

**FREMONT COUNTY  
PLANNING COMMISSION MEETING MINUTES  
September 5, 2017 AT 3:00 P.M.**

**MEMBERS PRESENT**

Byron Alsup (Chairman)  
Larry Brown  
Dennis Weid  
Mark Masar  
Gardener Fey  
Michael Pullen

**STAFF PRESENT**

Matt Koch, Planning Director  
Brenda Jackson, County Attorney  
Samantha Kozacek, Planning Assistant

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF MINUTES**

August 1, 2017 Planning Commission Meeting

**5. UNFINISHED BUSINESS**

**6. NEW BUSINESS**

**7. REQUEST: SRU 17-003 Mobilitie Tower – Dozier Ave.**

Request approval of a **Special review Use Permit, Department file #SRU 17-003 Mobilitie Tower, by Mobilitie**. The site is located within the Dozier Ave. right-of-way, on the East side, approx. 80' north of the northerly entrance to Wal-Mart. The pole will be set behind the curb 3' and consist of a wood pole, 58'-10" tall. The county will sign an agreement for use of the rights-of-way and will be paid an annual fee of \$200.

Representative: Charmaine Dregalla

**8. REQUEST: SRU 17-005 South Forty Recreation / Canon City East Pit**

Request approval of a **Special review Use Permit, Department file #SRU 17-005 South Forty Recreation, by South Forty Recreation, LLC.**, and owner for the property which is *located on both sides of MacKenzie Ave., north of the Arkansas River on the former Valco Concrete property*. The site consists of two large parcels containing large ponds, two concrete structures will remain for use on the property. The proposed use will be for private recreational use. The site is a former mining site used for the former concrete plant and is proceeding through the reclamation process.

Representative: Stan Peters

**9. ADJOURNMENT**

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**1. CALL TO ORDER**

Chairman Byron Alsup called the meeting to order at 3:01 p.m.

2. **PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited.

3. **APPROVAL OF AGENDA**

Chairman Alsup asked if there were any changes, additions or corrections to the September 5, 2017 Fremont County Planning Commission Meeting Agenda.

**MOTION**

Mr. Larry Brown moved to accept the September 5, 2017 Fremont County Planning Commission Meeting agenda.

**SECOND**

Mr. Gardener Fey seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

4. **APPROVAL OF THE AUGUST 1, 2017 PLANNING COMMISSION MEETING MINUTES**

Chairman Alsup asked if there were any changes, additions or corrections to the August 1, 2017 Fremont County Planning Commission Meeting Minutes.

**MOTION**

Mr. Dennis Wied moved to approve the May 2, 2017 Fremont County Planning Commission Meeting Minutes

**SECOND**

Mr. Larry Brown seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed. (4 of 4)

Mr. Garden Fey & Mr. Mark Masar Abstained.

5. **UNFINISHED BUSINESS**

6. **NEW BUSINESS**

**REQUEST: SRU 17-003 Mobilitie Tower – Dozier Ave.**

Request approval of a **Special review Use Permit, Department file #SRU 17-003 Mobilitie Tower, by Mobilitie**. The site is located within the Dozier Ave. right-of-way, on the East side, approx. 80' north of the northerly entrance to Wal-Mart. The pole will be set behind the curb 3' and consist of a wood pole, 58'-10" tall. The county will sign an agreement for use of the rights-of-way and will be paid an annual fee of \$200.

Representative: Charmaine Dregalla

Ms. Charmaine Dregalla stated that her company was purposing a data pole that was fifty five (55) feet tall. This is a nationwide project and their customer is Sprint. This isn't about voice or texting it is strictly data usage. What that means is Netflix, video streaming and GPS. It is gearing up for 5G nationwide. The focus is not on areas that don't have coverage, but the areas that the data is slow. With GPS being the prominent way that people get across the Country. In the near future (2021) there will not be any using satellites for GPS anymore. Our goal is being

able to use wireless to run autonomous cars. We need to keep the poles in the right of way areas so that the signal is stronger and goes farther. In areas that there is a tremendous amount of usage suddenly this project will help in the areas that the data usage gets high very quickly. This pole that we are wanting to put up looks just like a regular utility pole. The pole will have a small repeater on it and an antenna mounted to the top of it. There is no ground equipment on these type of poles. There is a small box that holds the UV relay which is the microwave dish that sends the signal. It will also contain the FCC radio frequency of the carrier. Sprint picked this area because during times of the day the usage in this area is very high and people not being able to access it.

Mr. Weid inquired if there were any plans for future collocations on this pole.

Ms. Dregalla stated that there is a possibility of adding another carrier or two because of the height. But it all depends on their FCC frequency for the carrier about the distance between the repeater boxes.

Mr. Weid stated the City is in the process of governing these types of sites. That the City Planning Director had written a letter about it. Have you heard anything about that?

Ms. Dregalla stated that she hadn't heard about that. But there has been a lot of correspondence between the City's lawyer and their Legal Department so it's possible she hadn't heard anything about it yet.

Mr. Weid inquired what would happen if use of the pole was abandoned.

Ms. Dregalla stated that as per the agreement that the pole would have to be taken down and they would have sixty (60) days to do so.

Mr. Koch inquired if there were more poles planned.

Ms. Dregalla stated that there were two being purposed for the City. It is continuous data from coast to coast. This is a big push because of the autonomous cars. GPS is becoming paramount for people who are traveling. The idea is to get as much coverage across the country without signal ever being dropped. The less obstruction the poles have the larger of an area they can cover. This pole is expected to cover anywhere from twenty (20) to thirty (30) miles. It still will help people even if they aren't on that carrier because it helps get rid of roaming charges because carriers pay each other to use the others poles to ping off of to get service.

Mr. Koch gives video presentation of the area. The application is complete. There isn't drainage required with this site. Waiver requests made for drainage, lighting, buffering and hard surfacing. The only thing that we are going to need is an executed Right-of-way Agreement. If the poles use is ever abandoned it will have to be taken down.

Mr. Koch stated to Mr. Weid that the letter from the City of Cañon City's letter wanted the County to wait on the approval of this application. I was in contact with Terry Bernath and

was told they were working on their regulations and as far as I know the regulations still aren't complete. I felt it wasn't in our best interest to hold up the application any more.

Mr. Weid stated it was now on the consent agenda for the City.

Attorney Jackson stated that House bill 17.11.95 requires that we process the application ninety (90) days after we receive it.

Mr. Fey inquired if there was an advantage to having the pole in that spot.

Ms. Dregalla stated there was because the signal will be less obstructed there and better use for when autonomous cars are being used. If it is farther back on property then it will not be as effective.

Mr. Brown inquired about what the surrounding utility poles heights were.

Mr. Koch stated the utility poles are about forty (40) feet tall in that area. Looking at the plans for this application the pole will be fifty (55) feet and then the antenna will sit on top of that adding another few feet so the total height would be fifty-eight (58) feet total.

Mr. Brown inquired if this worked like a repeater does how big of an area would it cover.

Ms. Dregalla stated that it would be line of sight it would work. The coverage area would be twenty (20) to thirty (30) miles unobstructed with a pole of its height. The ones we are purposing in the City are shorter than this pole in the County. The buildings are getting taller in the City so we will have to add more of these poles to get the type of coverage that we want. This is different than the usual telecom because those bore into fiber and this one doesn't. This pole will only pull electricity through the ground. We will not have to dig into the ground to make changes. Everything is self-contained in the pole.

Mr. Michael Pullen inquired if there were more poles that were going to be going in in the County.

Ms. Dregalla stated that this was the only one currently as a project in the County. In the future there will be a Tier Two and try to get coverage in areas that don't have data coverage. Those poles will be in much more remote areas. For instance Georgetown area there is no cell phone coverage area.

Chairman Alsup inquired to the possibility of Collocation in that area with anything that is tall enough.

Ms. Dregalla stated that there wasn't anything they could have added onto to make this work. The RF engineering group that works for Sprint that picks the locations. They look for areas that the data is bad. They look for the areas that are high density that are needing coverage. They look in a span of an area of five (5) miles and they look in that area for anything they could use for the height they need to do a project. There wasn't anything around this area

that would have provided for that. They may have been able to use a utility pole to do this but they would have needed to have two or three of them to do what this one pole will do.

Chairman Alsup opened to a motion to approve.

**MOTION**

Mr. Weid moved to approve SRU 17-003 Mobilite Tower – Dozier Ave., with all requested waivers and approval of executed Right-of-way Agreement.

**SECOND**

Mr. Mark Masar seconded the motion.

Chairman Alsup called for a roll call vote, and the motion passed unanimously. (6 of 6)

**REQUEST: SRU 17-005 South Forty Recreation / Canon City East Pit**

Request approval of a **Special review Use Permit, Department file #SRU 17-005 South Forty Recreation, by South Forty Recreation, LLC**, owner for the property which is *located on both sides of MacKenzie Ave., north of the Arkansas River on the former Valco Concrete property*. The site consists of two large parcels containing large ponds, two concrete structures will remain for use on the property. The proposed use will be for private recreational use. The site is a former mining site used for the former concrete plant and is proceeding through the reclamation process.

Representative: Stan Peters

Mr. Travis Lindner stated that they had acquired the Valco properties and are in the process of reclamation.

Mr. Stan Peters stated he has a mining background and that is how he got on this project. This was an old mining property and had a concrete plant on site as well. Projects are on either side of MacKenzie Ave. Reclamation is well underway and going well. The main purpose we have here is there are two (2) preexisting buildings on the property that per reclamation state they have to be torn down but the Lindners would like to keep the buildings intact. Shows map of the area. This is a natural wildlife habitat area. But the wanted use is for private use with picnicking, fishing, and hunting down by the river area. There have been some minor upgrades to the shop building on this property. It has been adding bathrooms. There are onsite septic. They are abandoning the wells that were being used in the mining operations and are wanting to get a new well drilled for domestic use only. The other area on the site they would like to keep are the bins that are in place already. They would like to be permitted to add roofs onto them and use them as storage.

Mr. Koch stated gives video presentation. The whole site has been reworked. It has been graded out and the old concrete has been covered up. The application is complete in its submission. There is an existing well that is going to be abandoned and they will be drilling a new one. There isn't any public maintained sewer on that property so there will be a septic system installed. It has been reviewed by the Health Department and was given a preliminary nod of approval. The site is still under reclamation. Do you know how much longer the site will be under reclamation?

Mr. Lindner stated that they would like to have it done in a year. They are still having to test the water on site twice monthly and take it to Denver to make sure it is safe. As soon as we can get recommended to be complete and have everything signed off we will be done with reclamation.

Mr. Koch stated the applicants are asking for waivers for hard surfacing, lighting, parking area landscaping, stormwater report and traffic analysis. The County Engineer agreed that waiving those would be applicable for this application. Additional notifications for Arkansas Headwaters, Colorado Division of Wildlife, Fremont Historical Society, Fremont County Sheriff, and BLM are required.

Mr. Fey inquired if Valco was still responsible for reclamation.

Mr. Lindner stated that the Lindners were responsible for it now that they own the property.

Mr. Fey inquired that the forty-six thousand nine hundred and ten dollar (\$46,910) was provided to the Division of Mining and Reclamation as a bond.

Mr. Lindner stated that yes that was a bond and when out of reclamation that that money would be released back to them. But we are well beyond that already on what we have spent on this site.

Mr. Fey inquired if there has been any issues with leeching into the ponds that are on the property.

Mr. Lindner stated that no that hasn't been an issue.

Mr. Koch inquired if the westerly pond would be getting used.

Mr. Lindner said it would only be getting used for fishing and not hunting. That pond backs up close to the Riverwalk and it wouldn't be safe to have people shooting in that area.

Mr. Fey stated that the area is looking better.

Mr. Weid inquired about the evaporative losses are with the ponds.

Mr. Lindner stated that the plan was coming along well. They had a water lawyer. There is an augmentation plan.

Mr. Weid stated that the City played a part in the augmentation plan in providing water. The little area in the bottom center of the property is available as a public access point.

Mr. Lindner stated that the City helped out a lot in doing this and it wouldn't have been possible if it weren't for the City. I have learned a lot about water. We have to pay for the evaporation that comes off these ponds. There isn't any normal water that can go into those ponds. The Lindners own ditch shares but that kind of water cannot go into those ponds. It

