

STAFF REPORT, BOULDER TOWN

To: Planning Commission
From: Curtis Oberhansly, Zoning Administrator
Michala Alldredge, Deputy Zoning Administrator
Peg Smith, Planning Commission Clerk and Recording Secretary
Date: December 3, 2020

Re: APPLICATION OF DW TOWER SCHEDULED FOR PUBLIC HEARING 12/10/20.

The attached application was preliminarily introduced conceptually to the PC at the November meeting. The application was advertised and posted on the town website 10 days prior to the December Public Hearing.

FINDINGS:

1. The proposed tower is allowed in the GMU zone for Thompson Ledge as a Conditional Use; is compatible with the Table of Uses, under Public Uses and Utilities; and is compatible with the General Plan, in particular Sec. 7.5(B) Utility and Public Uses, and Chapter 12, Public Facilities and Services.

2. The applicant has secured a long-term lease agreement with Peterson Boulder Ranch LP, the owners of the north portion of Thompson Ledge, contingent upon securing the appropriate approvals from the Town. The project requires activity and use of the road during the construction phase, but beyond that requires minimal maintenance or site visits.

3. The applicant is proposing a 60 foot tower in place of the existing 60 foot tower, which the applicant will remove together with the other nonessential poles and infrastructure to reduce visibility impacts. The existing tower is not structurally capable of handling the needs. (Part B(1) application narrative.)

4. The height limitation in the new cell tower Ord. 2020-3, effective 9/3/20, is 50 feet; therefore, the new ordinance renders the existing 60 feet tower a noncomplying structure. The applicant states that in order to accomplish its goal of a microwave relay to Mount Pennell, plus adequate space for the antenna of multiple providers, including CommNet and First Net, the 60 feet of structure is needed. (See Part B, application narrative.) It is within the PC's authority to allow the replacement tower to continue the noncomplying status at 60 feet.

5. The applicant is building the tower in part for colocation of other providers. In addition, the applicant will relocate the existing TV antenna on the old tower over to the new tower. Currently the Thompson Ledge tower site is used for low power television broadcast. The applicant has hired 3rd party (RF) engineers to confirm that the proposed tower and new uses (wireless carriers) will not interfere with the television broadcast frequencies currently used by Boulder residents. (Part A(3) application narrative and input from applicant.)

6. A coverage analysis was performed by Engineering Wireless Services (EWS) at the behest of the applicant. EWS concluded in an apples-to-apples analysis (ie, fiber optics connection, antennas at 45 feet height) between the location on Thompson Ledge and the existing tower in the center of town. With all things being equal, the Thompson Ledge site

provides 40% more coverage overall to the Boulder area, which includes enhanced coverage for First Responders. (Appendix C to the application narrative.)

7. The applicant performed due diligence as required by the ordinance by looking at alternative sites, mitigating impacts and colocation for other providers. They first met with the ZA and a member of the TC at the South Central property and existing tower next to the school and church to explore the option of locating their microwave dish aimed at Mount Pennell from the So. Central site. They listened to the feedback regarding aggregating more communication services, dishes and antenna in the middle of town. And the concerns that a microwave dish pointed east was pointed at the school. They then explored an alternate location, met with the Mayor and ZA on Thompson Ledge, which led to this application. Between the existing tower site in the center of town and the Thompson Ledge site, the latter addresses many of the concerns expressed about radio frequency (RF) wave concentration in town next to the school and church; it also mitigates the visual impacts and provides colocation -- each as required by the ordinance. (Part B and C of the application narrative.)

CONCLUSION:

Having reviewed the application in light of the applicable ordinances, staff recommends APPROVAL of the application with CONDITIONS.

CONDITIONS:

- i) The applicant will:
 - (a) Erect a new tower with maximum height of 60 feet as shown on the site plan, appendix B, application narrative; and
 - (b) Bring fiber optics to the site to enhance all coverage; and
 - (c) Remove the existing tower and random poles near the tower; and
 - (d) Reinstall the existing TV broadcast antennas on the new Tower in a manner that maintains current levels of reception and assures that new uses (wireless carriers) will not interfere with the television broadcast frequencies; and
 - (e) Offer other cell providers, including CommNet/First Net, the opportunity for colocation on the Tower; and
 - (f) Treat the metal structure with a product called Natina and paint the antennas a rusty brown color to diminish visual impacts; and
 - (g) Repair and restore any damage to the access road incurred during construction; and
 - (h) Help maintain the road, post construction; and
 - (i) Install no lights on the tower or exterior lighting at the facility; and
 - (j) Construct the tower and supporting infrastructure in accordance with the plans and specifications set forth in the application, and comply with all applicable building code provisions.