colorado, do hereby certify that this Site Survey and the Topography were prepared by me and under my supervision and that both are correct to the best of my knowledge.

Dated this \_\_\_\_ day of \_\_\_\_\_, AD, 2019.

Thomas H. Effinger Jr.  
Colorado Professional Land Surveyor  
No. 17851



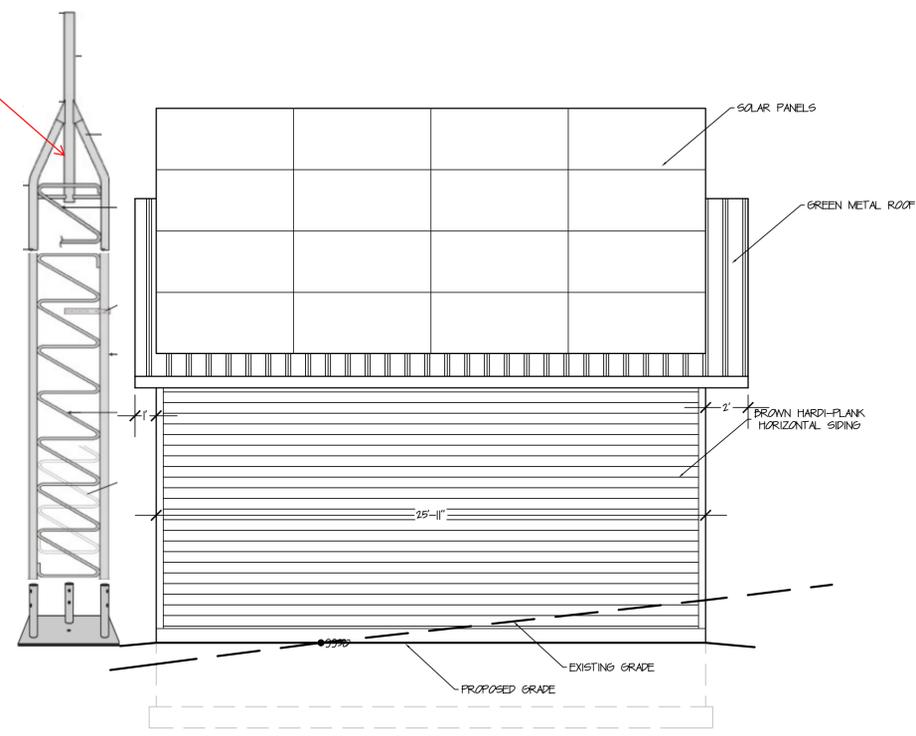
PLANS FOR:  
**ZIRKEL TELECOMMUNICATION BUILDING**  
63600 FOREST SERVICE ROAD 490  
CLARK, COLORADO

JOB NO: 19-042  
DRAWN: ECS  
DATE: 10-29-19

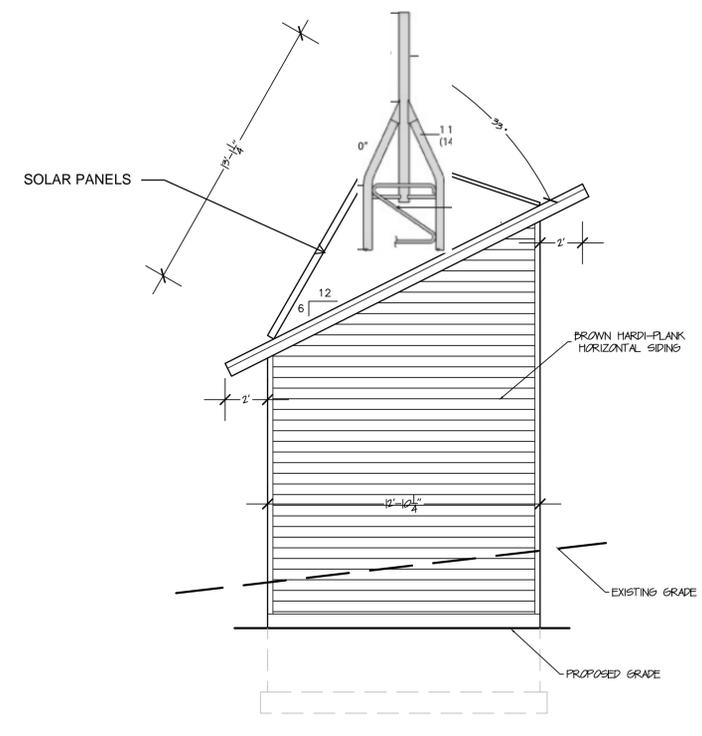
REVISIONS		
NO.	DATE	DRAWN

SHEET NUMBER  
**A-1**

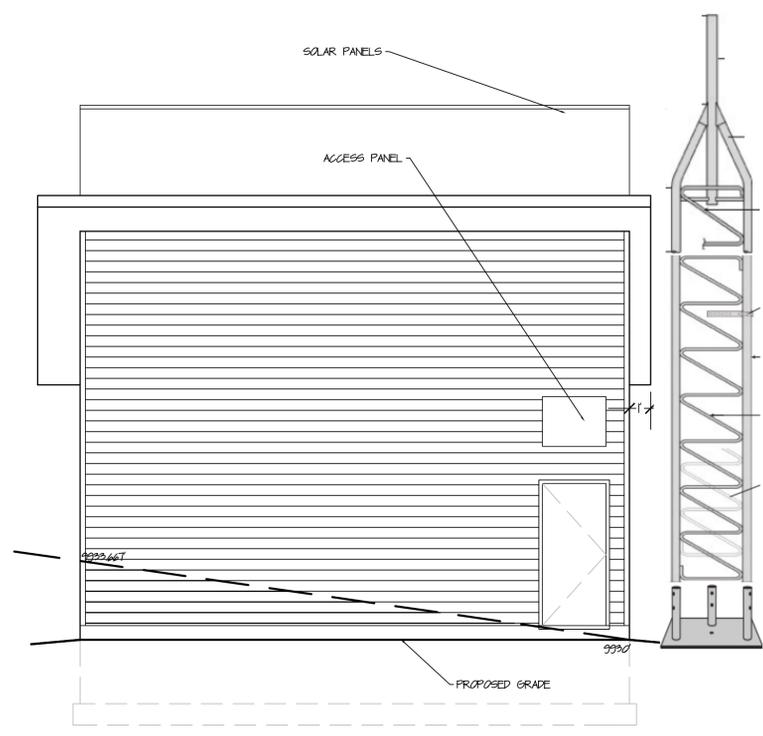
MAXIMUM 30' TALL



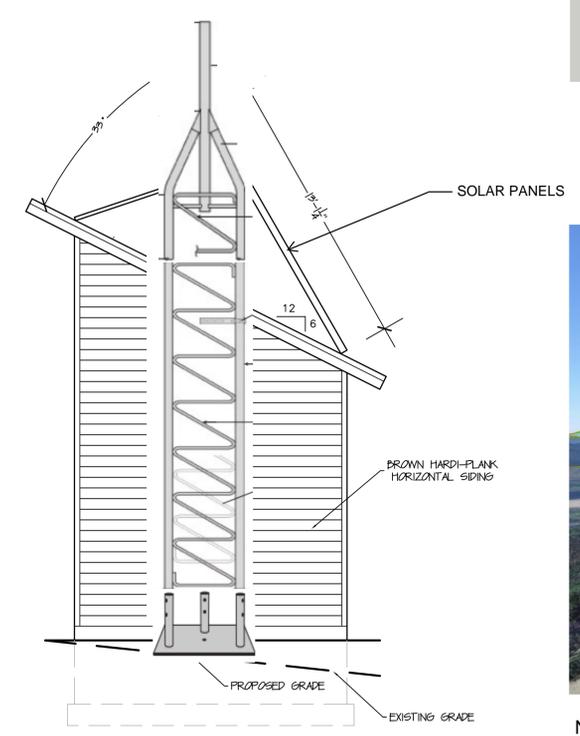
1  
A-1 PROPOSED SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



2  
A-1 PROPOSED EAST ELEVATION  
SCALE 1/4" = 1'-0"



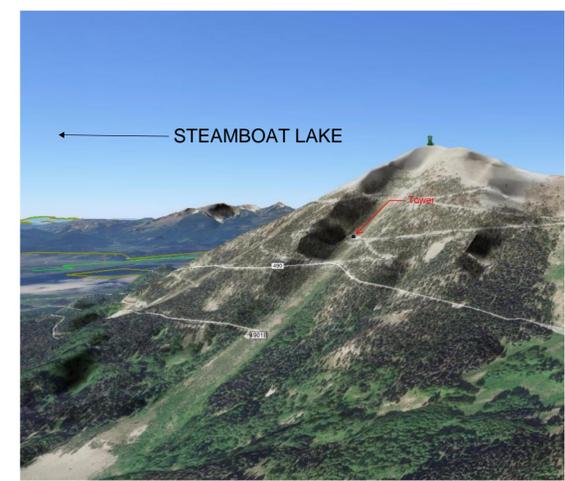
3  
A-1 PROPOSED NORTH ELEVATION  
SCALE 1/4" = 1'-0"



4  
A-1 PROPOSED WEST ELEVATION  
SCALE 1/4" = 1'-0"

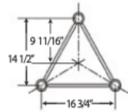


NOT TO SCALE  
REFERENCE FOR COLORS AND MATERIAL ONLY



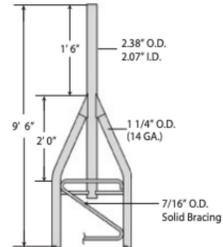
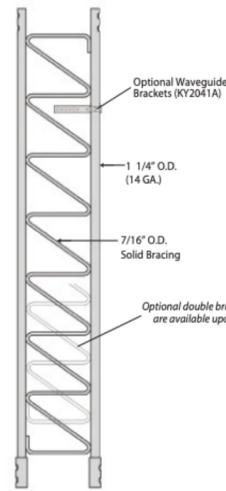
NOT TO SCALE  
FOR REFERENCE ONLY

STANDARD 45G GUYED TOWER SECTIONS



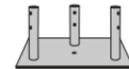
**QUICK REFERENCE**

PARTS & ACCESSORIES	PAGES 63-65
GROUNDING INFORMATION	PAGE 66
FOUNDATION INFORMATION	PAGES 66-69



STANDARD TOP SECTION 45AG2

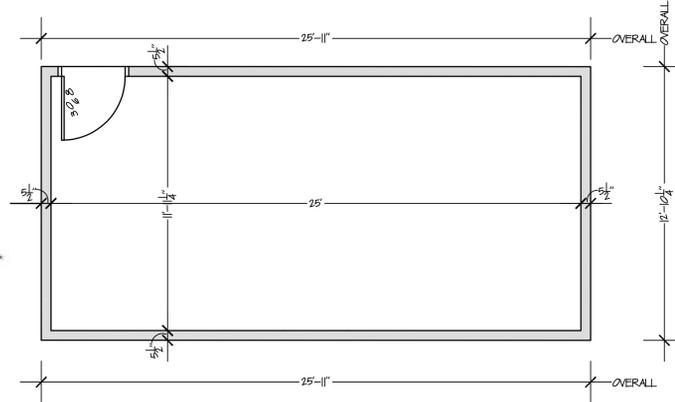
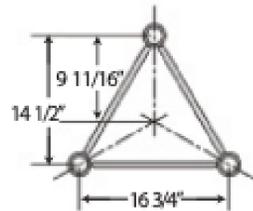
Additional 45G top sections are shown on page 63.



CONCRETE BASE PLATE 8PC45G2 FOR USE WITH 3/4X1/2PP PIER PIN EMBEDDED IN CONCRETE. Additional base sections are available, please see page 64.

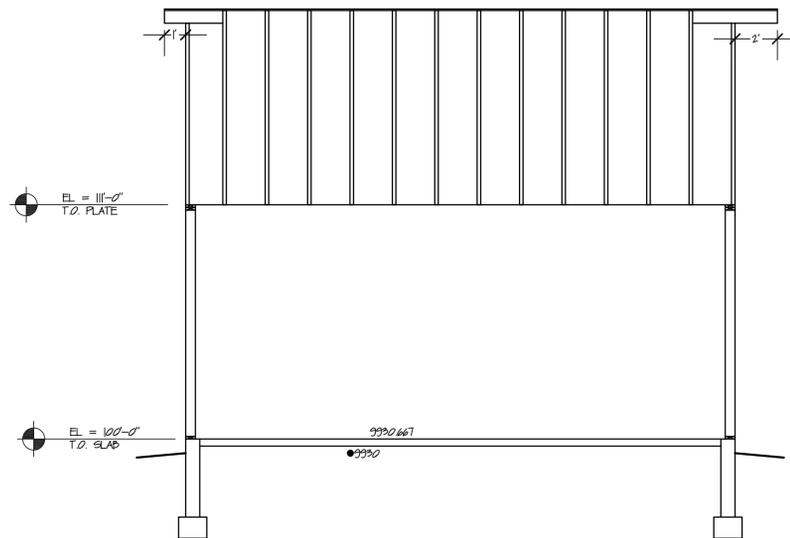
\*Towers mounted on these bases must be bracketed or guyed at all times. Temporary steel guying may also be necessary during installation and dismantling.

Phone (309) 566-3000 • Fax (309) 566-3079 • www.rohnet.com • The Industry Standard

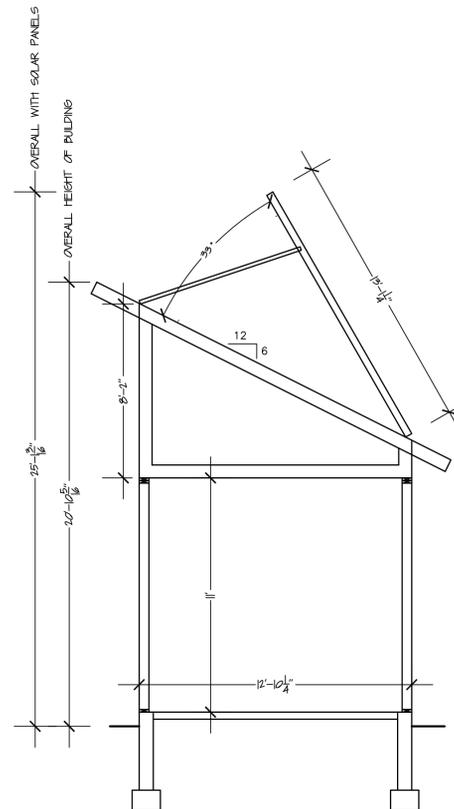


PROPOSED MAIN LEVEL FLOOR PLAN SCALE 1/4" = 1'-0"

CONTRACTOR TO VERIFY EXISTING DIMENSIONS IF DISCREPANCIES ARISE, NOTIFY YAMPA VALLEY ENG. PRIOR TO CONSTRUCTION



PROPOSED SECTION 2 SCALE 1/4" = 1'-0"



PROPOSED SECTION 3 SCALE 1/4" = 1'-0"

STRUCTURAL MECHANICAL ENGINEERING DESIGN DRAFTING SERVICES

JAMES STEGMAIER, P.E.  
1794 KAMAR PLAZA  
P.O. BOX 772192  
STEAMBOAT SPRINGS, CO 80477  
970-870-9229  
yvengr@yvengr.com

ZIRKEL TELECOMMUNICATION BUILDING

63600 FOREST SERVICE ROAD 490  
CLARK, COLORADO

PLANS FOR:

JOB NO: 19-042  
DRAWN: ECS  
DATE: 10-29-19

REVISIONS		
NO.	DATE	DRAWN

SHEET NUMBER  
**A-2**

**From:** [Faller, Janet -FS](#)  
**To:** [Tegan Ebbert](#)  
**Cc:** [Soulliere, Kathleen C -FS](#); [Kristy Winser](#); [Umphries, Tara -FS](#)  
**Subject:** RE: Permit/Application: TPL-19-190 at 63600 FSR 490, CLARK for Variance  
**Date:** Tuesday, May 19, 2020 8:13:56 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image008.png](#)  
[image002.png](#)

---

Hi Tegan,

Thanks for your time yesterday. We sorted a few things out and concluded that if the County issues a permit to Zirkel Wireless authorizing the communication use facility on Hahns Peak, then the Forest Service will proceed with issuing the permit specifically to Zirkel Wireless, and specifically for Zirkel Wireless to access the communication site; therefore, the multiple ownership of the property will not be our concern. The permit will not authorize access to the site by any other owners or for any other reason besides constructing, operating, and maintaining the comm. site.

I need to find out if our wildlife biologist thinks snow compaction is an issue to consider for the winter over-snow access since they will likely need to create a snow road with a snowmobile or snowcat to access the site. We are required to complete an environmental analysis to issue this permit and since they are not proposing any changes to the existing road, there appears to be no issues related to use of the road without snow, and we can likely use a Categorical Exclusion and Decision Memo to authorize it.

Zirkel requested a 20 year term for their road use permit, but the Forest will consider the term the County authorizes when issuing the F.S. permit.

Guess that's all for now. If you have any questions, feel free to contact me or Katie (970-819-5579). Thank you for your collaboration on this project,



**Janet Faller**  
**Routt Zone Realty Specialist**

**Forest Service**  
**Medicine Bow-Routt National Forests Thunder Basin National**  
**Grassland**

**p: 970-870-2174**  
**c: 970-819-2905**  
**f: 970-870-2284**  
[jfaller@usda.gov](mailto:jfaller@usda.gov)

925 Weiss Drive  
Steamboat Springs, CO 80487  
[www.fs.fed.us](http://www.fs.fed.us)



**Caring for the land and serving people**

---

**From:** Tegan Ebbert [mailto:[tebbert@co.routt.co.us](mailto:tebbert@co.routt.co.us)]

**Sent:** Tuesday, May 19, 2020 8:28 AM  
**To:** Faller, Janet -FS <[janet.faller@usda.gov](mailto:janet.faller@usda.gov)>  
**Cc:** Soulliere, Kathleen C -FS <[kathleen.soulliere@usda.gov](mailto:kathleen.soulliere@usda.gov)>; Kristy Winder <[kwinser@co.routt.co.us](mailto:kwinser@co.routt.co.us)>  
**Subject:** RE: Permit/Application: TPL-19-190 at 63600 FSR 490, CLARK for Variance

Janet,

Thank you for taking the time to discuss the Zirkel Wireless cell tower application with me yesterday. I have CC'd Kristy Winder in this email so she is in the loop too.

Would you just briefly summarize in writing some of the concerns or needs that the USFS has regarding this application? That way we can include it in our staff reports and provide clear direction to the applicants.

Additionally, I can forward you the meeting information (it will be on zoom) if you are at all interested in attending to give comment (no required).

Thank you,

Tegan Ebbert  
Routt County Planning  
970-879-2704  
136 6<sup>th</sup> Street, suite 200  
Steamboat Springs, CO 80487  
[tebbert@co.routt.co.us](mailto:tebbert@co.routt.co.us)



---

**From:** Tegan Ebbert  
**Sent:** Friday, May 15, 2020 1:34 PM  
**To:** 'Faller, Janet -FS' <[janet.faller@usda.gov](mailto:janet.faller@usda.gov)>  
**Cc:** Soulliere, Kathleen C -FS <[kathleen.soulliere@usda.gov](mailto:kathleen.soulliere@usda.gov)>  
**Subject:** RE: Permit/Application: TPL-19-190 at 63600 FSR 490, CLARK for Variance

Hi Janet,

We can absolutely discuss this over the phone. Is there any preferred time and phone number that I call you at? I am working from home today but typically I am in the office.

Let me know what works best.

Thanks,  
Tegan

---

**From:** Faller, Janet -FS <[janet.faller@usda.gov](mailto:janet.faller@usda.gov)>  
**Sent:** Thursday, May 14, 2020 4:05 PM  
**To:** Tegan Ebbert <[tebbert@co.routt.co.us](mailto:tebbert@co.routt.co.us)>  
**Cc:** Soulliere, Kathleen C -FS <[kathleen.soulliere@usda.gov](mailto:kathleen.soulliere@usda.gov)>  
**Subject:** RE: Permit/Application: TPL-19-190 at 63600 FSR 490, CLARK for Variance

Hi Tegan,  
Are you available to discuss this proposal over the phone?

I have a few questions based on a conversation I had with Chris a while back related to the owner(s) of the property. Since they will be required to obtain a road use permit from the Forest Service to access the site, I need to get some clarification on a few things like that.

Thanks, Janet



**Janet Faller**  
**Routt Zone Realty Specialist**

**Forest Service**  
**Medicine Bow-Routt National Forests Thunder Basin National**  
**Grassland**

**p: 970-870-2174**  
**c: 970-819-2905**  
**f: 970-870-2284**  
[jfaller@usda.gov](mailto:jfaller@usda.gov)

925 Weiss Drive  
Steamboat Springs, CO 80487  
[www.fs.fed.us](http://www.fs.fed.us)



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---

**From:** Tegan Ebbert [<mailto:tebbert@co.routt.co.us>]  
**Sent:** Thursday, May 14, 2020 1:40 PM  
**To:** Ted Allen <[tallen@co.routt.co.us](mailto:tallen@co.routt.co.us)>; Don Marchbanks <[dmarchbanks@co.routt.co.us](mailto:dmarchbanks@co.routt.co.us)>; Dickerman, Erica -FS <[erica.dickerman@usda.gov](mailto:erica.dickerman@usda.gov)>; Faller, Janet -FS <[janet.faller@usda.gov](mailto:janet.faller@usda.gov)>; [chief@northrouttfire.org](mailto:chief@northrouttfire.org); Malea Michael-Ferrier <[mmichael-ferrier@co.routt.co.us](mailto:mmichael-ferrier@co.routt.co.us)>; Jesse DeWolfe <[jdewolfe@co.routt.co.us](mailto:jdewolfe@co.routt.co.us)>; Dan Weinheimer <[dweinheimer@co.routt.co.us](mailto:dweinheimer@co.routt.co.us)>; [kris.middledorf@state.co.us](mailto:kris.middledorf@state.co.us); [Jack.taylor@state.co.us](mailto:Jack.taylor@state.co.us); Ron Norton <[rnorton@co.routt.co.us](mailto:rnorton@co.routt.co.us)>; Todd Carr <[tcarr@co.routt.co.us](mailto:tcarr@co.routt.co.us)>; Tammy K Green <[tkgreen@co.routt.co.us](mailto:tkgreen@co.routt.co.us)>; Heidi Spengler <[hspengler@co.routt.co.us](mailto:hspengler@co.routt.co.us)>; [elissa.slezak@state.co.us](mailto:elissa.slezak@state.co.us); Silas Ebbert <[sebbert@co.routt.co.us](mailto:sebbert@co.routt.co.us)>  
**Subject:** Permit/Application: TPL-19-190 at 63600 FSR 490, CLARK for Variance

Good afternoon,

Attached is a referral request for a Variance application proposing to construct a telecommunication tower to be located within the property boundary setback on the Tom Thum Load Mining Claim located on Hahn's Peak. Please provide any feedback by June 1<sup>st</sup>.

Thank you,

Tegan Ebbert  
Routt County Planning  
970-879-2704  
PO Box 773749  
Steamboat Springs, CO 80477  
[tebbert@co.routt.co.us](mailto:tebbert@co.routt.co.us)



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### **Disclaimer**

The information contained in this communication is confidential and intended solely for use by the recipient(s). If you are not the recipient, understand that any disclosure or distribution of the contents is strictly prohibited and may be unlawful. This email has been scanned for viruses and malware, and may have been automatically archived.



# COLORADO

## Parks and Wildlife

Department of Natural Resources

Steamboat Lake & Pearl Lake State Parks  
PO Box 750  
Clark, Colorado 80428  
P 970.879-3922 | F 970.879.8258

To whom it may concern,

Colorado Parks and Wildlife (CPW) strongly supports the Routt County Planning approval for Zirkel Wireless to construct a tower on Hahns Peak in North Routt County. This project will provide internet connectivity to the North Routt community and surrounding areas, including Steamboat Lake State Park.

Since it's opening in 1968, the park has been an anchor facility within the community. The park's visitation and popularity continues to grow and the economic impact to neighboring business is critical. In the past 5 years the park has seen a steady increase in visitation. During this same time period CPW has added programs and services, including the aquatic nuisance species boat inspection program and continued critical infrastructure maintenance and monitoring such as the domestic water production and wastewater treatment programs. These programs require reliable connectivity to operate. CPW has worked closely with the Colorado's Office of Information Technology to provide sufficient infrastructure. This has been a continued struggle due to the park's remote location and lack of options.

Currently the park is utilizing a T1 connection through CenturyLink for our internet connection. This is only available at the visitor center and does not meet minimum system requirements to operate our Point of Sale machines. The program expansion and park visitation are driving increased needs that now requires connectivity throughout the park in various locations due to program expansion for staff working locations and sales locations. When the park is at peak usage, May through October, the cellular tower cannot handle combination of the growing community and the park visitor use. CPW staff also act as a primary law enforcement presence within the area and this unreliable service has presented significant challenges.

These efforts would continue to grow the partnership between CPW, Steamboat Lake and the surrounding community. This project would greatly benefit the entire area and provide important connectivity for private use, business and law enforcement and first responders. Thank you for your consideration.

Respectfully,

Julie Arington,

Park Manager





Proudly Serving Rural Routt County \* City of Steamboat Springs \* Town of Hayden \* Town of Oak Creek \* Town of Yampa \* Routt County School

## Plan Review Comments for Application PL-19-189

Date: 12/11/2019

Subject Property Address: Forest Service Road 490  
Project Name: Zirkel Wireless, Hahns Peak  
Applicant: Zirkel Wireless

Dear Applicant,

The Routt County Regional Building Department has provided the following Plan Review Comments for your application with the Routt County Planning Department.

1. This application is being reviewed under the 2015 ICC Building Codes and the 2017 NEC State Adopted Electrical Code.
2. The Building Department would simple remind the applicant that a building permit will be required to be submitted for review if this Planning Application is approved and prior to construction work beginning. Please additionally reach out to us prior to working on the structural design to get the Ground Snow Load information for this site.

The Building Department is willing to meet in advance of the Permit Application submittal to discuss any design questions or concerns to help the professional and owner save time on the design. We look forward to working with you on this project and appreciate your time in reading this letter.

Sincerely,

A handwritten signature in black ink that reads 'Todd Carr'.

Todd Carr, Building Official

Routt County Regional Building Department

RECEPTION#: 809899  
05/27/2020 at 03:28:00 PM, Pg 1 of 2  
R: \$0.00, D: \$0.00  
Kim Bonner, Routt County, CO

QUIT CLAIM DEED  
(Modification)

THIS QUIT CLAIM DEED is deemed effective this 21 day of May, 2020, by and between Routt County, Colorado, a body corporate and politic ("Grantor") of the County of Routt, State of Colorado and Timothy R. Magill ("Grantee") whose legal address is P.O. Box 775335, Steamboat Springs, CO 80477.

WITNESS, that the Grantor, for and in exchange of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold and QUITCLAIMED, and by these presents does remise, release, sell and QUITCLAIM unto the Grantee, his heirs, successors and assigns forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with improvements, if any, situate, lying and being in the County of Routt, and State of Colorado, described as follows:

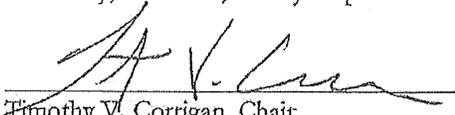
1/16 interest in Tom Thumb Lode Mining Claim, Section 9, Township 10 North, Range 85 West of the 6<sup>th</sup> P.M.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereto appertaining, and all the estate, right, title, interest and claim whatsoever, of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and Grantee's heirs, successors and assigns forever. This Quit Claim Deed is given to modify that certain Quit Claim Deed from Grantor to Grantee dated April 9, 2001, recorded at Reception Number 543711 of the records of the Routt County Clerk and Recorder. The modification being that the reverter clause shall now state: Grantor conveys the above-described real property on the condition that non-mining development is prohibited on said real property with the exception of wireless telecommunication facilities and their associated improvements.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

GRANTOR:

Routt County, Colorado, a body corporate and politic

By: 

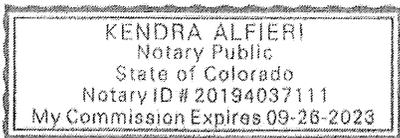
Timothy V. Corrigan, Chair

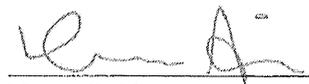
Board of County Commissioners

STATE OF COLORADO )  
 )  
, COUNTY OF ROUTT )

The foregoing instrument was acknowledged before me this 27 day of May, 2020, by Timothy V. Corrigan as Chair of the Routt County Board of County Commissioners for Routt County, Colorado, a body corporate and politic.

Witness my hand and official seal.



  
Notary Public

Clerk and Recorder: Please index in real property transfer records with Timothy R. Magill as Grantee and Routt County, Colorado, a body corporate and politic as Grantor.

**QUIT CLAIM DEED**

This Quit Claim Deed, made this 9<sup>th</sup> day of April, 2001, is between Routt County, Colorado, a body corporate and politic ("Grantor") of the County of Routt, State of Colorado and Timothy R. Magill ("Grantee") whose legal address is P.O. Box 775335, Steamboat Springs, Colorado 80477.

For and in consideration of One Hundred Fifty Dollars (\$150.00) and other valuable consideration the receipt and sufficiency of which is hereby acknowledged, Grantor hereby does remise, release, sell, convey and quit claim unto Grantee and its assigns and successors forever, all the right, title, interest, claim and demand which the Grantor has in that real property described as:

1/16 interest in Tom Thumb Lode Mining Claim, Section 9, Township 10 North, Range 85 West of the 6<sup>th</sup> P.M.

together with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the Premises, with the hereditaments and appurtenances. Grantor conveys the above-described real property on the condition that non-mining development is prohibited on said real property and, in the event of a breach of this condition, said real property shall revert to Grantor.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

Routt County, Colorado,  
a body corporate and politic

By: Nancy J. Stahovlak  
Nancy J. Stahovlak, Chairman  
Board of County Commissioners

STATE OF COLORADO    )  
                                  )ss.  
COUNTY OF ROUTT     )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2001, by Nancy J. Stahovlak as Chairman of the Routt County Board of County Commissioners for Routt County, Colorado, a body corporate and politic.

My commission expires: 12/11/2001  
Witness my hand and official seal.

Deanna S. Lohr  
Notary Public





**ROUTT COUNTY PLANNING DEPARTMENT**  
136 6<sup>th</sup> Street, suite 200 \* Steamboat Springs, CO 80477 \* (970) 879-2704 \*  
FAX(970) 879-3992

**REFERRAL AGENCY NOTICE OF APPLICATION**

Date : 11/17/2019

This office has received a request for the following activity and seeks your input as a referral agency.

**ACTIVITY#:** PL-19-189

**PETITIONER:** Yampa Valley Engineering

**PETITION:** Conditional Use Permit for a Telecommunications tower for wireless internet service.

**ADDRESS:** 63600 FSR 490, CLARK

**LOCATION/LEGAL:**

West slope of Hahns Peak.

Secs 8,9-10-85 & 10/16 Tom Thumb Claim Sec 9-10-85

The matter will be reviewed on:

<b>Scheduled Review:</b>	<b>Date</b>
Planning Commission	6/4/2020 at 6:00pm

Please submit comments by 6/1/20 to **Kristy Winsler**

Referral Agency Response:

- No Comment
- Will Send a memo by the comment due date.
- Will attend hearing because there is technical complexity associated with this petition.
- Comment: Access to this site from a emergency response standpoint is very remote/extended, in the event of an electrical system malfunction it would be recommended that a monitoring/alert system be in place for alerting the operators of an existing or pending condition that may result in a fire within the structure. There may be measures in the design of the structure, but I am un-able to locate any in the submitted documents.

\*\*\*\*\*

**Reviewed by:** Michael Swinsick, District Chief NRPD **Date:** 05/29/2020

**If no comments are received by the due date, staff must assume you have no concerns on this project.** \*\*\*\*\*

**The Planning Department has placed the application on the Routt County website for your review. You can access this site at : [www.co.routt.co.us/planning/pending](http://www.co.routt.co.us/planning/pending).**

**From:** [Alan Belvo](#)  
**To:** [Kristy Winser](#); [Sean Heskett](#)  
**Subject:** Re: FW: Referral comments for Zirkel Wireless  
**Date:** Tuesday, June 2, 2020 2:09:15 PM  
**Attachments:** [image003.png](#)

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Kristy, Thanks for sharing this comment with us. Sean spoke with Michael and described the type of low voltage equipment we will be using and that our equipment is monitored 24 x 7. We also intend to have fire extinguishers on site. I believe this addressed his concern.

Thank you,

**Alan Belvo**

**ZIRKEL Wireless**  
**Internet for Northwest Colorado**

970-871-8500 x101 office

970-846-8060 mobile

[Website](#) | [Facebook](#)

On Mon, Jun 1, 2020 at 3:54 PM Kristy Winser <[kwinser@co.routt.co.us](mailto:kwinser@co.routt.co.us)> wrote:

Good afternoon.

I just received the below comment from N. Routt FD. You may want to reach out before the meeting to address. Otherwise, the PC could draft a condition specific to this to address his concern which is customary.

Thanks,

Kristy

**Need local information about COVID-19 (coronavirus) in Routt County?**

**Call-in for COVID-19 related questions: 970-871-8444**

**From:** [Gary Warchol](#)  
**To:** [Kristy Winser](#)  
**Subject:** Zirkel Wireless Telecommunication Tower on Hahn's Peak  
**Date:** Tuesday, June 2, 2020 12:02:55 AM  
**Attachments:** [Petition.zip](#)

---

Dear Kristy,

Thanks for taking the time to pass this information on to the members of the Planning Commission regarding the telecommunication tower being purposed on Hahns Peak via Zoom on Thursday June 4th.

Thanks,

Katie

**Dear Members of the Planning Commission:**

Steve Warnke  
Troy Brookshire  
John Merrill  
Bill Norris  
Brain Kelly  
Greg Jaeger  
Andrew Benjamin  
Peter Flint  
Billy Mitzelfed  
Roberta Marshall  
Rohail Abid

Thank you for taking the time to look over the information provided for the next upcoming meeting regarding the Telecommunication tower being purposed on Hahns Peak by Zirkel Wireless. I hope this finds you and your family healthy and well, during these uncertain times.

Hahns Peak, also know as, "God's Mountain" ( Last of the Hahn's Peak Homesteaders written by Rose Wheeler) holds a very dear place in my heart. I was born and raised here and have hiked Hahn's Peak every year, now continues on with my children. I even managed to hike it in flip flops once, not a good idea. My grandfather has even made it to the tower in a jeep back in the day. If the purposed tower goes in that will change for us. It will not be safe.

I began my research when I linked health issues to exposures to Smart Meters, WiFi, cell phone and etc. My findings have been very concerning and that there is so many other safe ways for technology. Yampa Valley Electric is in the process of installing Fiber Optics in the power lines, to service the North Routt Area, which is in need of better internet service no doubt. Last I spoke with them they plan to have it installed to the end of Seed House Rd. and to Hahn's Peak by fall, this is huge. This being a much safer option and can be hardwired in your home to eliminate the exposures of Electro Magnetic Fields to yourself, family members and the community. The structures are already in place, will be a faster and a more stabile service. The purposed tower is not only a huge risk for the people who live on Hahns Peak ( Tim Magill right under the tower), Columbine, Hahns Peak Village, all who ski, hike, use atvs, dirt bikes, snowmobiles and also the local wildlife who reside there. Historic Hahn's

Peak is a hike sought out by visitors from all over the world, along with tons of local traffic. The tower will be creating a grid of radiation to all who would have service and not to mention the booster to be installed at Columbine Cabins, along with a booster on a fellow neighbors property in Columbine. The hopes of a Smart Home. I assume the same for for Hahns Peak village or any other area that there is range. When I spoke with Zirkel Wireless he explained how he sees for this to be like the Tower in Craig and other companies can install cell towers and etc. With Routt County's Co-location law this is very concerning because there is no approval needed. With the roll out of 5G happening globally and that is another issue all by its self. He also explained that the Telecommunication Tower is non-ionizing, the most dangerous kind. This is skin penetrating and causes cells to cluster together, in this process they become confused. The first thing that comes to my mind, cancer ( chart below with many others side effects) The worst part is the biggest target is schools, churches, hospitals, stores and small cell (5G) is being installed on roofs, man hole covers, street lights, rural areas like North Routt and etc. If it was a mountain where people where not living, sought out mountain or a historic site then maybe it would make more sense but why when we have a safer option for North Routt?

Thanks for taking your time and consideration regarding this matter, really appreciate it. I have attached the petitions signed by the community against the Telecommunication Tower and a few link if you may have time to read.

God's mountain is a beautiful landmark for miles around and far too beautiful to have a tower upon it.

Sincerely,

Katie Warchol

**Petitions Below-**



**From:** [Gary Warchol](#)  
**To:** [Kristy Winser](#)  
**Subject:** Telecommunication tower on Hahn's Peak  
**Date:** Tuesday, June 2, 2020 9:00:09 AM  
**Attachments:** [95268294\\_1758239064318757\\_9001358017614053376\\_o.png](#)

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Good Morning Kristy,

I just wanted to make sure you received my email and everything opens and there is no issues. Somehow the chart didn't send, enclosing that if there is anyway you can pass on.

Thanks again for all of your time and care!

Have a beautiful day,

Katie

#### Symptoms of Microwave Illness

<https://www.microwavedvets.com>

Headaches	Difficulty Concentrating	Tinnitus
Dizziness	Memory Loss	Hearing Loss
Nausea	Brain Damage	Irregular Sleep Pattern
Skin Rash	Mood Disorder	Insomnia
Itchy Skin	Personality Disorder	Chronic Fatigue
Burning Skin Sensation	Increased Irritability	Deteriorating Vision
Tingling Sensation	Decreasing Trust in People	Pressure in/behind eyes
Tremors	Depression	Eye Damage
Muscle Spasms	Anxiety	Cataracts
Muscle and Joint Pain	ADHD/ADD	Immune Abnormalities
Restless Leg Syndrome	Digestive Issues	Altered Sugar Metabolism
Foot Issues	Abdominal Pain	Asthma Attacks
Low/High Pressure	Enlarged Thyroid	Bronchitis
Facial Flushing	Hair Loss	Pneumonia
Dehydration	Testicular/Ovarian Pain Low	Inflamed Sinuses
Body Metals Redistribution	Sperm Motility	Chest Pain/Pressure
Leukemia	Miscarriage	Heart Arrhythmia
Lymphoma	Electromagnetic Sensitivity	Heart Palpitations

**From:** [Rose Lynn Scott](#)  
**To:** [Kristy Winser](#)  
**Subject:** Hahns Peak tower  
**Date:** Tuesday, June 2, 2020 11:19:21 AM

---

Please do not do this to our beloved Hahns Peak.

The timing really is unfortunate, with covid, everyone is out of touch with our normal channels of communication. Many residents are unaware of this proposal... or you would have even more people objecting....

Hahns Peak is the focal point of our community, and North Routt greatly values the unspoiled beauty up here.

This would be a huge slap in the face to all the people who live here and who came before. This is a historic community, and this is not appreciated.

This company can find another location, one not as treasured historically as our beautiful Hahns Peak.

If one tower is installed, more will follow, like what happened with Farwell Mountain....Hahn's Peak is not a commercial pin cushion.... It needs to STAY off limits!

I'm sure it would make a great advertising photo, but that would be a further atrocity. Leave our sacred mountain alone.

Potential health issues for our residents as a result of the proximity of this tower have not been addressed.

Yampa Valley Electric is in the process of installing wireless up here, why the overkill?

Zirkle sees this as a way to make money..... The unspoiled beauty of Hahns Peak is worth much more than money....

Please do not foul our beautiful mountain!

Rose Lynn Scott  
26765 Beaver Canyon Dr.  
Clark, Colorado 80428

**From:** [Kendra Alfieri](#)  
**To:** [Kristy Winser](#)  
**Subject:** Public comment for Planning commission- Zirkel wireless  
**Date:** Thursday, May 28, 2020 3:51:50 PM

---

Public comment questions for Zirkel:

- 1- When will the homes in Willow Creek up in Clark have internet up and running? Do they have to be in the sight line of the tower to get service?
- 2- What will the monthly fees be? Are there any additional set up or infrastructure fees the individual home owners would be charged for?
- 3- Is there any kind of sign up list people should be getting on now to get service sooner?

In commitment to COVID-19 response and preparedness efforts emails are being filtered and prioritized accordingly. Emails in reference to non-essential operations may not be answered for a period of time.

Regards,

*Kendra Alfieri*

*Office Manager- Routt County Commissioners Office*

522 Lincoln Ave #30

Steamboat Springs, CO 80487

Office: 970-879-0108

Direct: 970-870-5315

**Need local information about COVID-19 (coronavirus) in Routt County?**

**Call-in for COVID-19 related questions: 970-871-8444**

**Routt County COVID-19 website: [www.covid19routtcounty.com](http://www.covid19routtcounty.com)**

**From:** [Alan Belvo](#)  
**To:** [Kristy Winser](#); [Sean Heskett](#)  
**Subject:** PL-19-189 Zirkel Wireless - Safety of wireless signals  
**Date:** Wednesday, June 3, 2020 9:26:13 AM

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Kristy, Please include these two sources as part of our presentation. Both the World Health Organization and the American Cancer Society state there is no convincing evidence that RF signals cause adverse health effects.

<https://www.who.int/peh-emf/publications/facts/fs304/en/#:~:text=Considering%20the%20very%20low%20exposure,networks%20cause%20adverse%20health%20effects.>

<https://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html>

Also, these sources are referencing cell phone signals that can use between 100 - 500 watts. Zirkel Wireless does not utilize cell phone signals or 5G signals for our Access Points. Our Access Points use substantially lower power between 1 and 15 watts.

Katie Warchol seems to be in favor of Yampa Valley Electrics Broadband deployment because she incorrectly thinks that everyone will be getting fiber to the home. However, YVEA / Luminate broadband is typically bringing fiber to the neighborhood and the last mile is often 5G wireless to the home.

Thank you,

**Alan Belvo**

**ZIRKEL Wireless**  
**Internet for Northwest Colorado**

970-871-8500 x101 office

970-846-8060 mobile

[Website](#) | [Facebook](#)

# Example Tower Pics

All photos taken on iPhone 11pro at 1x, 2x & 10x

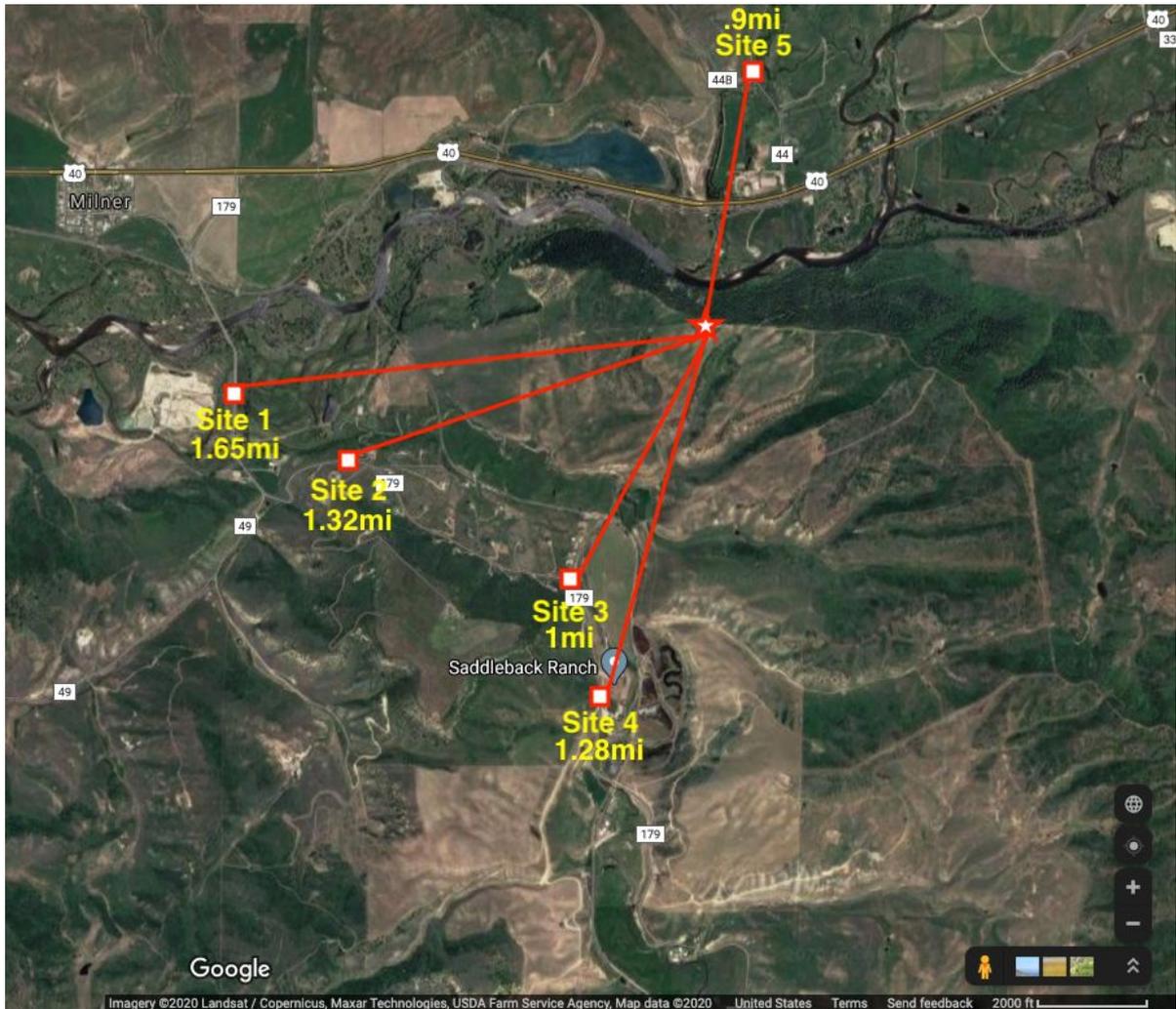


## Milner tower

Located on Saddleback Ranch

Same size solar array as proposed for Hahns Peak.

The Milner tower is 50 feet tall. The proposed Hahns peak tower is 30 feet but only 5 feet of the structure is above the roofline of the telecom shelter



Milner tower

Located on Saddleback Ranch

Photos were taken from 5 different locations.



Site 1

Precision Excavating  
Gravel Pit entrance and  
county road 179

1.65mi

1x



Site 1

Precision Excavating  
Gravel Pit entrance and  
county road 179

1.65mi

1x



Site 1

Precision Excavating  
Gravel Pit entrance and  
county road 179

1.65mi

2x



Site 1

Precision Excavating  
Gravel Pit entrance and  
county road 179

1.65mi

2x



Site 1

Precision Excavating  
Gravel Pit entrance and  
county road 179

1.65mi

10x

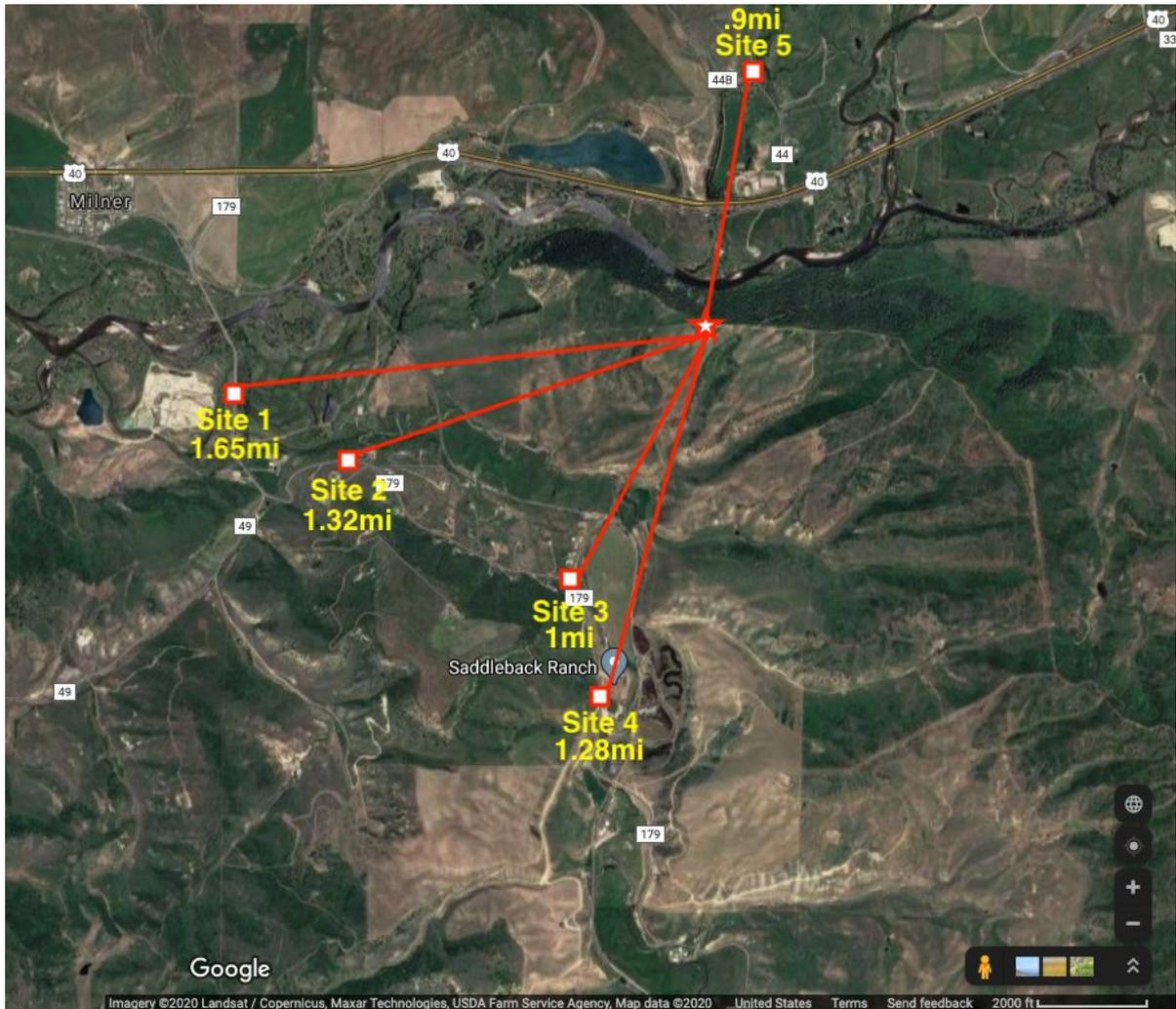


Site 1

Precision Excavating  
Gravel Pit entrance and  
county road 179

1.65mi

10x



Milner tower

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Site 2

Three waters ranch  
entrance and county road  
179

1.32mi

1x

Note: the power pole is  
60-70 feet tall



Site 2

Three waters ranch  
entrance and county road  
179

1.32mi

1x

Note: the power pole is  
60-70 feet tall



Site 2

Three waters ranch  
entrance and county road  
179

1.32mi

2x

Note: the power pole is  
60-70 feet tall



Site 2

Three waters ranch  
entrance and county road  
179

1.32mi

2x

Note: the power pole is  
60-70 feet tall



Site 2

Three waters ranch  
entrance and county road  
179

1.32mi

10x

Note: the power pole is  
60-70 feet tall.

The tower is 50 feet tall



Site 2

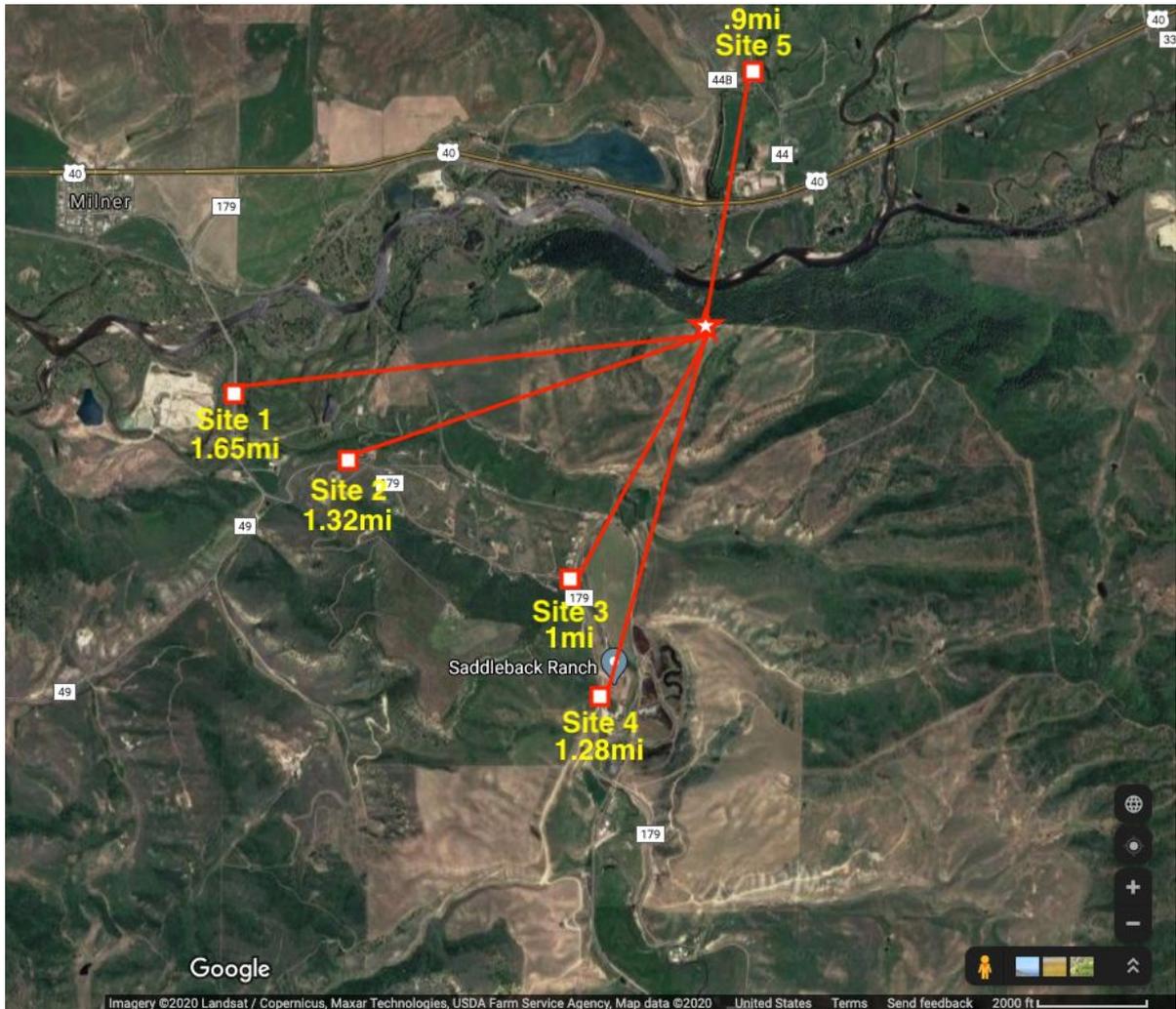
Three waters ranch  
entrance and county road  
179

1.32mi

10x

Note: the power pole is  
60-70 feet tall.

The tower is 50 feet tall



Milner tower

Located on Saddleback Ranch

Photos were taken from 5 different locations.

Same size solar array as proposed for Hahns Peak.

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Site 3

Snowshoe Lane and  
county road 179

1mi

1x



Site 3

Snowshoe Lane and  
county road 179

1mi

1x



Site 3

Snowshoe Lane and  
county road 179

1mi

2x



Site 3

Snowshoe Lane and  
county road 179

1mi

2x



Site 3

Snowshoe Lane and  
county road 179

1mi

10x



Site 3

Snowshoe Lane and  
county road 179

1mi

10x



Site 3

Snowshoe Lane and  
county road 179

1mi

1x



Site 3

Snowshoe Lane and  
county road 179

1mi

1x



Site 3

Snowshoe Lane and  
county road 179

1mi

2x



Site 3

Snowshoe Lane and  
county road 179

1mi

2x



Site 3

Snowshoe Lane and  
county road 179

1mi

10x

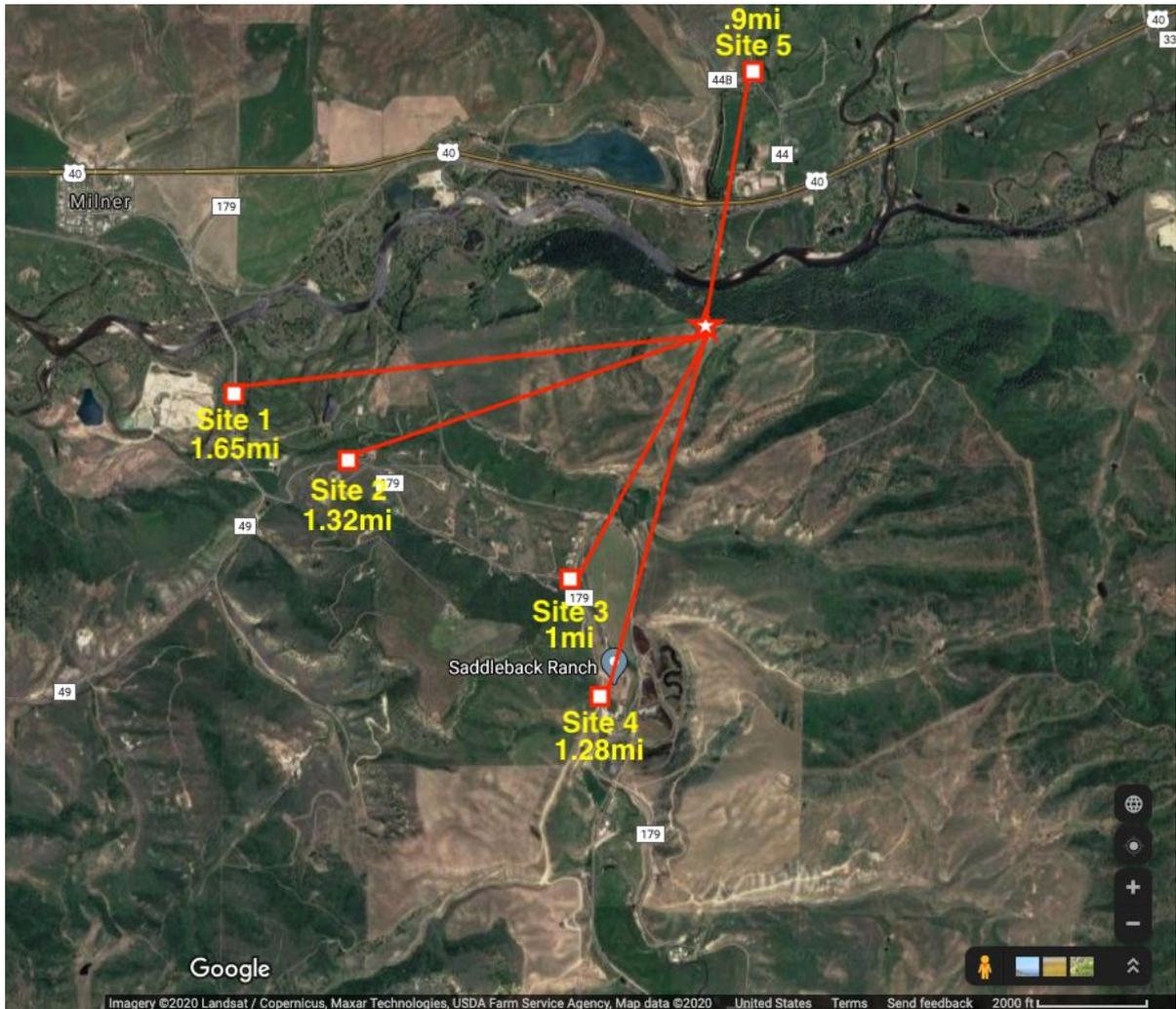


Site 3

Snowshoe Lane and  
county road 179

1mi

10x



Milner tower

Located on Saddleback Ranch

Photos were taken from 5 different locations.

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The Milner tower is 50 feet tall. The proposed Hahns peak tower is 30 feet but only 5 feet of the structure is above the roofline of the telecom shelter



Site 4

Saddleback Ranch  
entrance and county road  
179

1.28mi

1x



Site 4

Saddleback Ranch  
entrance and county road  
179

1.28mi

1x



Site 4

Saddleback Ranch  
entrance and county road  
179

1.28mi

2x



Site 4

Saddleback Ranch  
entrance and county road  
179

1.28mi

2x



Site 4

Saddleback Ranch  
entrance and county road  
179

1.28mi

10x

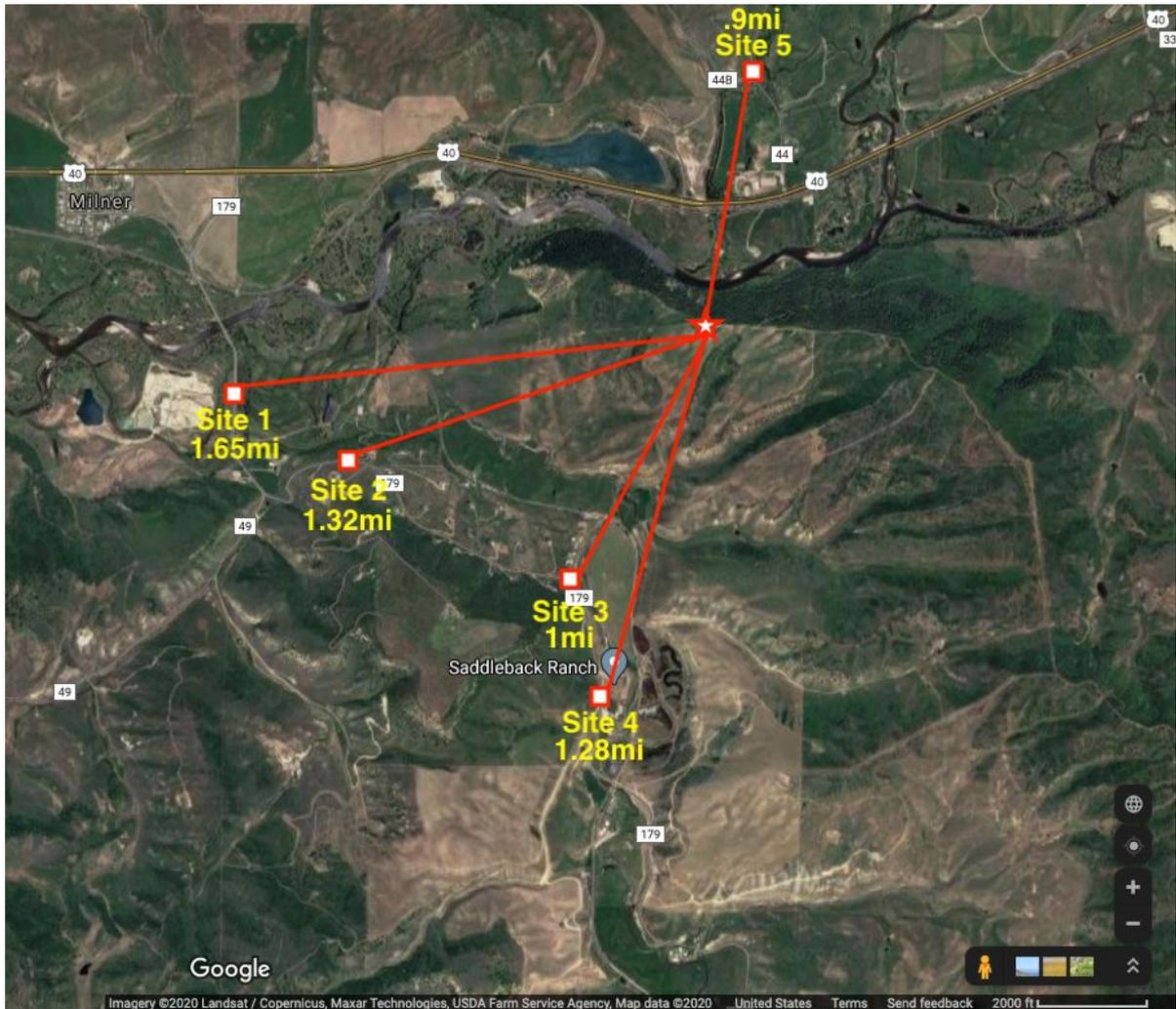


Site 4

Saddleback Ranch  
entrance and county road  
179

1.28mi

10x



Milner tower

Located on Saddleback Ranch

Photos were taken from 5 different locations.

Same size solar array as proposed for Hahns Peak.

The Milner tower is 50 feet tall. The proposed Hahns peak tower is 30 feet but only 5 feet of the structure is above the roofline of the telecom shelter



Site 5

County road 44 and 44B

.9mi

1x



Site 5

County road 44 and 44B

.9mi

1x



Site 5

County road 44 and 44B

.9mi

2x

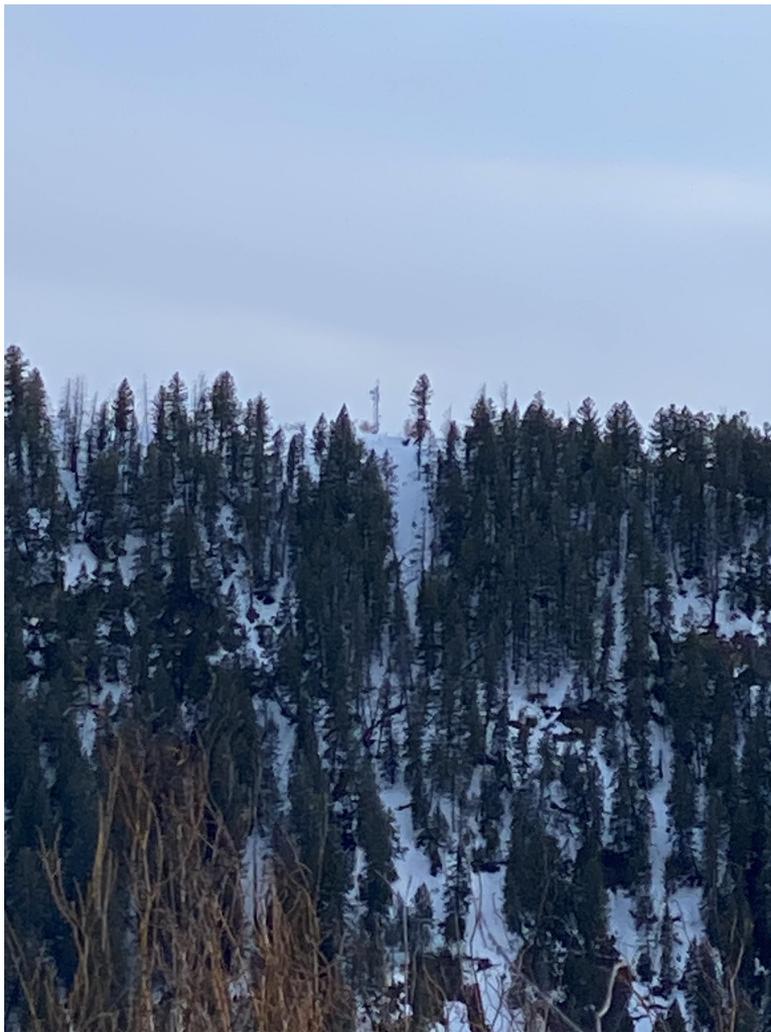


Site 5

County road 44 and 44B

.9mi

2x

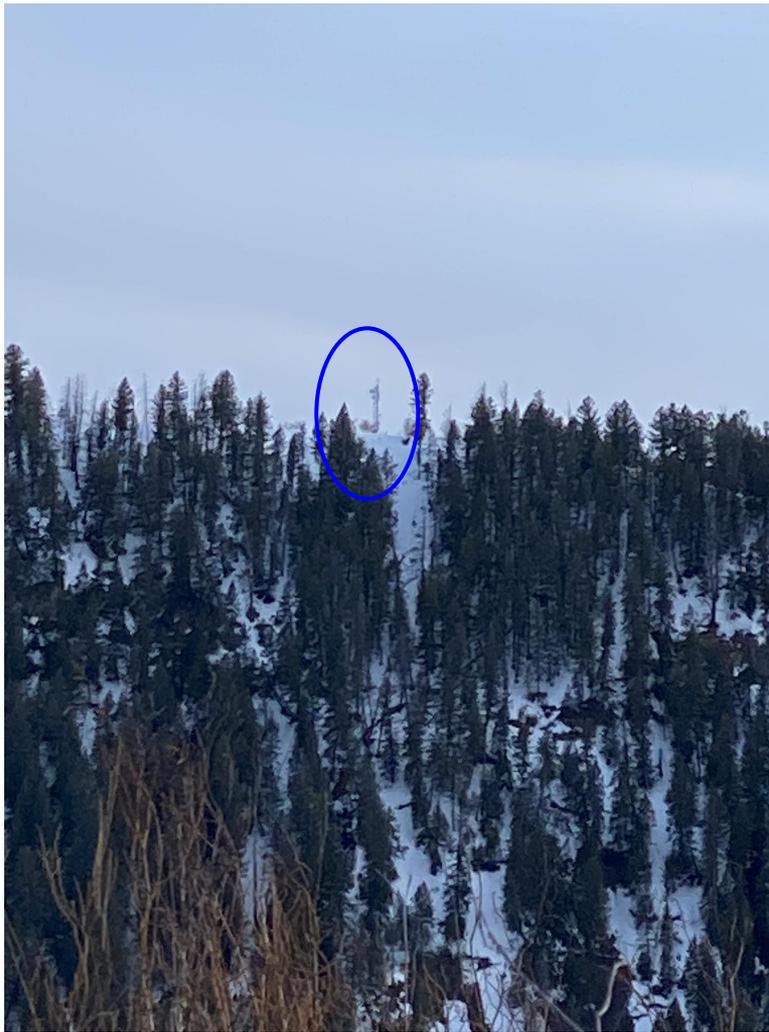


Site 5

County road 44 and 44B

.9mi

10x



Site 5

County road 44 and 44B

.9mi

10x