

EX-04-003

612.18

**SUBDIVISION EXEMPTION  
VOICE STREAM PCS II d/b/a T-MOBILE**

A request by Voice Stream PCS II d/b/a T-Mobile for approval of a Subdivision Exemption to create a parcel of approximately 450 square feet to be utilized for location of an 80-foot stealth pine commercial tower. The property is zoned RR-2 (Rural Residential) District and is located at the southeast corner of the intersection of State Highway 105 and Sierra Way, approximately 2 ½ miles east of Interstate 25. The parcel is addressed as 17995 Sierra Way, in the Tri-Lakes Planning area. Assessor's Tax Schedule #61180-09-003.

**PREPARED BY**

Mike Pesicka  
7/8/04

**APPLICABLE RESOLUTIONS**

Approval                      Page 25  
Disapproval                  Page 26

**DEVELOPMENT SERVICES DEPARTMENT RECOMMENDATION:** The Development Services Department recommends **approval** of this request. If approved, the following condition and notations are suggested:

**CONDITION**

1. The Land Survey Plat as approved by the Board of County Commissioners shall be deposited in the El Paso County Clerk and Recorder's Office.

**NOTATIONS**

1. Due to the very small proposed area for the exemption parcel, it is possible that the effects of either tower failure and/or ice fall could extend outside the exemption area. Any risks associated with this possibility are the responsibility of the owner of the parent parcel.
2. Subdivision Exemption requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action shall be deemed withdrawn and shall have to be resubmitted in their entirety.

**PUBLIC NOTICE:** The property was posted on July 6, 2004.

**PUBLIC NOTIFICATION:** The Development Services Department notified adjoining property owners of the applicant's intent on July 6, 2004. A summary of their responses will be given at the meeting.

**ADJOINING LAND USE AND ZONING**

North	Single-Family Residential	RR-3 (Rural Residential)
South	Single-Family Residential	RR-2 (Rural Residential)
East	Single-Family Residential	RR-2 (Rural Residential)
West	Single-Family Residential	RR-2 (Rural Residential)

**BACKGROUND:** The property was not zoned prior to 1965, at which time it was zoned to the A-4 (Agricultural) Zone District. In 1991 the A-4 Zone District was reclassified to the RR-3 (Rural-Residential) Zone District. The property is classified as a working ranch which allows for more than one dwelling unit on a property. There are currently four separate dwelling units on the property. The total number of residences on a farm, ranch, dairy, or fur farm shall not exceed one (1) unit per five acres. The subject property is approximately 95 acres in size and does exceed the density requirement.

**AGENCY COMMENTS**

**EL PASO COUNTY DEPARTMENT OF TRANSPORTATION- Engineering Division:** No new access will be allowed from State Highway 105 or Sierra Way. The Engineering Division has no comments or objections on the above referenced submittal.

**ENVIRONMENTAL SERVICES** – No objections.

**MOUNTAIN VIEW ELECTRIC ASSOCIATION** - No objections to the proposed subdivision exemption.

The following agencies have been notified and their comments, if any, will be presented at the meeting if available.

- El Paso County Health and Environment
- Regional Building Department
- County Attorney
- Lewis-Palmer Schools #38
- Tri-Lakes Fire District

## PLANNING DIVISION COMMENTS:

- 1) The request for a subdivision exemption is to allow for the conveyance of a 450 square foot tract for the placement of a 80' mono-pine communications tower and facilities.

Section 30-28-101(10)(a), C.R.S. defines subdivision. Section 30-28-101(10)(d), C.R.S. stipulates that:

“The board of county commissioners may, pursuant to rules and regulations or resolution, exempt from this definition of the terms ‘subdivision’ and ‘subdivided land’ any division of land if the board of county commissioners determines that such division is not within the purposes of this part I.”

This request, if approved, will not create a parcel for residential or commercial use and will be utilized solely for the tower.

- 2) This request, if approved, will create a better signal network for the company and public cell phone use.
- 3) The tower as proposed would provide for future co-location opportunities as noted by the applicant.
- 4) Although the tower is proposed to be self-collapsing in the event of failure, staff believes there is some potential for impacts to occur outside of this very small subdivision exemption area. These could include parts of the tower and/or ice fall being deposited by wind outside the exemption area. A notation addressing this potential is recommended.

## ENCLOSURES

Vicinity Map  
Letter of Intent  
Survey

**EL PASO COUNTY  
VARIANCE OF USE APPLICATION**

**LETTER OF INTENT/PROJECT SUMMARY**

**Petitioner:**

VoiceStream PCS II Corporation d/b/a T-Mobile, offers its wireless communications services in 45 of the top 50 U.S. markets. T-Mobile is the new name for VoiceStream Wireless. T-Mobile USA, Inc., is a member of the T-Mobile International group, the mobile telecommunications subsidiary of Deutsche Telekom AG. T-Mobile USA and its affiliates own licenses to provide service to 95% of the U.S. population.

**GSM:** Global System for Mobile Communications (GSM) technology

T-Mobile's PCS network uses GSM technology. "GSM" stands for Global System for Mobile Communications, the international digital radio standard created by the European Telecommunications Standards Institute. GSM is the most widely used wireless technology standard in the world. Developed to allow users to roam freely among markets, it has become the globally accepted standard since the first systems began commercial operation in 1991. In the United States, GSM-based PCS 1900 has been accepted by the American Standards Institute (ANSI) as a standard for the PCS frequencies allocated by the FCC at 1900 MHz.

T-Mobile USA is the only national carrier to operate a ubiquitous GSM (Global System for Mobile Communications) network across its entire footprint. T-Mobile holds license in the Denver Market as follows: Transmit: 1950-1965 MHz; Receive: 1870-1885 MHz.

**Wireless Technology:**

A wireless system operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells. This is known in the industry as frequency reuse. As a subscriber travels across the service area, the cell is transferred (handed-off) from one cell to another without noticeable interruption. All the cells in a wireless system are connected to a Mobile Telephone Switching Office (switch) by landline or microwave links. The switch controls the interconnection between the public telephone network (such as Qwest) and the cell site for all wireline-to-mobile and mobile-to-wireline calls.

A network of wireless sites is created to help eliminate consumer service problems such as: dropped calls, blocked calls, no signal, or poor quality because a site is too far away or not geographically situated to be able to provide service.

**Siting Practices:**

In siting a new installation, a wireless communications provider requires a location that is technically compatible with the established network. A general area is identified based upon engineering constraints and the desired area of service. Specific locations within that general area will be evaluated using the following criteria (not necessarily in order of priority): topography; availability of road access; electrical power; land-based telephone lines; leasable lands; availability of suitable existing structure for antenna mounting; opportunities to mitigate possible visual impact; screening potential of existing vegetation, structure and topographic features; zoning that will allow a wireless communications installation;

compatibility with adjacent land uses; least number of sites to cover the desired area; and the greatest amount of coverage potential.

It is T-Mobile's policy to locate wireless communications installations on existing structures whenever possible.

**Property Description:**

The proposed Commercial Tower facility will be located at 17995 Sierra Way. The parcel is located in the "RR-2" Zone District. The parcel is owned by Allen Goodman and is currently improved with a house and tractor service workshop. T-Mobile is leasing approximately 450 square feet in the north central portion of the property. Access will be via Sierra Way over an existing gravel road.

**Nature of Request/Zoning Analysis:**

T-Mobile is requesting a Variance of Use, Subdivision Exemption and any other permits necessary to allow for the construction of a Commercial Tower facility in the RR-2 Zone. The T-Mobile facility will consist of a stealth pine tree not to exceed 80' in height, panel antennas located near the top of the stealth tree and its accompanying equipment cabinets at the base of the pole (see Exhibit G "Site Plans and Survey").

Chapter IV, Section 35.11 "Requirements for a Commercial Tower or Private Tower" of the El Paso County Land Development Code allows the following:

A commercial tower may only be approved in those zones where such use is subject to Special Review.

The subject property is zoned RR2 in which a commercial tower is not allowed as either a Permitted Principal Use or Special Use.

T-Mobile's proposed facility will therefore be subject to a Variance of Use for the RR2 zoning district. As set forth in the accompanying exhibits, this application conforms to all the requirements and standards of the Zoning Code. Further, all setbacks will be met, and no streets, rights-of-way, or easements will be encroached upon.

**Communication Facility Components and Operations:**

Communications facilities constructed by T-Mobile consist of a tower or other antenna support structure, three to twelve panel antennas, base station equipment and a generator or emergency power source, when needed. The proposed PCS facility will not generate a nuisance, noise or odor, nor will the facility injure public health, safety, morals or general welfare. Such technology does not interfere with any form of communication whether public or private, but will provide vital communications in emergency situations. Wireless technology is commonly used by local residents and emergency personnel to protect the general public's health, safety and welfare.

**Statement of Operations:**

T-Mobile telecommunication facilities are not staffed and have no regular hours of operation. The site will not impact existing traffic patterns. No water or sewer service is required. Ingress and egress will be through existing entrances to property for technicians who need access to the facility to service the site, once a month on average once fully constructed.

### **Federal Communications Commission:**

The Federal Communications Commission (FCC) under the Federal Radio Act of 1927 maintains control in the United States over all the channels of radio transmission and provides for the use of such channels under licenses granted by Federal authority. PCS licensees are issued a blanket license for their entire market area and are not required to submit applications to the FCC in order to license individual wireless sites. The FCC, pursuant to its regulations, has determined that PCS facilities generally do not have environmental effects unless construction of the facility would be a major environmental action or would require Federal Aviation Association (FAA) notification. Major environmental actions are defined by the National Environmental Policy Act of 1969 (NEPA). The NEPA report identifies such potential issues as floodplains, wildlife preserves, endangered species and historic places. Wireless providers obtain NEPA reports prior to proceeding with construction of a new site to ensure compliance.

### **Wireless in the Community:**

The number of Americans using wireless service has increased more than one thousand percent (1000%) in the past decade, from only about 11 million Americans using wireless in 1992 to nearly half of all Americans today. As of January 2004, statistics indicate there are about 153,829,255 current U.S. wireless subscribers who use their wireless phones and other devices to stay connected to family, conduct business, talk to friends and even call for assistance when needed.

With the ever-increasing use of wireless phones, users are demanding better coverage within their residences. Roughly five percent of wireless consumers, or more than 7 million Americans, have "cut the cord" on their home phones and rely now solely on wireless for voice communications. In fact, nearly twenty percent of wireless users consider their wireless phone their "primary phone". Because of this demand, T-Mobile is making a concerted effort to improve service in residential areas. A majority of their new wireless facilities are focused on providing "in-home" coverage.

### **Wireless and Emergency Service:**

Approximately forty percent (40%) of the 911 calls received today by emergency service personnel are made from wireless phones. This equals more than 115,000 wireless phone calls made every day to 911.

As part of the Federal Communications Commission's mandate for E-911, wireless carriers also are required to be able to locate a call from a wireless phone to an increasingly accurate geo-location.

T-Mobile has joined with the National Communications System (NCS) to provide the Wireless Priority System (WPS) in many areas of the United States, including Denver. When trying to make a call in times of emergency or natural disaster, national security and emergency preparedness users will have the ability to gain priority access to the next available cellular channel to place their call. This service will greatly enhance their ability to complete wireless calls during critical times and communicate vital decisions and reports during emergency situations.

WPS is available only to designated leadership at all government levels, national security and emergency preparedness personnel, and private sector critical infrastructure leaders and decision makers, as approved by Federal Communications Commission Rules and Requirements and the NCS. Further, WPS has been designed to have negligible impact on regular cellular users, while providing priority access to vital decision-makers without restricting the public's ability to gain access to those same networks.

# El Paso County Parcel Information

Parcel Number: 6118009003

Parcel Address: 17995 SIERRA WAY

Parcel Owner: GOODMAN ALLEN P

File Name: VA-04-008

Zone Map No.: 612.18

Owner Mailing Address: 17995 SIERRA WAY, MONUMENT, CO 80132



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Please report any discrepancies to:  
El Paso County GIS/Mapping  
325 S. Cascade  
Colorado Springs, CO 80903  
(719)520-6523

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May 24, 2004



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