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September 23, 2024

Daniel Victoria  
Fremont County Planning Director  
615 Macon Ave. Room #210  
Canon City, CO 81212  
(719) 276-7365

RE: Proposed VB BTS II, LLC Wireless Communications Facility – US-CO-5091 Texas Creek  
43340 US Highway 50  
Canon City, CO 81212  
Parcel No. 99924523

Dear Mr. Victoria and Members of the Board of County Commissioners:

LCC Telecom Services, on behalf of the applicant, VB BTS II, LLC (“Vertical Bridge”), has filed an application for a conditional use permit with Fremont County for the proposed wireless communications facility at the above listed location. The Fremont County Plan Commission unanimously recommended approval of the proposal on August 6, 2024, finding that the applicant met the legal standards necessary for conditional use.

On September 23, 2024, we received a copy of a letter dated September 22, 2024, from Mr. Todd Denius which included another letter from Dick DeWard dated September 21, 2024. This response letter aims to provide factual information which will substantiate the basis for approval and point out the opinions provided in the letter of objection.

**Todd Denius Letter**

In Mr. Denius’ letter he states the application “indicates that we will benefit from this tower and its location.”

**The application does not specifically state the tower will benefit Mr. Denius specifically, it does however state that properties in the area will benefit from an improved wireless signal, which is factually correct. As stated in the application materials, the proposed tower will**

**enhance wireless services in the area. Typically, a tower in a rural area such as this covers approximately a three (3) to six (6) mile radius and provides added coverage to residents within the area which will include the health and safety benefits in the event of an emergency. As part of the application process, we were required to obtain sign off from the local fire protection district, Tallahassee Fire Protection District. In a conversation with Chief Mark Norris, stated the proposed site will improve coverage in the area which will benefit the fire department.**

Mr. Denius stated the site was originally proposed further north per the original application.

**Although other locations on the parent parcel were considered, the site was never applied for at any location other than what is currently shown in the drawings. In order to design a site, a “design visit” was done with the landlord, David Easton; Ramaker and myself. At that design visit it was determined that the terrain was too severe in one of the locations under consideration, therefore the location shown on the drawings was the chosen location. This was the location submitted from the onset of the zoning application.**

Mr. Denius stated “we have concerns that this tower being located so closely to us will affect our property values. We believe the most economical option was pursued without any regard how it would affect the adjacent properties.”

**Mr. Denius submitted has not submitted admissible evidence that proposed tower will negatively impact property values, either on his own or through the letter from Mr. DeWard. There is no proof that property values will be impacted; the statements are conjecture that is unsupported by admissible evidence.**

The site was not selected because it is the most economical option, rather it was selected as the best alternative within T-Mobile’s network coupled with the fact that we were able to find a willing landlord that met the engineering criteria for a site. The proposed tower is located approximately 639’, 0.12 miles west of the Denius’ home. The proposed location meets all criteria as required in the Fremont County Zoning Ordinance, Sections 8.14.4 and 8.14.7.4, including but not limited to design, location and setbacks in the AF, Agricultural Forestry District. In October 2022, LCC Telecom Services sent letters to property owners seeking interested candidates for the proposed tower. No response was received from Mr. Denius, therefore other properties were considered, including Mr. Easton’s which was eventually selected by T-Mobile as being the location to meet their coverage objectives within the existing network.

Mr. Denius provided examples of stealth towers “monopine towers” and representations of how the proposed tower would look.

**Although stealth towers are often considered, they are used when the tower is near the natural height of a tree species. The monopine as shown in the attached pictures would actually draw more attention and be more obvious. At 199’-0”, a monopine would be extremely out of**

proportion. The tallest pine trees are typically in the 70' – 80' range whereas this tower is approximately 2 ½ times that height. The pictures included in Mr. Denius' letter are of towers significantly shorter, therefore they are more proportional to the surroundings. Adding more towers will not solve the coverage gap.

This site is a coverage site which means, there currently is a lack of coverage in this area, therefore the site needs to be this height in order to connect with the surrounding sites to fill in a coverage gap. Multiple, shorter towers would not meet this objective.

#### Dick DeWard Letter

The letter from Mr. DeWard regarding property values should not be considered as evidence as Mr. DeWard does not indicate that he is a licensed Colorado appraiser and this is required under the Code of Colorado Regulations 4 CCR 725-2. To provide opinions on property values, an appraiser must meet the requirements and become licensed by the Colorado Board of Real Estate Appraisers.

He does not state he is a Colorado licensed professional appraiser; therefore, his analysis is speculative in nature and is not substantiated with factual information. He further states that he is unaware of specific surveys or research relative to cell towers. His information is anecdotal and unsupported by a valid appraisal by a Colorado licensed professional.

As stated above, the Fremont County Plan Commission unanimously recommended approval of the proposal on August 6, 2024, finding that the applicant met the legal standards necessary for conditional use. The proposed location meets all criteria as required in the Fremont County Zoning Ordinance, Sections 8.14.4 and 8.14.7.4, including but not limited to design, location and setbacks in the AF, Agricultural Forestry District. Therefore, we respectfully request approval of the application as submitted.

Sincerely,



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