

**Huerfano County Land Use
401 Main Street, Suite 304
Walsenburg, CO 81089
(719) 738-3000, Ext. 506**



**Huerfano County
Joint Public Hearing: Board of County Commissioners and Planning Commission
1/17/2023**

**22-57 CUP Atlas Tower 1 LLC
Staff report**

The applicant Atlas tower 1 LLC, c/o Cornelius Whitehead, is proposing to build a wireless self-supporting telecommunications facility on parcel number 21440, which is near the intersection of HWY 10 and CR 123. This facility will include a 310-foot self-supporting tower within a 2,500 sq. ft. wireless facility. According to Huerfano County Zoning Regulations section 1.06.23 A Conditional Use Permit is needed for “commercial radio and television transmitting and receiving stations, dishes, and towers including telecommunications, microwave and cellular towers, antennae and dipoles,” in all zoning districts of Huerfano County.

The purpose of this facility is to provide wireless coverage to the nearby surrounding agricultural areas and travel corridors. The tower and facility will be used for structural support of up to four wireless providers that will be able to install antennas on the ground base station equipment.

In the letter of intent, Atlas Tower 1 explains what their facility characteristics will be as well as meeting FAA/FCC Compliance, location of the tower and brief overview of the building and tower schematics.

In addition to the referral agencies and requirements listed in section 7.04.08 in the Huerfano County Areas and activities of State Interest Regulations (1041) some additional referral agencies should be considered/added as deemed necessary by the Planning Commission. Those may include but not be limited to the Historical Society, the FAA and FCC and the U.S. Department of the Interior. These agencies have been consulted in previous cell/radio tower applications.

Tower Height:

The Land Use Code does not establish maximum height requirements for cell towers; it is up to the Planning Commission to consider the impacts of the proposed height.

Setbacks:

Setbacks in the Agricultural Zoning District are a minimum of 20’ from the front and rear and 10’ from the side property line.

Code:

The code used for cell towers is the TIA 222 Revision H

On December 22, 2022, the Planning Commission determined application is complete and ready for a joint public hearing by a unanimous vote.

Potential considerations for the Joint Public Hearing

1. Determine whether proposed height is appropriate for the site and local context.

After the Joint Public Hearing on January 24, 2023, the application will be sent back to the Planning Commission for a recommendation. The BOCC or Planning Commission may request additional materials necessary to make a recommendation or decision. When the Planning Commission makes a recommendation, the application will be sent back to the BOCC for action.

Commission Action Options:

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Huerfano County Land Use Department
401 Main Street, Suite 340, Attn: Land Use
Walsenburg, Colorado 81089
719-738-1220 ext. 103



GENERAL LAND USE APPLICATION

Application File No.: 22-57
Date Received: 12/12/20
Received by: SK
Fees due: _____ Date Paid _____

1. ACTION(S) REQUESTED:

- Conditional Use Permit
 - Conditional Use Permit / Marijuana
 - Conditional Use Permit/ Oil, Gas or Uranium Exploration and/or Development
 - Rezoning
 - Variance
 - Subdivision Exemption
 - Plat Amendment
 - Lot Consolidation
 - Plat Correction
 - Right-of-Way or Easement Vacation
 - Other Actions (specify): _____
- Sign Permit
 - Temporary Use Permit
 - H.B. 1041 Text Amendment
 - H.B. 1041 Development Permit
 - H.B. 1041 Flood Plain Exemption
- PUD and Subdivisions:
- Sketch Plan
 - Preliminary Plan
 - Final Plat / Subdivision Improvement Agreement
 - Appeal of Denied Application

2. APPLICANT AND OWNER INFORMATION:

Applicant Name: _____ Atlas Tower 1, LLC c/o Cornelius Whitehead
Applicant's Mailing Address: _____ 3002 Bluff Street Suite 300 Boulder CO 80301
Applicant's Telephone: _____ 303-448-8896 Email: _____ cwhitehead@atlastowers.com
Name of Land Owner: _____ Nicholas Mousel & & THERESE MARY MOUSEL
Land Owner's Mailing Address: _____ 31801 COUNTY RD W CHEYENNE WELLS CO 80810
Land Owner's Telephone: _____ 719-688-9474 Email: _____ n/a

3. PERMIT DETAILS:

Detailed project description/Scope of Work: _____
Proposed 310' self supporting cellular facility to improve mobile network connectivity in Huerfano County. This project is proposed on vacant
farm land near HWY 10 and CR 123

Parcel Area: _____ Acres; Zoning District(s): _____ AG

Parcel/Schedule Number(s): _____ 214401

Parcel Address (optional): _____ Unassigned Address

Current/Proposed Land use (see §1.05 of the Land Use Code): _____ Vacant land / Cellular Facility

GENERAL LAND USE APPLICATION

If project is in an HOA, HOA name: _____ N/a _____

If a Variance Request, please state the reason for the Variance(s): _____ N/a _____

Is all or a portion of the subject land located in a 100-year flood plain area (see FEMA floodplain map), or are there areas with slopes in excess of twenty percent (20%)? YES NO NOT SURE

If YES, describe existing conditions: _____

Value of proposed project: _____ \$150,000.00 _____

Will the proposed project require any State or Federal permits? YES NO

If YES, please list all permits or approvals required: _____ FAA & FCC application will be apart of this project. _____

Additional pertinent information: _____

If a H.B. 1041 permit is required, for what matters of local concern and state interest? _____ n/a _____

4. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all conditional use permits are non-transferrable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. All documents submitted may be subject to internet publishing.

Signature of Applicant: _____ *Cornelius Whitehead* _____ Date: _____ 12-9-22 _____

Printed name: _____ Cornelius Whitehead _____

5. ACTION (by the authorized permitting authority):

Final Approval Conditional Approval Denial

Name _____ Signature _____

Title _____ Date _____

Comments _____

ATLAS TOWER

Zoning Narrative – “Beaver Bay”

December 9, 2022

Huerfano County
Department of Land Use
401 Main Street, Suite 340,
Walsenburg, Colorado 81089

To Whom It May Concern:

Atlas Tower 1, LLC is submitting a Special Use Application to Otero County Department of Public Works for review of a new proposed wireless telecommunications facility build on the property with parcel number Parcel number 214401, unassigned address near intersection of HWY 10 and CR 123. This letter shall serve as a narrative to Huerfano County for the proposed 310' self supporting telecommunications facility and how this project will provide the needed mobile network coverage while reducing the need for additional cellular facilities in the future. This project is being proposed and this justification is being provided in an effort to alleviate current mobile network voice, data, and first responder issues in an area that is severely lacking reliable network coverage and capacity.

SITE DETAILS

Land Owner:

NICHOLAS HENRY MOUSEL &
THERESE MARY MOUSEL
31801 COUNTY RD W
CHEYENNE WELLS CO 80810

Applicant:

Atlas Tower 1, LLC
3002 Bluff St., Suite 300
Boulder, CO 80301

Zoning:

Rural Ag

Site Address:

Parcel number 214401
Unassigned address near intersection of HWY 10 and CR 123

Coordinates:

LATITUDE	N 37° 44' 54.0816"	(NAD '83) *
	N 37.748356°	
LONGITUDE	W 104° 29' 59.1252"	(NAD '83) *
	W 104.499757°	

Lease Area:

2,500 sq ft

PROPOSAL SUMMARY

The purpose of this request is to build a 310' self supporting telecommunications tower within a 2,500 sq. ft. wireless facility. This facility will provide critical wireless coverage to the nearby surrounding agricultural areas and travel corridors. As the area develops further, and the existing users demand more data for their existing devices, existing infrastructure will reach capacity limits and be unable to meet coverage needs. This tower and facility will be used for structural support of up to four wireless providers. Each provider will install antennas and on-the-ground base-station equipment.

WIRELESS TELECOMMUNICATION FACILITY CHARACTERISTICS

Visual Effect

We strive to design our facilities and locate parcels that create the least amount of community disturbance. The surrounding area is largely used for farming/vacant land purposes. The proposed site is on a portion of the property primarily used for vehicle storage.

Frequency Of Maintenance Work On The Proposed Facility

On average, after initial installation, a carrier or its contactors would likely visit the facility about one to four times a year for maintenance, though this number could vary depending on the specific circumstances of the facility.

The Average Number Of Vehicles Visiting The Facility

The average maintenance visit by a carrier or its contractors would likely involve one pickup truck. With an average of one to four visits a year and one truck a visit, there would likely be about one pickup truck visiting the site a month, per carrier, if at full capacity.

The Average Duration Work Visits On The Facility

For typical maintenance visits, a carrier or its contactors would only be at the site a few hours, but this number could increase depending on the work that needed to be completed at the site.

Expected Noise Levels

Telecommunications facilities are essentially silent. This would be true whether there were one or four carriers. A generator could be operated on site in the rare instance that power went out. The generator would create noise, but it would not be noticeable or audible in the location the telecommunications facility is proposed to be.

Building Codes; Safety Standards

Atlas Tower will ensure the structural integrity of towers, ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, Huerfano County concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards, unless a longer time is reasonably necessary. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

FAA/FCC Compliance

The proposed facility shall conform to the requirements of this title, this code, and other laws, including pertinent federal regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

This narrative represents required and supplementary information to document the technological, economic, and social necessity and benefits of a new 310' telecommunications tower in Huerfano County. The information provided highlights the advantages associated with a telecommunications facility at our proposed site. See attached documents to showing our survey and tower drawings.

Atlas Tower 1, LLC respectfully requests the acceptance of our application for Special Use review for the proposed communications tower facility.

Best Regards,

Cornelius Whitehead
Atlas Tower 1, LLC
3002 Bluff St., Suite 300
Boulder, CO 80301
Office (303) 448-8896
Cell (720) 445-1508

LEGEND

	PARENT PROPERTY LINE
	ADJACENT PROPERTY LINE
	EASEMENT LINE
	EXIST. UTILITY POLE
	EXIST. LIGHT POLE
	EXIST. TELCO PEDESTAL
	EXIST. POWER METER
	EXIST. TRANSFORMER
	PROPERTY CORNER
	LEASE/EASEMENT CORNER
	EXIST. CONTOUR LINE
	EDGE OF PAVEMENT
	OVERHEAD WIRE
	RIGHT-OF-WAY
	CHAIN LINK FENCE
	EXISTING TREE LINE

N/F
NICHOLAS MOUSEL
PARCEL#: 214401

← GRASS →

PROPOSED 50'x50' LEASE AREA &
FENCED COMPOUND BY ATLAS TOWER.
SEE DETAILS ON SHEET Z-3.

PROPOSED 310' TALL SELF
SUPPORT TOWER BY ATLAS TOWER.
SEE ELEVATION ON SHEET Z-4.

N/F
BUSCH RANCH INC
PARCEL#: 14911

C.R. 123

CO-10

N/F
RONALD & KATHY BUSCH
PARCEL#: 33090

PROJECT INFORMATION:
BUSTOS
COUNTY ROAD 123
CO 81089
(HUERFANO COUNTY)

PLANS PREPARED FOR:
WiBlue Inc.
Office: (888) 609-9596

PLANS PREPARED FOR:
ATLAS TOWER
USA - INTERNATIONAL
3002 BLUFF STREET, SUITE 300
BOULDER, CO 80302
Office: (888) 609-9596

PLANS PREPARED BY:
TOWER ENGINEERING PROFESSIONALS
500 E. 84TH AVE, SUITE C10
THORNTON, CO 80229
OFFICE: (303) 566-9914
www.tepgroup.net

SEAL:
ZONING REVIEW

REV	DATE	ISSUED FOR:
1	12-19-22	ZONING
0	12-08-22	ZONING

DRAWN BY: KES | CHECKED BY: KES

SHEET TITLE:
AREA PLAN

SHEET NUMBER: **Z-1** | REVISION: **1**
TEP#326271.374419

SITE COORDINATES

LATITUDE: N 37° 44' 54.0816" (NAD '83)
LONGITUDE: W 104° 29' 59.1252" (NAD '83)
GROUND ELEVATION: TBD (NAVD '88)

TOWER SETBACKS

	REQUIRED	PROPOSED
NORTH	TBD	13,833'-0"±
EAST	TBD	119'-7"±
SOUTH	TBD	65'-0"±
WEST	TBD	5,391'-6"±

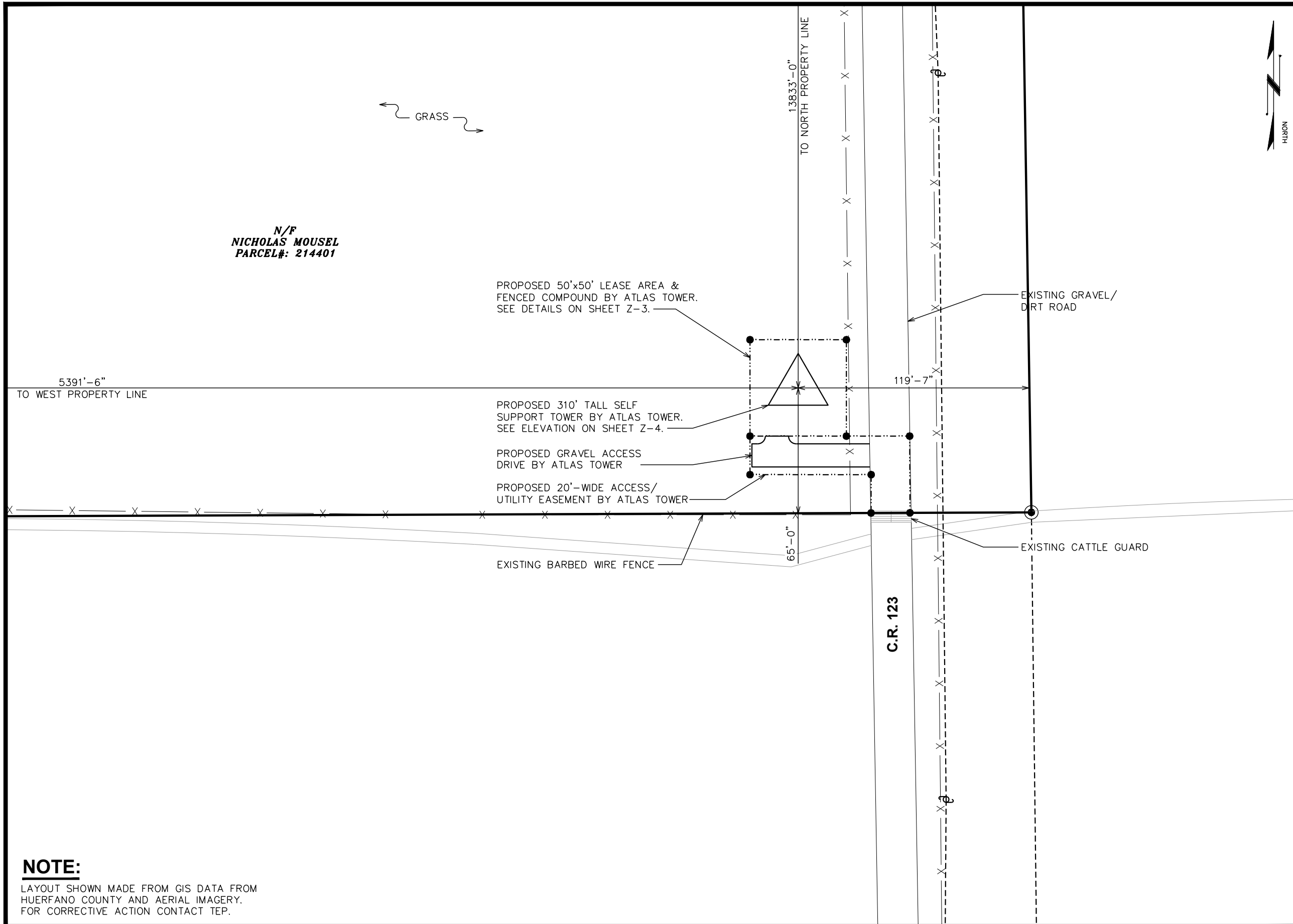
NOTES:

- ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
- THE PROPOSED TOWER IS LOCATED IN THE AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD RISK). COMMUNITY PANEL 080206B EFFECTIVE OCTOBER 1, 1986.
- LAYOUT SHOWN MADE FROM GIS DATA FROM HUERFANO COUNTY AND AERIAL IMAGERY. FOR CORRECTIVE ACTION CONTACT TEP.

SITE PLAN

SCALE: 1" = 500'





N/F
NICHOLAS MOUSEL
PARCEL#: 214401

PROPOSED 50'x50' LEASE AREA &
FENCED COMPOUND BY ATLAS TOWER.
SEE DETAILS ON SHEET Z-3.

PROPOSED 310' TALL SELF
SUPPORT TOWER BY ATLAS TOWER.
SEE ELEVATION ON SHEET Z-4.

PROPOSED GRAVEL ACCESS
DRIVE BY ATLAS TOWER

PROPOSED 20'-WIDE ACCESS/
UTILITY EASEMENT BY ATLAS TOWER

EXISTING BARBED WIRE FENCE

EXISTING GRAVEL/
DIRT ROAD

EXISTING CATTLE GUARD

C.R. 123

GRASS



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O	12-08-22	ZONING

DRAWN BY: KES CHECKED BY: KES

SHEET TITLE:
SITE PLAN

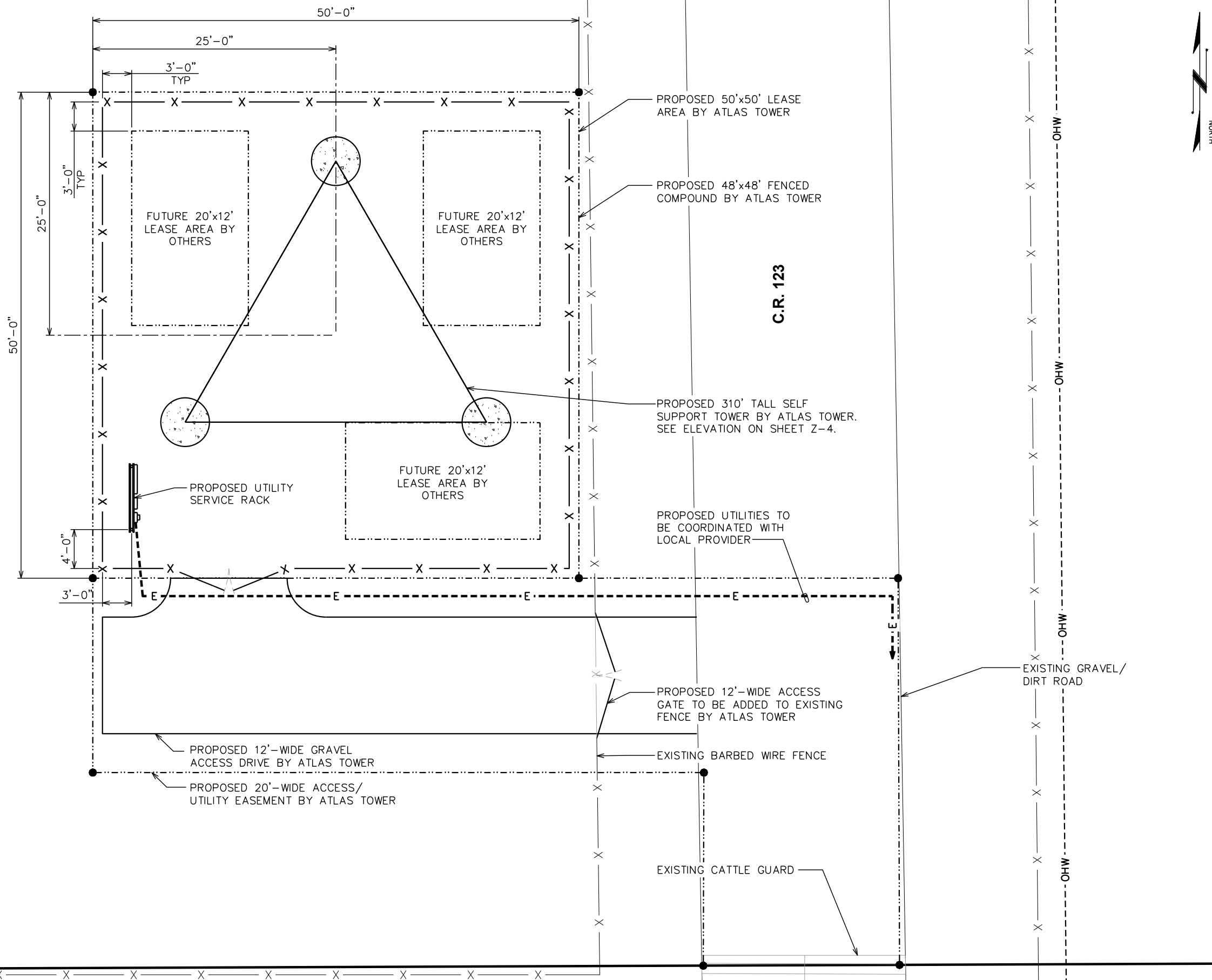
SHEET NUMBER:
Z-2

REVISION:
1
TEP#326271.374419

NOTE:
LAYOUT SHOWN MADE FROM GIS DATA FROM
HUERFANO COUNTY AND AERIAL IMAGERY.
FOR CORRECTIVE ACTION CONTACT TEP.

SITE PLAN
SCALE: 1" = 50'




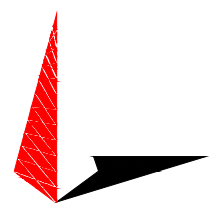



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SEAL:


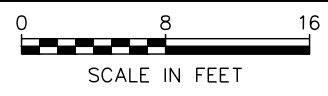
REV	DATE	ISSUED FOR:
1	12-19-22	ZONING
0	12-08-22	ZONING

DRAWN BY: KES | CHECKED BY: KES

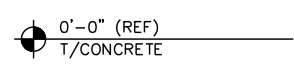
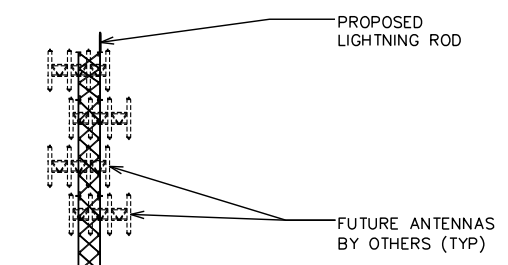
SHEET TITLE:
COMPOUND DETAIL

SHEET NUMBER: **Z-3** | REVISION: **1**
 TEP#326271.374419

COMPOUND DETAIL
 SCALE: 3/32" = 1'-0"



- 314'-0"±
T/LIGHTNING ROD
- 310'-0"
T/TOWER
- 305'-0"±
Q/FUTURE ANTENNAS
- 295'-0"±
Q/FUTURE ANTENNAS
- 285'-0"±
Q/FUTURE ANTENNAS
- 275'-0"±
Q/FUTURE ANTENNAS



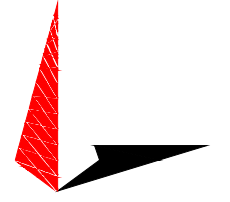
NOTES:

1. TOWER TO REMAIN GALVANIZED COLOR.
2. TOWER SHALL BE LIT ONLY IF REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.
3. PROPOSED COAX ROUTED UP TOWER USING WAVEGUIDE LADDER.
4. TOWER TO INCLUDE SAFETY CABLE. DO NOT INCLUDE SAFETY CLIMB MECHANISM.
5. TOWER EQUIPMENT LOADING AND CENTERLINES ARE SHOWN FOR REFERENCE ONLY AND ARE SUBJECT TO CHANGE.

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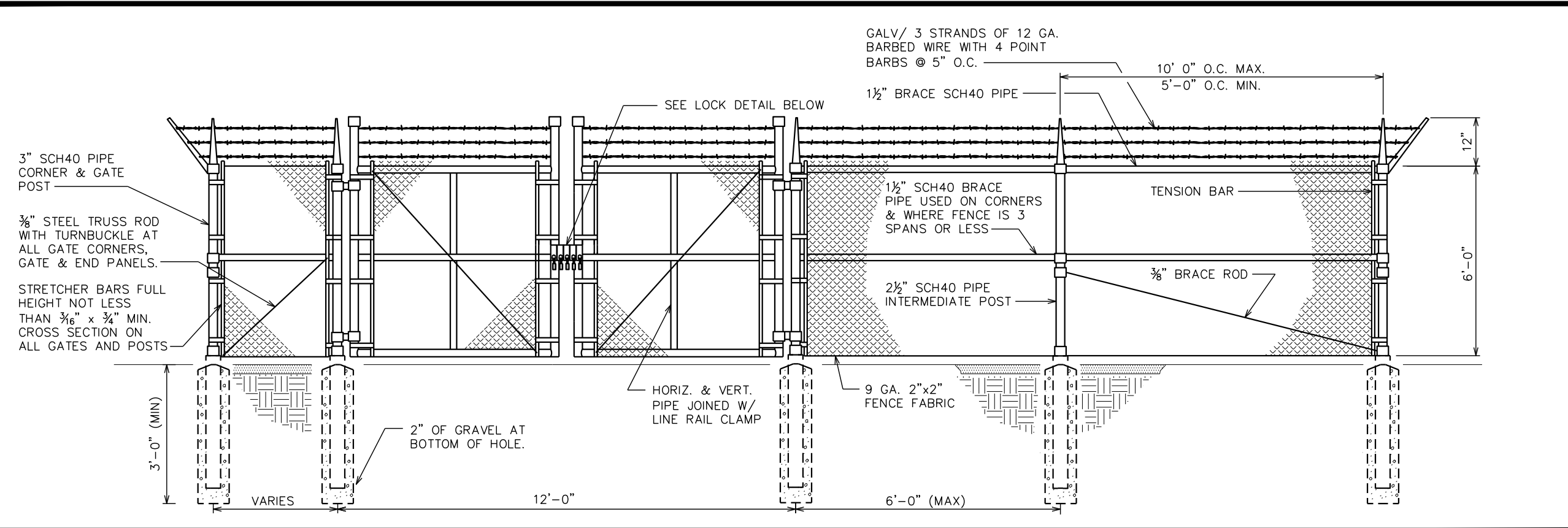
DRAWN BY: KES | CHECKED BY: KES

SHEET TITLE:
TOWER ELEVATION

SHEET NUMBER: **Z-4** | REVISION: **1**
TEP#326271.374419

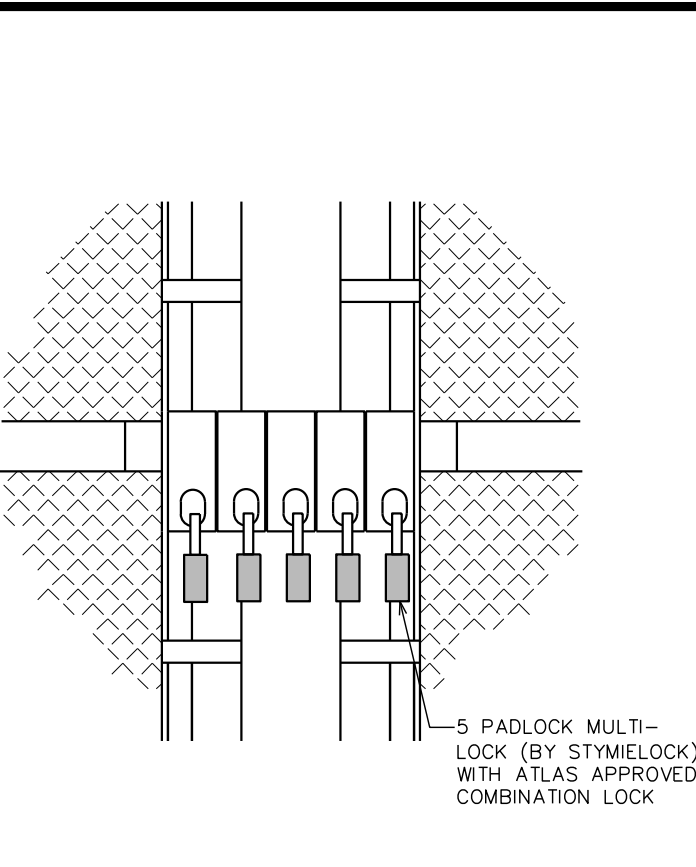
TOWER ELEVATION
SCALE: 1" = 40'





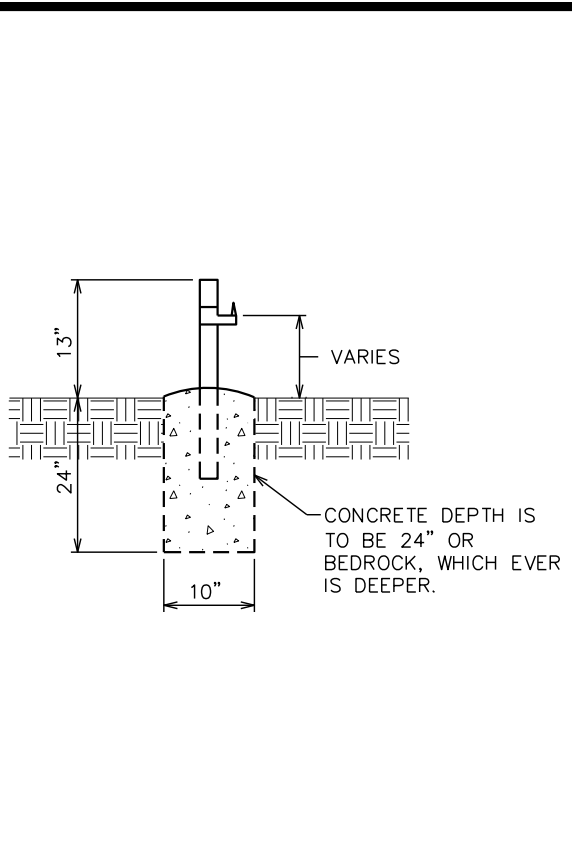
TYPICAL FENCE ELEVATION

SCALE: N.T.S.



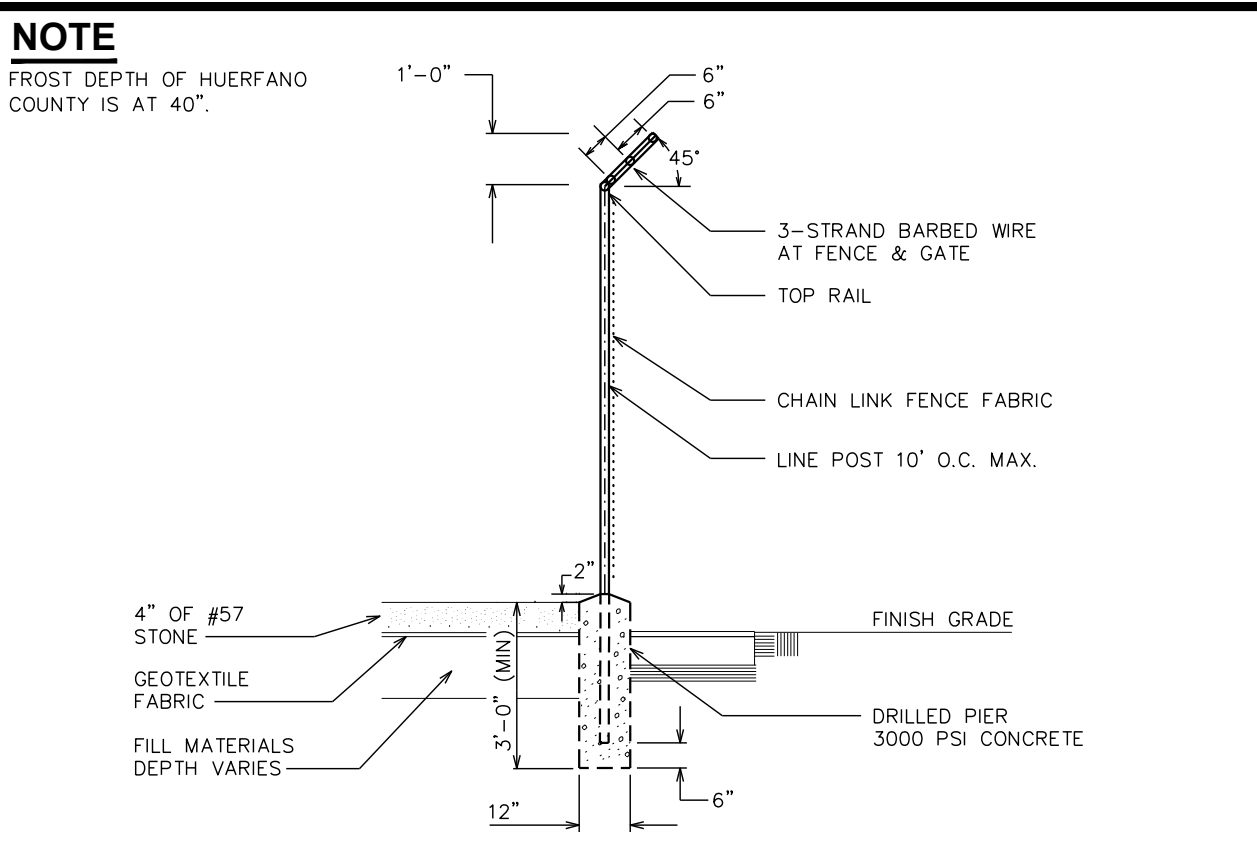
GATE LOCK DETAIL

SCALE: N.T.S.



GATE STOP/KEEPER DETAIL

SCALE: N.T.S.



FENCE / BARBED WIRE ARM DETAIL

SCALE: N.T.S.

PROJECT INFORMATION:
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SEAL:

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DRAWN BY: _____ CHECKED BY: _____

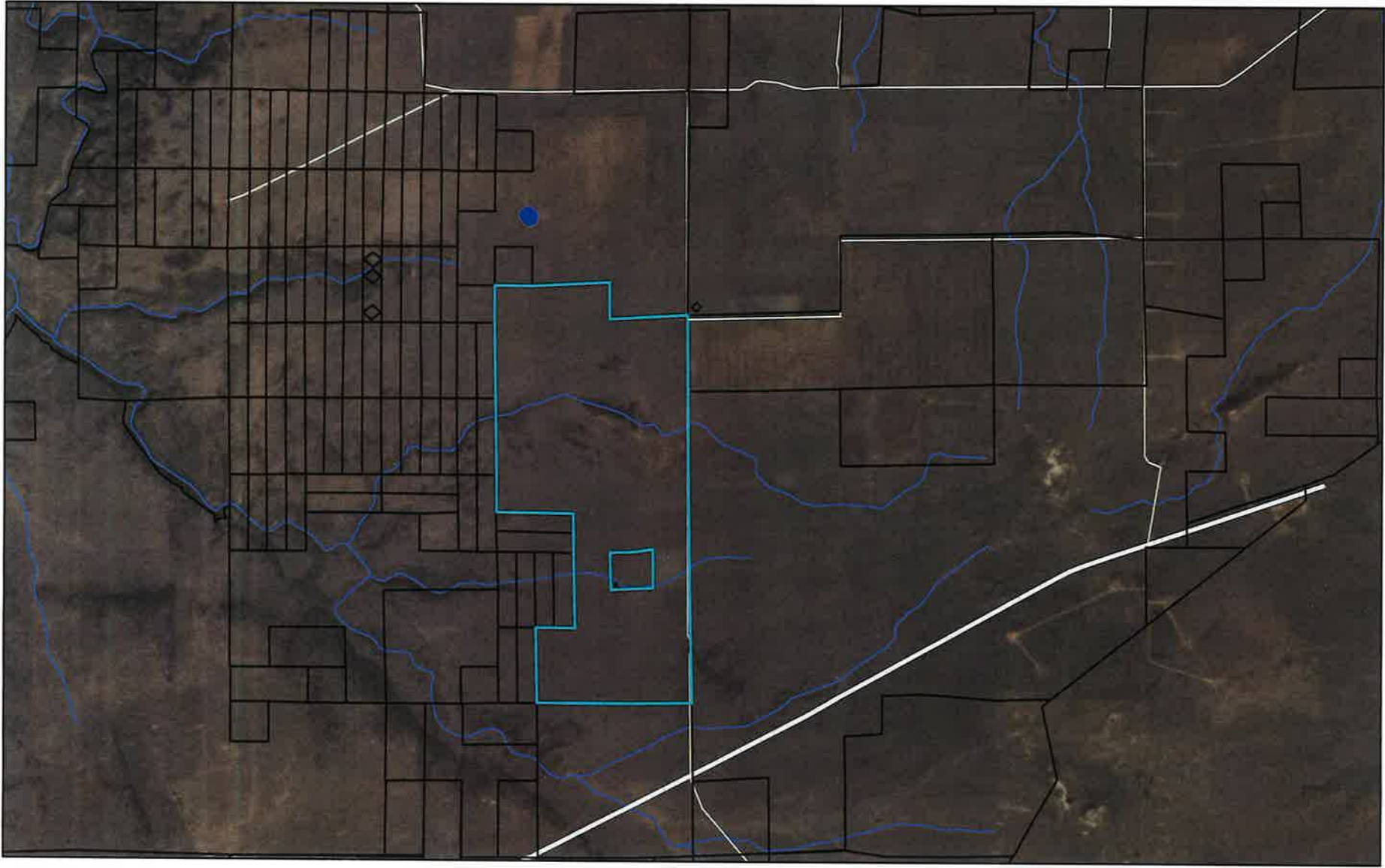
SHEET TITLE:
FENCE DETAILS

SHEET NUMBER:
Z-5

REVISION:
1

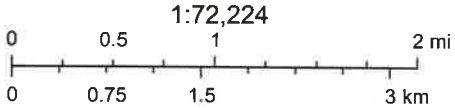
TEP#326271.374419

Huerfano County



12/15/2022, 3:43:07 PM

ParcelsNew Roadways Lakes
Highways Streams



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ACCOUNT FILE MAINTENANCE

INQUIRY ONLY

Account 214401 Flag R LEGAL DESCRIPTION Acres
 Name MOUSEL, NICHOLAS HENRY & T26 R63, SC 17: ALL 640 A.
 Address 1 THERESE MARY SC 18: S2 320 A. T26 R64, 271500
 Address 2 SC 13: S2 S2NW4 400 A. SC
 Address 3 31801 ROAD W 23: E2NE4 NE4SE4 120 A. SC
 Address 4 CHEYENNE WELLS 24: N2 SE4 N2SW4 SE4SW4 600
 State/Zip CO 80810 0000 A. SC 25: S2 E2NW4 S2NE4

Property
 Map Num 28-4889-174-00-006

Prev Name1 WEHLING, ANTON & MOUSEL, NICHOLAS
 Prev Name2 MOUSEL, JN, JUSTINA, THERESA & VALUES-ASSD TAXABLE EXEMPT
 LAND 15088

Use 4147 City 00000 Subdv 00000
 Anlys 000 Tax/Dst 150 Zone 00
 Exempt Late Filing Advrt Y Bnkrpt N TOTALS 15088
 ACRES: Master Legal Value Ignore PP \$ 14500 Exemption N
 00000271500 271500 271500 NOV # NOD #

CHANGES

Parcel On 05/02/2018 By COHUMELI CMD1-Value Change CMD2-Legal Change
 Name On 04/02/2018 By COHUMELI CMD3-Both Changes CMD4-Sales Change
 Values On 05/19/1989 By KFT
 Legal On 05/02/2018 By COHUMELI CMD22-Abort Entry HELP-More Details