



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION AGENDA
County Courthouse Meeting Room, 398 Lewis Street
Public is welcome and encouraged to attend.

REGULAR PLANNING COMMISSION MEETING FOR JANUARY 27, 2016, 6 PM

ROLL CALL

CONSENT:

APPROVAL OF MINUTES FOR DECEMBER MEETING

Documents: [MINUTES 120915 DRAFT-1.PDF](#)

OLD BUSINESS:

NEW BUSINESS:

Barber Request For Village Service Commercial Amendment 2016 To Replat Lots 25, 26, 27, Located On Navajo Trail Drive.

Dennis Barber, on behalf of Samuel P. and Beverly Roberts, Dennis M. Barber and John G. Fargerson, and Silverado City, LLC; have applied for Final Plat approval of Village Service Commercial Amendment 2016, a replat of Lots 26 and 27 of A Replat of Lots 26 and 27 of the Replat of Village Service Commercial, and Lot 25 of A Replat of Village Service Commercial. The proposal will re-align the common property line between 157 and 197 Navajo Trail Dr., Pagosa Springs, CO, in the Commercial (C) zoning district.

Documents: [2013-039MLLA_BARBER_PC-20160127_STAFFREPORT.PDF](#), [A1-2013-39MLLA_SITEMAPS.PDF](#), [A2-BARBER_AGENCYREVIEWS-2015.PDF](#), [A3-BARBER_AMENDED_PLAT_STATEMENT.PDF](#), [A4-2013-39MLLA_AMENDED_PLAT-20151124.PDF](#)

Pagosa Lakes Telecommunication Facility Development Plan Rezoning In The PUD Zone, Located At 1311 Lake Forest Cir.

Black & Veatch, representing Verizon Wireless, is requesting approval to Rezone a parcel in the PUD zone to establish a Development Plan, for property owned by the Pagosa Lakes Property Owners Association known as the Lake Forest Open Space, located generally within Sections 18 and 19, T13N R2W NMPM, at 1311 Lake Forest Cir, Pagosa Springs, CO. The Development Plan will provide standards for placement of a Commercial Mobile Radio Systems (CMRS) wireless communication facility north of the lake, including a 70' monopine pole and faux wood equipment shelter, and continued recreation and open space use.

Documents: [2015-033RZ_PAGOSA_LAKES_TELECOM_PC-20160127_STAFFREPORT.PDF](#), [A1-2015-33RZ-AREAMAPS.PDF](#), [A2-2015-33RZ_PAGOSA_LAKES_TELECOM_REZONE-APPLICATIONFULL.PDF](#), [A3-2015-](#)

REPORTS, ANNOUNCEMENTS:

NEXT MEETING: Special Meeting February 10, 2016, 1:30 PM

ADJOURN

Please Note: Agenda items may change order during the meeting; it is strongly recommended to attend the meeting at the start time indicated.



Archuleta County Development Services Department
ARCHULETA COUNTY PLANNING COMMISSION MINUTES

Archuleta County Planning Commission Minutes, Regular Meeting December 9, 2015

The Archuleta County Planning Commission held a regular meeting on Wednesday December 9, 2015, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Michael Frederick called the meeting to order at 6:00 PM.

Commissioners in attendance:

Michael Frederick, Anita Hooton, Betty Shahan, and David Parker. Peter Adams was excused.

Staff in Attendance:

John Shepard, AICP, Planning Manager

Public in Attendance:

Priscilla and Russell Roberts, and Dave and Polly Thibault

Consent:

Minutes from the November meeting were reviewed. Commissioner Shahan made a motion to approve the minutes with corrections as indicated. Commissioner Parker seconded. Motion approved by a vote of 4-0.

Old Business:

Mr. Shepard updated the commission on the Buckskin Towing project heard last month. He brought the project forward to the Board of County Commissioners with the conditions the Planning Commission recommended, with the exception of the provision for short term parking for 7 days. "Outdoor Storage" is defined as anything stored outdoors more than 24 hours. Mr. Shepard was concerned with process, that this might be an improper Use Variance, and that the screening requirement should be addressed instead, to which the County Attorney concurred at the hearing. Mr. Shepard expects to receive a variance application for the screening requirement along the short term parking area, and for the paving requirement. The Commissioners approved the project with the staff conditions.

New Business:

Roberts-Thibault Minor Lot Line Adjustment, Pagosa Meadows Unit Four Amendment 2016-01, a replat lots 266X and 268X.

Russell L. and Priscilla S. Roberts, on behalf of the Russell and Priscilla Roberts Trust and Dave and Polly B. Thibault, are requesting approval of the Roberts-Thibault Minor Lot Line Adjustment, being the Pagosa Meadows Unit Four Plat Amendment to replat lots 266X and 268X, located on Everest Ct, Pagosa Springs, CO. The proposal will move the north end of the common lot line to the east, resulting in lots of approximately 16.9 acres and 20.3 acres in the PUD zoning district.

The review comments for the County Surveyor were technical requirements which have been corrected by the applicant's surveyor. The utilities and the County Surveyor wanted existing easements shown and new ones created on the new lot line. This is due to the fact that lot consolidations do not eliminate the easements and the plat should indicate they are still present for future reference. There is a process to eliminate easements which the property owners can do at any time. LaPlata Electric requested an easement be dedicated along their current overhead lines and Staff requested that the surveyor put them along the cul-de-sac, as required by the Land Use Regulations. The Fire District, Engineering and PLPOA had no concerns with the project. Staff recommended approval with conditions.

Commissioner Frederick asked Mr. Shepard if he knew if the easements still existed. Mr. Shepard stated that the records available do not indicate the easements had been vacated. Commissioner Frederick asked if there were any other questions from the commission or the applicants. Hearing none he asked for a motion.

Commissioner Hooton moved to recommend Approval to the Board of County Commissioners, of the Pagosa Meadows Unit Four Amendment to replat lots 266X and 268X, located on Everest Ct, with the following conditions:

1. The Amended Plat and title shall be revised in response to the County Surveyor's comments with correct lot numbers, and a mylar submitted prior to the Board of County Commissioners' hearing.
2. The Amended Plat shall be revised to show existing utility easements.
3. The Amended Plat shall be revised to dedicate utility easements required by Section 6.6 along Elbert Place and Everest Ct.

Seconded by Commissioner Shahan. Approved Vote 4-0.

Set Meeting Schedule for 2016

Mr. Shepard addressed the Planning Commission bylaws, adopted in 2012, which provided meetings be held the second and fourth Wednesday of each month. Since May 2012, the Commission has met only on the fourth Wednesday of the month. Several items should be addressed this year in addition to Land Use Applications, including review of the Comprehensive Plan and amendments to the Land Use Regulations.

Due to the time commitment for two meetings a month, Mr. Shepard offered a compromise of keeping the regular scheduled meetings on the fourth Wednesday of each month and adding an extra meeting on the second Wednesday of every-other month to address policy issues. Also during the holidays, there would be one meeting in November on the third Wednesday, and in December on the second Wednesday of the month to better assure a quorum. Special meetings can also be held by call of the Chairman.

Commissioner Hooton moved to adopt the meeting schedule as suggested by the Mr. Shepard.

Seconded by Commissioner Parker. Approved Vote 4-0.

Reports/Announcements:

Previously covered.

Next Meeting: January 27, 2016

Adjourn: Commissioner Shahan moved to adjourn; Commissioner Hooton seconded; meeting adjourned at 6:44pm.

Approved this day of , 2016

Sherrie Vick
Planning Technician

Michael Frederick
Chair



Archuleta County
Development Services—Planning Department
1122 HWY 84
P. O. Box 1507
Pagosa Springs, Colorado 81147
970-264-1390
Fax 970-264-3338

MEMORANDUM

TO: Archuleta County Planning Commission

FROM: John C. Shepard, AICP; Planning Manager

DATE: January 27, 2016

RE: Barber Request for Village Service Commercial Amendment 2016 to replat lots 25, 26, 27, located on Navajo Trail Drive.

EXECUTIVE SUMMARY

Dennis Barber, on behalf of Samuel P. and Beverly Roberts, Dennis M. Barber and John G. Fargerson, and Silverado City, LLC; have applied for Final Plat approval of Village Service Commercial Amendment 2016, a replat of Lots 26 and 27 of A Replat of Lots 26 and 27 of the Replat of Village Service Commercial, and Lot 25 of A Replat of Village Service Commercial. The proposal will re-align the common property line between 157 and 197 Navajo Trail Dr., Pagosa Springs, CO, in the Commercial (C) zoning district.

REVIEW PROCEDURE

Section 4.6 of the *Archuleta County Land Use Regulations* provides for Plat Amendments. This application was accepted as a Minor Lot Line Adjustment in 2013, but was not complete until November 2015. Since the application involved three lots, it is being processed as a regular Amended Plat. Amended plats may proceed directly to Final Plat.

Public notice was published in the *Pagosa Springs Sun*, and posted on site.

DISCUSSION

Village Service Commercial Subdivision was approved in 1973, and the Replat approved in 1975. A retail structure was built on Lot 25 in 1991 (now Priority Rentals, 197 Navajo Trail), according to the Archuleta County Assessor's records. A Replat of Lots 26 and 27 was approved in 1992. A restaurant was built on Lot 26 in 1992, with a Limited Impact Use approved in 2000 to expand the building (Boss Hogg's, 157 Navajo Trail). On Lot 27, mixed use space was constructed between 1997 and 1998 (Silverado Center, 117 Navajo Trail). This proposal will move the lot line between Lot 25 and replat Lots 26/27, so that the gravel accessory parking area used by the restaurant is located on the same parcel.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. The Future Land Use Map designates an area for commercial development at the junction of US Highway 160 and North Pagosa Blvd, with heavy commercial/light industrial development to the west. The four-block Replat is zoned Commercial (C). A Land Use Permit is required for any new development, such as paving, or change of use; however, no permits have been approved for subsequent improvements and only one tenant change of use permit on Lot 27 (Alpha Engineering, August 2014). The resulting lots will remain in compliance with zoning standards for lot area, width and setbacks.

Amended Plat criteria are outlined in Section 4.6 of the Land Use Regulations. Section 4.6.4.1 specifies that Staff review the plan for conformance with the Community Plan, the Land Use Regulations, and other adopted County policies and ordinances. Section 4.6.4.3 states that amendments to a recorded plat may have to go through one or more steps of the subdivision review process—as this proposed amendment meets the requirements for a Minor Subdivision, the application may proceed directly to Final Plat approval by the Board of County Commissioners. Section 6.6 of the Land Use Regulations also require dedication of utility easements no less than 20' along all streets and 10' on each side of a lot line.

The project was forwarded for agency review when initially received in 2013, with follow-up when the application was completed in 2015.

- The County Clerk & Recorder asked for minor corrections in the title.
- The Deputy County Surveyor had technical comments on the plat.
- PAWSD requested that required utility easements be dedicated along the new lot line.
- LPEA requested that 20' wide utility easements be dedicated for existing underground power lines.
- County Engineering expressed concerns with drainage on all three parcels, and in particular with drainage on the property frontage. All of these sites pre-date the current *Archuleta County Land Use Regulations*. Any new development, including paving, would require Site Plan or Conditional Use approval including a professional drainage study.

RECOMMENDATION AND FINDINGS

Based on evidence provided, staff recommends the Planning Commission find that:

- a. The application does meet the review criteria for development in a Commercial (C) zone, in Section 3.1 of the *Archuleta County Land Use Regulations*, and
- b. The application does meet the review criteria for an Amended Plat, in Section 4.6 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission recommend approval of the Village Service Commercial Amendment 2016, with the following conditions:

1. The Amended Plat and title shall be revised in response to the County Clerk's and Deputy County Surveyor's comments, and a mylar submitted prior to a Board of County Commissioners hearing.
2. The Amended Plat shall be revised to dedicate a 10' utility easement along the amended lot line, and for existing electric power lines.

3. Any new development or change of use will receive the proper Land Use Permit prior to commencement.

PROPOSED MOTION

I move to recommend Approval to the Board of County Commissioners, of the Village Service Commercial Amendment 2016, with Findings A and B and Conditions 1- 3 of the staff report.

ATTACHMENTS.

Attachment 1: Area Map

Attachment 2: Review Agency Comments

Attachment 3: Applicant's Amendment Statement

Attachment 4: Proposed Amended Plat



Site Map

Village Service
Commercial Amend.
2013-39MLLA

Legend

- Highway
- Primary Road
- Pagosa Springs
- Project Location



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



140 70 0 140 Feet



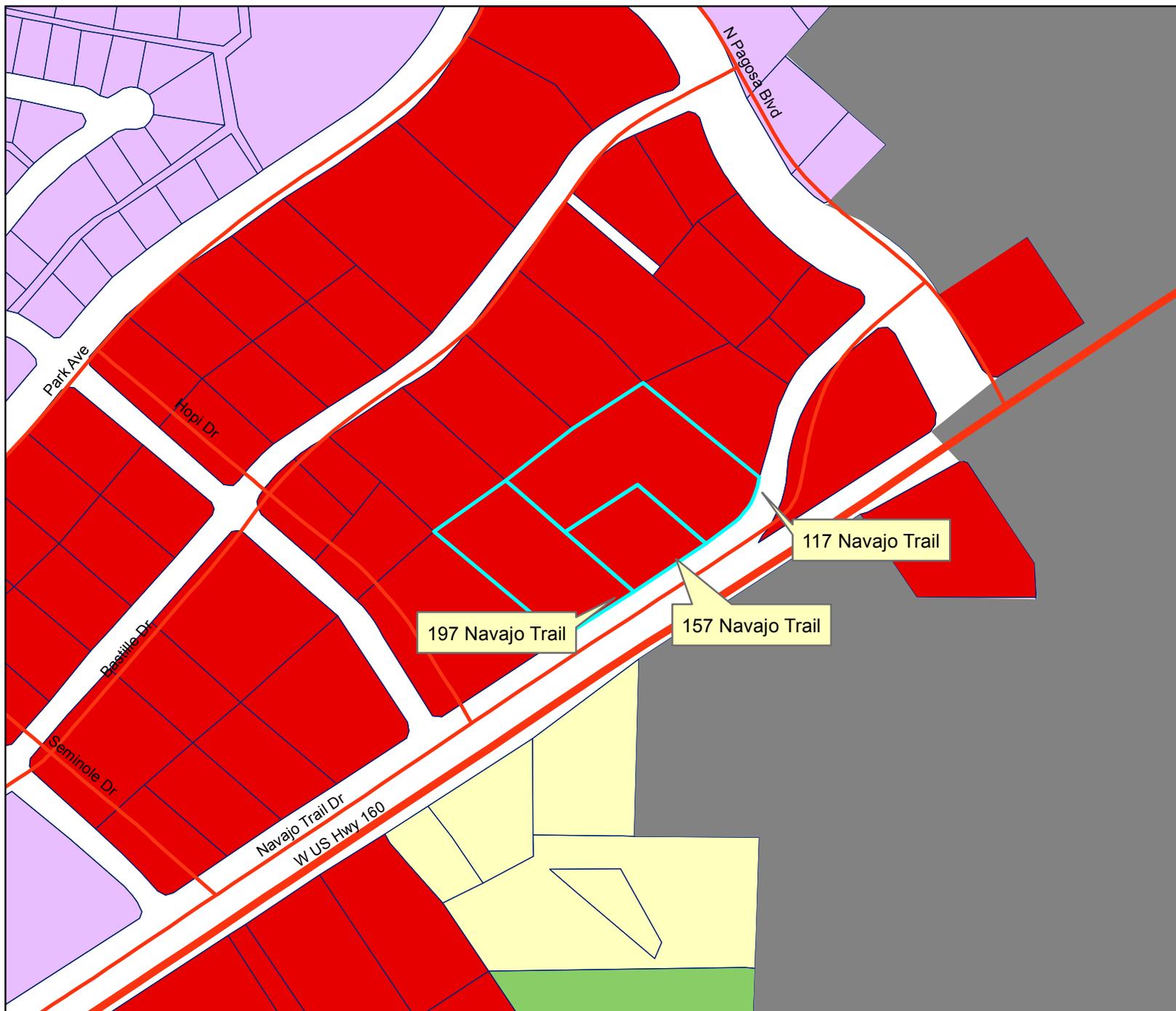


Site Map

Village Service
Commercial Amend.
2013-39MLLA

Legend

-  Highway
-  Primary Road
-  Pagosa Springs
- Zoning Map 2011**
- Zoning Districts**
-  Agriculture Forestry (AF)
-  Agriculture Ranching (AR)
-  Agricultural Estate (AE)
-  Rural Residential (RR)
-  Residential (R)
-  Mobile Home Park (MHP)
-  Commercial (C)
-  Industrial (I)
-  PUD
-  Project Location



140 70 0 140 Feet



This map has been produced using various geospatial data sources. The information displayed is intended for general planning purposes and the original data will routinely be updated. No warranty is made by Archuleta County as to the accuracy, reliability or completeness of this information. Consult actual legal documentation and/or the original data source for accurate descriptions of locations displayed herein.



Office of the Archuleta County Deputy Surveyor
David J. Murrey PLS
P. O. Box 5532
Pagosa Springs, Colorado 81147
970-946-1043

December 11, 2015
Page 1 of 2

Village Service Commercial – Amendment Plat
C/O Sherrie Vick
Archuleta County Planning Dept.
1122 U.S. Highway 84
Pagosa Springs, CO 81147

RE: Archuleta County Deputy Surveyor plat check of Village Service Commercial –
Amendment Plat by Dean P. Schultz

I have completed my review of the above referenced plat and have found these items that
need to be addressed or changed.

My comments are itemized as follows:

1. A statement of the scale needs to be added to the drawing near the bar type graphical scale on sheet 1. (Scale: 1"=50')
2. The owner's dedication statement needs modified to reflect the correct owners of the real property that is being divided. Silverado City, LLC owns lots 26 /27 and The Roberts own lot 25. The current dedication implies that all three lots share ownership.
3. Note 1 of the surveyor notes concerning the basis of bearing statement should be changed to Lot 27Z instead of 27X, Lot 27X does not show on this plat.
4. Amendment 2015-XX needs to have the correct Amendment number listed in the title, vicinity map, dedication, and surveyor's certificate.
5. I believe that the Section, Township, Range, and Principle Meridian of the subject property should be listed somewhere on this plat (perhaps in the vicinity map) to help describe the location of this property for reference purposes.



Office of the Archuleta County Deputy Surveyor
David J. Murrey PLS
P. O. Box 5532
Pagosa Springs, Colorado 81147
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December 11, 2015
Page 2 of 2

6. I am not sure where existing utility lines may exist on this property or if new utility lines may be required for service to these parcels. I might suggest creating new utility easements along new side lines if needed. See note 5 of page 1 on the Replat of Village Service Commercial (Rec. no. 83662), this note mentions easements in relation to new or partial lot divisions.

7. In referencing the source of research for recorded easements and or rights of way, I would suggest listing the title company and title commitment number / effective date as opposed to just mentioning that this research was provided by the clients title company, there is no way to reference the documents used for this research by virtue of this statement.

I have also reviewed plat for mathematical closure of tracts, acreage, legibility, and spelling. I have found no errors with the exception of concerns listed above. Please call me with any question or if you need clarification on any of these comments.

Thank you,
David Murrey

David J. Murrey, PLS
Archuleta County Deputy Surveyor
P.O. Box 5532
Pagosa Springs, CO 81147
(970) 946-1043
murreylandsurveying@gmail.com

John Shepard

From: Gregg Mayo <gregg@PAWSD.org>
Sent: Friday, November 15, 2013 9:07 AM
To: Sherrie Vick
Cc: Christine Velarde
Subject: RE: Barber MLLA

Sherrie, the property is located within District boundaries for water and wastewater service, and is, therefore, subject to the Rules and Regulations and Construction Specifications of the District. The District will require that the 10' easements along both sides of the old lot line be placed along the newly created lot line.

The property owner is required to furnish the District with a copy of the recorded plat amendment. Upon District receipt of the recorded plat amendment, a \$100.00 Records Fee will be assessed and the account will be adjusted to reflect the new lot line adjustment.

Should there be any questions, please feel free to contact the District's office.

Gregg Mayo
Project Manager
Pagosa Area Water & Sanitation District
P.O. Box 4610
100 Lyn Ave.
Pagosa Springs, CO 81157
phone: (970)731-7641
fax: (970)731-2693
cell: (970)946-9447
e-mail: gregg@pawsd.org

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From: Sherrie Vick [mailto:svick@archuletacounty.org]
Sent: Friday, November 08, 2013 10:24 AM
To: Gregg Mayo
Subject: Barber MLLA

Greg,
Thanks for the help☺
Attached is the Barber Minor lot line adjustment.

Sherrie Vick
Building and Planning Technician
Archuleta County
970-264-1390 Ext: 234

John Shepard

From: Randy Ferris <rferris@lpea.coop>
Sent: Friday, December 11, 2015 10:11 AM
To: John Shepard
Cc: Rhonda Beam - RPC; Morgan Carey; dean_s@centurytel.net; Sherrie Vick
Subject: RE: Village Service Commercial (L25-26-27) Plat Amendment
Attachments: 1728_001.pdf

John,

LPEA has an existing underground primary power line running from the north lot line of proposed Lot 27Z to a pad mounted transformer within said lot. In addition, LPEA has 5 underground secondary power lines running to meters at various locations on the property. (Approximate locations of the lines and meters are highlighted in yellow on one of the two attached plats [meters are indicated by a red C contained within a circle]). LPEA would like utility easements of 20' in width, lying 10' each side of all of these power line centerlines to be shown and dedicated to LPEA on the plat. The applicant's surveyor may contact me to arrange for locates of the power lines, so that they may be surveyed and the easements created.

Thank you,

*Randy Ferris, SR/WA
Land Rights Administrator
La Plata Electric Association, Inc.
45 Stewart Street
P.O. Box 2750
Durango, CO 81302
rferris@lpea.coop
(970) 382-3512*



John Shepard

From: Yari Arceneaux
Sent: Thursday, December 10, 2015 10:27 AM
To: John Shepard
Cc: Bruce Quintana
Subject: RE: Village Service Commercial - Barber Plat Amendment

John,

Bruce and I conducted a site visit of the property, we are concerned about the drainage within the property and also with the drainage on the property frontage. We recommend that these drainage issues should be addressed by a Professional Engineer because we feel these drainage issues are affecting adjacent properties in the area.

Thanks,
Yari Davis
Archuleta County
Engineering Technician
Phone: (970)-264-8404
Fax: (970)264-6815
Email: yarceneaux@archuletacounty.org

Amendment Statement

RE: Minor Lot Line Boundary Adjustment
Lots 25A, 26A, 27A Village Service Commercial
Pagosa Springs, Colorado 81147

As per the submitted survey, note the relocation of the east boundary line of Lot 25A, contiguous and directly adjacent to the west boundary lines of Lots 26A and 27A. The boundary line has been adjusted to move West and along Highway 160, approximately 103 feet. The revised South boundary or Highway 160 frontage is to be 102.80 feet. The existing Northwest corner of Lots 25A and 27A and all other corners are to remain in the same original platted location.

The triangular parcel removed from Lot 25A has been continually in use as of February 13, 1993 as parking for the Hogs Breath Saloon & Restaurant under a verbal agreement between then owner of Lot 25, Tim Dobbins and the owners of the Hogs Breath Saloon. It later became necessary for the owners of the Hogs Breath, Lot 26A and Lot 27A, John G Fargerson and Dennis M Barber Sr, to purchase Lot 25, permanently securing use of the existing parking lot.

The necessity for relocating the boundary line in question is two fold. One, for the purpose of accurately identifying the property leased to Boss Hogg's Restaurant & Saloon, aka Hogs Breath Saloon & Restaurant. The second, to identify the lease or purchase agreement and property tax assessment of the existing building and property on all Lots identified above.

The boundary adjustment will accurately define the lease/purchased property by each tenant as described in their respective lease/purchase agreements. The boundary adjustment will further confirm the land use as the actual use of the past 14 years.

Thank you for your consideration in this matter.

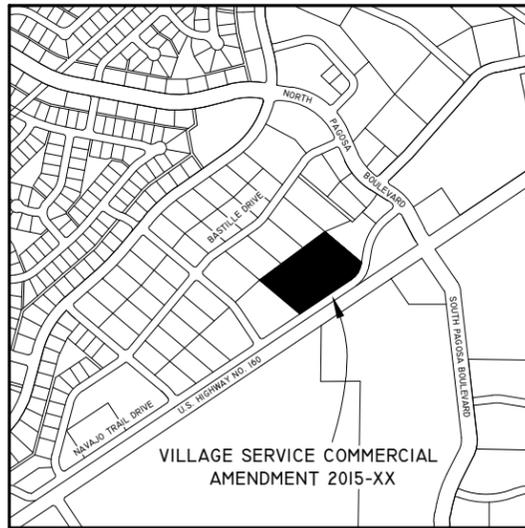
Sincerely,



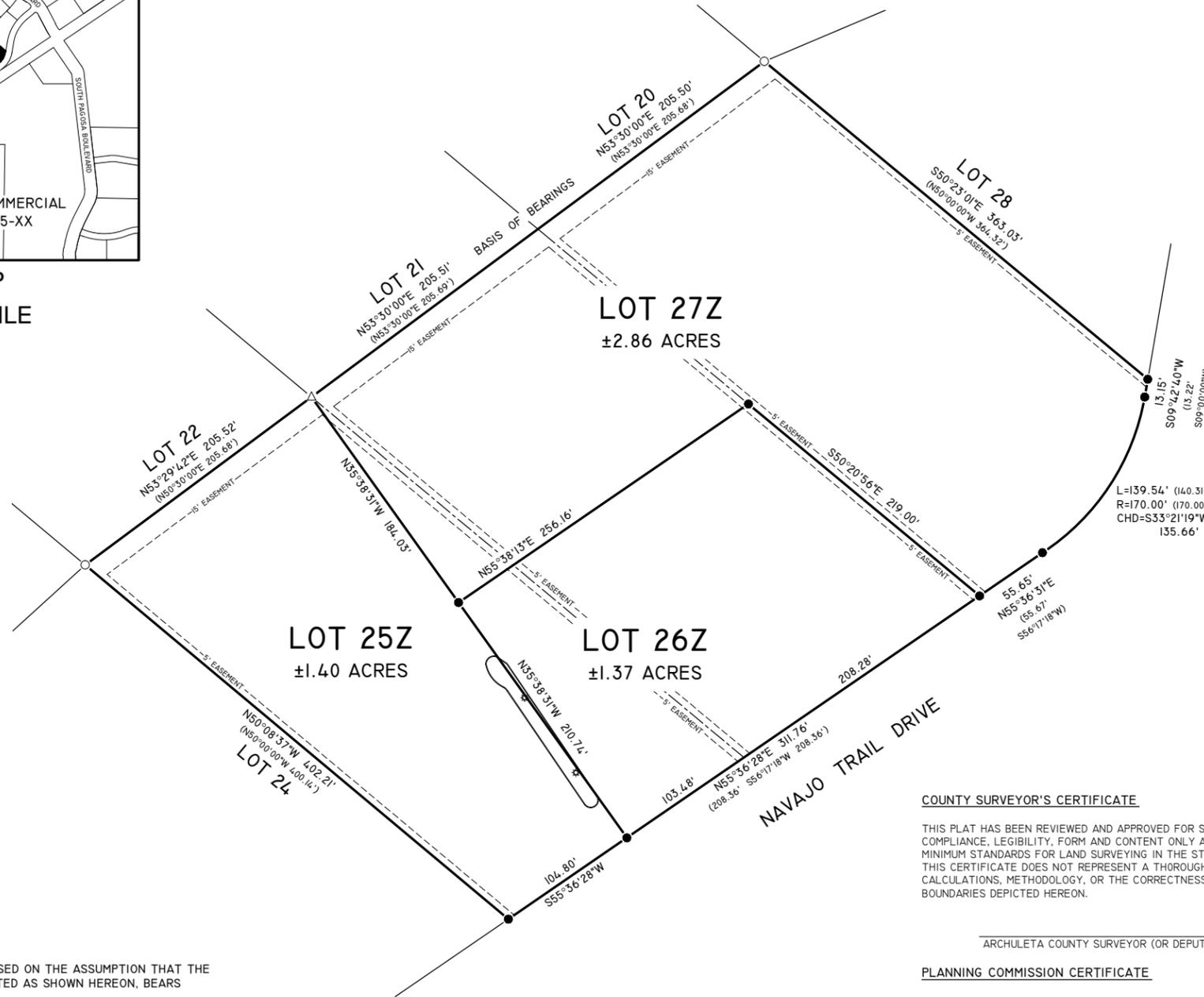
Dennis M Barber Sr

VILLAGE SERVICE COMMERCIAL - AMENDMENT 2015-XX

A REPLAT OF LOTS 26 AND 27 OF "A REPLAT OF LOTS 26 AND 27 OF THE REPLAT OF VILLAGE SERVICE COMMERCIAL" UNDER RECEPTION NO. 187790 AND LOT 25 OF "A REPLAT OF VILLAGE SERVICE COMMERCIAL" UNDER RECEPTION NO. 83662, AND CREATING NEW LOTS 25Z, 26Z AND 27Z ARCHULETA COUNTY, COLORADO



LOCATION MAP
SCALE: 1" = 1/8 MILE



NOTES:

- 1) ALL MEASURED BEARINGS ARE BASED ON THE ASSUMPTION THAT THE NORTH LINE OF LOT 27X, MONUMENTED AS SHOWN HEREON, BEARS N.53°30'00\"/>

LEGEND:

- FOUND OR SET 1/2" REBAR WITH 1 1/2" ALUMINUM CAP PLS 26973
- FOUND 5/8" REBAR WITH 1 1/2" ALUMINUM CAP PLS 23035
- △ FOUND 5/8" REBAR WITH 1 1/2" ALUMINUM CAP PLS 34996

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

CLERK AND RECORDERS CERTIFICATE

STATE OF COLORADO
COUNTY OF ARCHULETA

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK, THIS _____ DAY OF _____, 2016.

RECEPTION NUMBER: _____

PLAT FILE NUMBER: _____

BY: _____
CLERK AND RECORDER

COUNTY SURVEYOR'S CERTIFICATE

THIS PLAT HAS BEEN REVIEWED AND APPROVED FOR STATUTORY COMPLIANCE, LEGIBILITY, FORM AND CONTENT ONLY AND MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF COLORADO. THIS CERTIFICATE DOES NOT REPRESENT A THOROUGH REVIEW OF CALCULATIONS, METHODOLOGY, OR THE CORRECTNESS OF THE BOUNDARIES DEPICTED HEREON.

ARCHULETA COUNTY SURVEYOR (OR DEPUTY) DATE

PLANNING COMMISSION CERTIFICATE

THIS PLAT AND THE STATEMENTS HEREON ARE APPROVED ON THIS _____ DAY OF _____, 2016, BY THE PLANNING COMMISSION FOR ARCHULETA COUNTY, COLORADO. THIS APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS OR ANY OTHER SERVICE FACILITY.

BY: _____
CHAIRPERSON

APPROVAL TO RECORD

HAVING ASCERTAINED THAT THE CONDITIONS OF APPROVAL HAVE BEEN SATISFACTORILY COMPLETED ON THIS _____ DAY OF _____, 2016, THE BOARD OF COUNTY COMMISSIONERS APPROVE THIS PLAT FOR RECORDING BY THE COUNTY CLERK AND RECORDER. THIS APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES, SEWAGE DISPOSAL, OR ANY OTHER SERVICE FACILITY.

BY: _____
CHAIRPERSON

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS: THAT SILVERADO CITY LLC OF I17 NAVAJO TRAIL DRIVE BOX 10, PAGOSA SPRINGS, COLORADO 81147, SAMUEL P. ROBERTS AND BEVERLY ROBERTS OF 121 MEADOWLARK COURT, DURANGO, COLORADO 81303, BEING THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY, TO WIT:

LOTS 26 AND 27 OF "A REPLAT OF LOTS 26 AND 27 OF THE REPLAT OF VILLAGE SERVICE COMMERCIAL" UNDER RECEPTION NO. 187790 AND LOT 25 OF "A REPLAT OF VILLAGE SERVICE COMMERCIAL" UNDER RECEPTION NO. 83662, ARCHULETA COUNTY, COLORADO

HAS CAUSED THIS PLAT TO BE MADE AND DESIGNATED AS "VILLAGE SERVICE COMMERCIAL - AMENDMENT 2015-XX" AND FURTHER DECLARES:

IN CONSIDERATION OF THE APPROVAL OF THIS PLAT OF "VILLAGE SERVICE COMMERCIAL - AMENDMENT 2015-XX", THE DECLARANTS HEREBY WAIVE ANY AND ALL CLAIMS OF DAMAGES AGAINST ARCHULETA COUNTY OCCASIONED BY THE ALTERATION OF LAND SURFACES TO CONFORM TO THIS AMENDMENT PLAT.

IN WITNESS THEREOF

THIS INSTRUMENT IS EXECUTED

THIS _____ DAY OF _____, 2016

BY DENNIS M. BARBER AS AN OWNER AND AS THE REPRESENTATIVE FOR SILVERADO CITY, LLC

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016 BY DENNIS M. BARBER AS AN OWNER AND AS THE REPRESENTATIVE FOR SILVERADO CITY, LLC

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

IN WITNESS THEREOF

THIS INSTRUMENT IS EXECUTED

THIS _____ DAY OF _____, 2016

BY JOHN G. FARGERSON AS AN OWNER OF SILVERADO CITY, LLC

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016 BY JOHN G. FARGERSON AS AN OWNER OF SILVERADO CITY, LLC

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

IN WITNESS THEREOF

THIS INSTRUMENT IS EXECUTED

THIS _____ DAY OF _____, 2016

SAMUEL P. ROBERTS

BEVERLY ROBERTS

STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016 BY SAMUEL P. ROBERTS AND BEVERLY ROBERTS

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC ADDRESS: _____

SURVEYOR'S CERTIFICATE

I, DEAN P. SCHULTZ, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, HEREBY CERTIFY THAT THIS "VILLAGE SERVICE COMMERCIAL - AMENDMENT 2015-XX", WAS PREPARED UNDER MY DIRECTION, TRULY AND CORRECTLY REPRESENTS A FIELD SURVEY OF THE SAME, AND WAS MONUMENTED IN ACCORDANCE WITH CRS 38-51-105, 1973, AS AMENDED.

REVISIONS	VILLAGE SERVICE COMMERCIAL - AMENDMENT 2015-XX		
NOV 2015	A REPLAT OF LOTS 26 AND 27 OF "A REPLAT OF LOTS 26 AND 27 OF THE REPLAT OF VILLAGE SERVICE COMMERCIAL" UNDER RECEPTION NO. 187790 AND LOT 25 OF "A REPLAT OF VILLAGE SERVICE COMMERCIAL" UNDER RECEPTION NO. 83662, AND CREATING NEW LOTS 25Z, 26Z AND 27Z ARCHULETA COUNTY, COLORADO		
SCALE	1" = 50'	DAVIS ENGINEERING SERVICE, INC.	SURVEYED BY DPS
DATE	09/14/13	P.O. BOX 1208	DRAFTED BY DPS
CLIENT		PAGOSA SPRINGS, COLORADO 81147	FILED P06411
		PHONE: (970) 264-5055	
		FAX: (970) 264-9210	



Archuleta County
Development Services—Planning Department
1122 HWY 84
P. O. Box 1507
Pagosa Springs, Colorado 81147
970-264-1390
Fax 970-264-3338

MEMORANDUM

TO: Archuleta County Planning Commission

FROM: John C. Shepard, AICP; Planning Manager

DATE: January 27, 2016

RE: Pagosa Lakes Telecommunication Facility Development Plan Rezoning in the PUD zone, located at 1311 Lake Forest Cir.

EXECUTIVE SUMMARY

Black & Veatch, representing Verizon Wireless, is requesting approval to Rezone a parcel in the PUD zone to establish a Development Plan, for property owned by the Pagosa Lakes Property Owners Association known as the Lake Forest Open Space, located generally within Sections 18 and 19, T13N R2W NMPM, at 1311 Lake Forest Cir, Pagosa Springs, CO. The Development Plan will provide standards for placement of a Commercial Mobile Radio Systems (CMRS) wireless communication facility north of the lake, including a 70' monopine pole and faux wood equipment shelter, and continued recreation and open space use.

REVIEW PROCEDURE

The *Archuleta County Land Use Regulations* (Section 3.1.6) provides for the Planned Unit Development (PUD) zone district as a flexible and innovative alternative to standard zoning districts. New development in the PUD zone requires a Development Plan, which outlines detailed standards such as use, setbacks, density, etc. A Development Plan is adopted by a Rezoning application, as provided in Section 3.1.7.

It should be noted, the Federal Communications Commission (FCC) regulates licensed telecommunications facilities, and pre-empts local control of certain issues, both substantive and procedural. An application for a new tower must be acted upon (approved or denied in writing) within 150 days from submittal (12/01/2015).

Public notice was published in the *Pagosa Springs Sun*, posted on site, and mailed to neighboring property owners within 500' of the underlying parcel.

DISCUSSION

The area around Lake Forest was not included within the Lake Forest Estates Subdivision, approved in 1973. This remainder tract is currently owned by the Pagosa Lakes Property

Owners Association (PLPOA). Verizon Wireless is proposing to construct and operate a 70' "stealth"-type cell tower—a three-sector monopine—and 12' x 26' faux wood equipment shelter on the highest portion of the tract, within the existing tree line. No removal of existing trees is planned. A gravel utility drive will provide access from Lake Forest Circle at the existing fishing dock. Current recreational use of the property will remain the same. A survey of the property is included in Exhibit I of the Application (Attachment 2), photos of similar projects in Exhibit K, and a photo simulation of the improvements in Exhibit L.

The *Archuleta County Community Plan* of 2001 provides guidance for future development. Chapter 2 encourages new development to avoid disrupting environmentally sensitive areas. Chapter 7 of the Community Plan encourages provision of advanced telecommunications services in the county. The Future Land Use Map designates this area for High Density Residential development, which includes much of the area zoned Planned Unit Development (PUD) when the Official County Zoning Map was adopted in 2006.

Section 5.5.3 Commercial Mobile Radio Systems (CMRS) regulates cell towers in standard zoning districts:

CMRS Facility: All telecommunication devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation, within the range of frequencies from one hundred (100) KHz to three hundred (300) GHz, and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, mounted on poles, other structures, light posts, power poles or buildings. CMRS facilities include radio, television, telephone and microwave towers or antennas for commercial transmission to consumers.

Black & Veatch, on behalf of Verizon Wireless, addresses the requirements of Section 5.5.3 in Exhibit G of their Application.

1. Typically, a Conditional Use Permit is required for a cell tower; however, in the PUD zone, the Development Plan sets development standards.
2. The proposed facility is designed for collocation. The 70' height is proposed to meet the minimum transmission requirements above adjacent trees. Further, Applicant affirmed they would not act to exclude competitors from leasing on the facility.
3. (Applies to building-mounted facilities.)
4. (Applies to roof-mounted facilities.)
5. Freestanding facilities "shall be visually screened from adjacent residential development". While a "stealth" facility is not required, the monopine tower is proposed to meet the requirement that exterior building finishes and colors are compatible with the existing character of the site. All equipment will be located within the "cabin" structure. Utility structures are often screened by evergreen or xeric shrubs such as Mountain Mahogany (*Cercocarpus montanus*) or New Mexican Privet/Desert Olive (*Forestiera neomexicana*).
6. The Land Use Regulations apply the standard height limit to CMRS towers; however, there is no height limit defined in the PUD zone.
7. A new CMRS facility cannot interfere with an existing facility. There are no known telecommunications facilities close to the proposed site. Nearest licensed facilities are shown on a map in Exhibit J, on the ridge south of Hwy 160 and at Reservoir Hill. The

most recent CMRS facility approved was a 190' tower located in Aspen Springs, south of Hwy 160.

8. The Land Use Regulations require a CMRS facility to be removed if shut down for over six months.
9. **Standards of Approval** are specified in 5.5.3.9:
 - (1) Existing/approved towers cannot accommodate planned equipment.
 - (2) The site has been reviewed by the FAA, and the location approved. Archuleta County's Airport Manager reviewed the plans as well and made no objections.
 - (3) Two factors mitigate the potential for ice fall. First, while the tower itself is 22' from the underlying property line, there is adjacent open space (owned by Wyndham Vacation Resorts) between the tower and the nearest private property, which is approximately 90' from the tower at the closest point. Secondly, the structure is shorter than other towers in the area and will be covered by "pine needles" that Applicant maintains will mitigate ice build-up more like a natural tree than a lattice tower.
 - (4) The facility is designed for shared capacity/collocation. By practice, no additional County permits are required for collocation.
 - (5) The "stealth" features of a monopine and faux cabin are intended to provide the least practicable visual impact.
 - (6) The Telecommunications Act of 1996, administered by the FCC, preempts local regulation of environmental effects of radio frequency emissions (radiation).
 - (7) As noted previously, Applicants state that the 70' height is the minimum height necessary to provide clear reception above the existing trees.
 - (8) FCC rules regulate the placement and construction of licensed wireless facilities.
 - (9) An Archuleta County Building Permit will be required for the tower and equipment shelter. A professional engineer will be required to sign and seal construction plans, as part of the building permit process.
 - (10) Applicants examined other possible tower sites, including other sites owned by PLPOA such as the Rec Center on Park Ave and the Association Offices on Port Ave.

Applicants provide the proposed Development Plan in Exhibit H (original size 11x17") based on a format used in other Colorado counties.

- The first page includes the full legal description of the underlying tract of land, signature blocks for Official approvals, and specific written restrictions for the proposed telecommunications use and continued recreational use of PLPOA's parcel.
- The second page is a site detail and site plan of the proposed facility.
- The third page is a scaled Elevation drawing of the proposed facility.

The Development Plan will serve as the official development standards for this parcel, and will need to be adopted by Resolution of the Board of County Commissioners.

Section 3.1.7.3 of the Land Use Regulations provides standards for Rezoning, and Section 3.1.6.3 provide criteria to approve development in the PUD zone. Applicants address these requirements in their Application Exhibit E and Exhibit F. In a PUD:

- Location, character and intent of the Development shall be consistent with the Community Plan.

- Development shall be compatible with the scale, intensity and type of uses located on adjacent property.
- Development shall preserve at least 50% open space.
- Development shall provide pedestrian ways.
- Design and layout of Development shall protect unique natural features and will not cause significant degradation of the environment.
- Development shall not have a significant adverse effect on the capability of local government to provide services.
- Layout and design of Development shall preserve views and vistas; construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.
- Development shall provide recreational opportunities and amenities to residents.

The Board of County Commissioners may waive or modify specifications, standards and requirements in a PUD, if such action furthers the objectives of the Land Use Regulations.

The criteria listed in Section 3.1.7.3 support Rezoning, although an application does not necessarily have to meet each of the 10 points. The existing PUD zoning on this parcel does not currently provide any development standards. Land use in the area has changed since zoning was adopted, with additional development demanding additional telecommunications services. As mentioned previously, the Archuleta County Community Plan supports provision of telecommunications services. Applicants have provided their evidence that the Development Plan is compatible with the surrounding area with minimal adverse impacts; while several area property owners have provided their objections.

The project was forwarded for agency reviews.

- County Engineering found no issues with the proposal.
- SourceGas noted natural gas distribution lines existing in nearby utility easements.
- The County Airport Director asked to be notified when the tower is erected.
- PLPOA's Environmental Control Committee approved the proposal in June 2015.

Four area property owners contacted the Development Service office to express concerns with the proposal. The two closest property owners and two property owners across Lake Forest also submitted written statements in opposition (attached, with Applicant's response). Concerns generally involve the location selected, views, debris fall, safety, and conversion of common open space.

If the Application meets criteria for approval, Conditions of Approval may be proposed to more adequately mitigate impacts of the project. If the Applicants have not adequately mitigated their impacts, the Planning Commission may recommend denial of the application only with specific findings supported by substantial evidence in a written record.

RECOMMENDATION AND FINDINGS

Based on evidence provided, staff recommends the Planning Commission find that:

- a. The application does meet the review criteria for development in a Planned Unit Development (PUD) zone, in Section 3.1.6 of the *Archuleta County Land Use Regulations*, and
- b. The application does meet the review criteria for rezoning, in Section 3.1.7 of the *Archuleta County Land Use Regulations*, and

That the Planning Commission recommend approval of the Pagosa Lakes Telecommunication Facility Development Plan Rezoning in the PUD zone, located at 1311 Lake Forest Cir., with no conditions.

PROPOSED MOTION

I move to recommend Approval to the Board of County Commissioners, of the Pagosa Lakes Telecommunication Facility Development Plan, with Findings A and B of the staff report.

ATTACHMENTS.

Attachment 1: Area Map

Attachment 2: Application Package

Attachment 3: Neighbor Letters

Attachment 4: Proposed Development Plan



Site Map

Pagosa Lakes
Telecom Facility
Development Plan
2015-33RZ

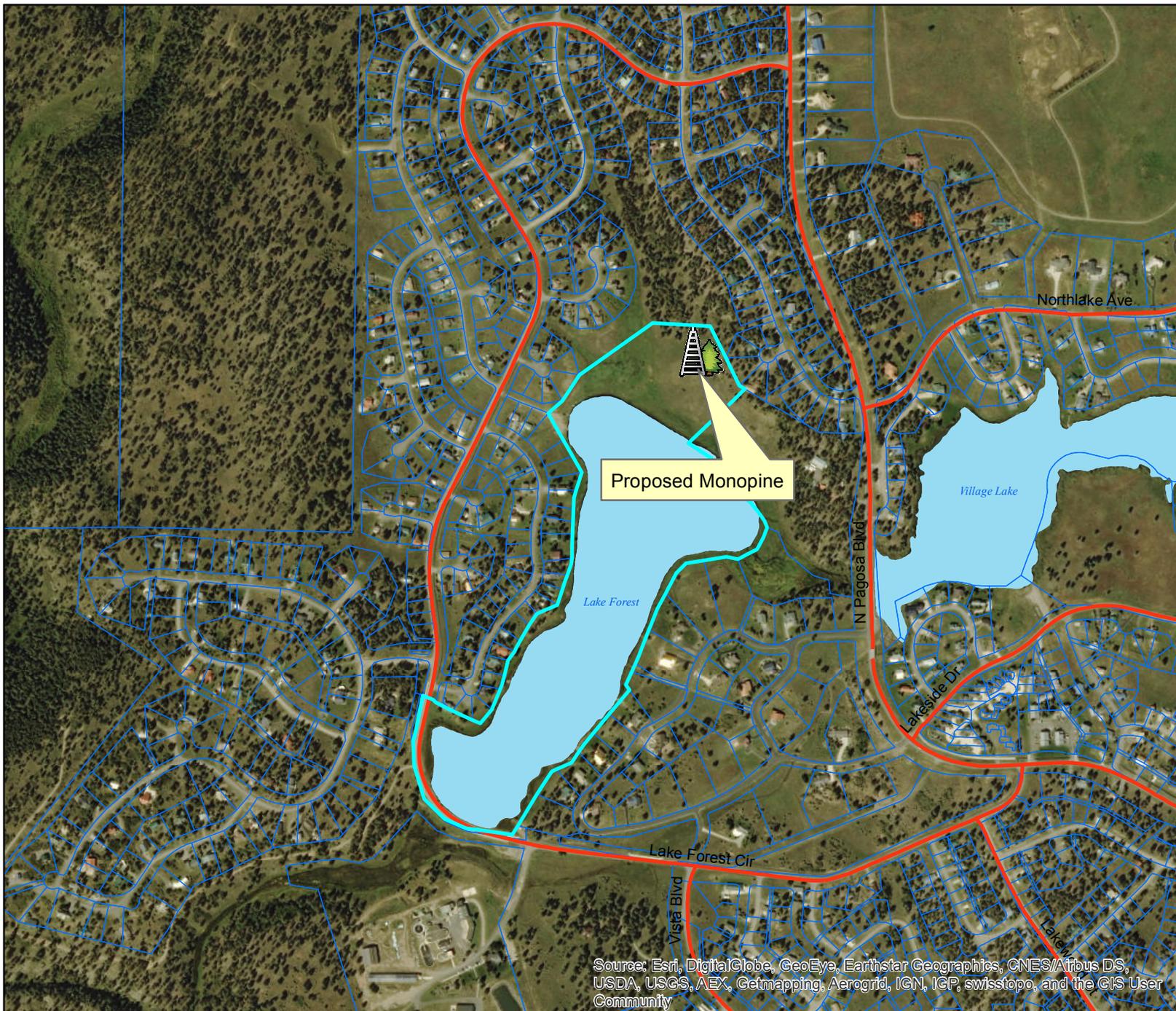
Legend

 Primary Road

 Lakes

 Project Parcel

 Project Location



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



350 175 0 350 Feet





Site Map

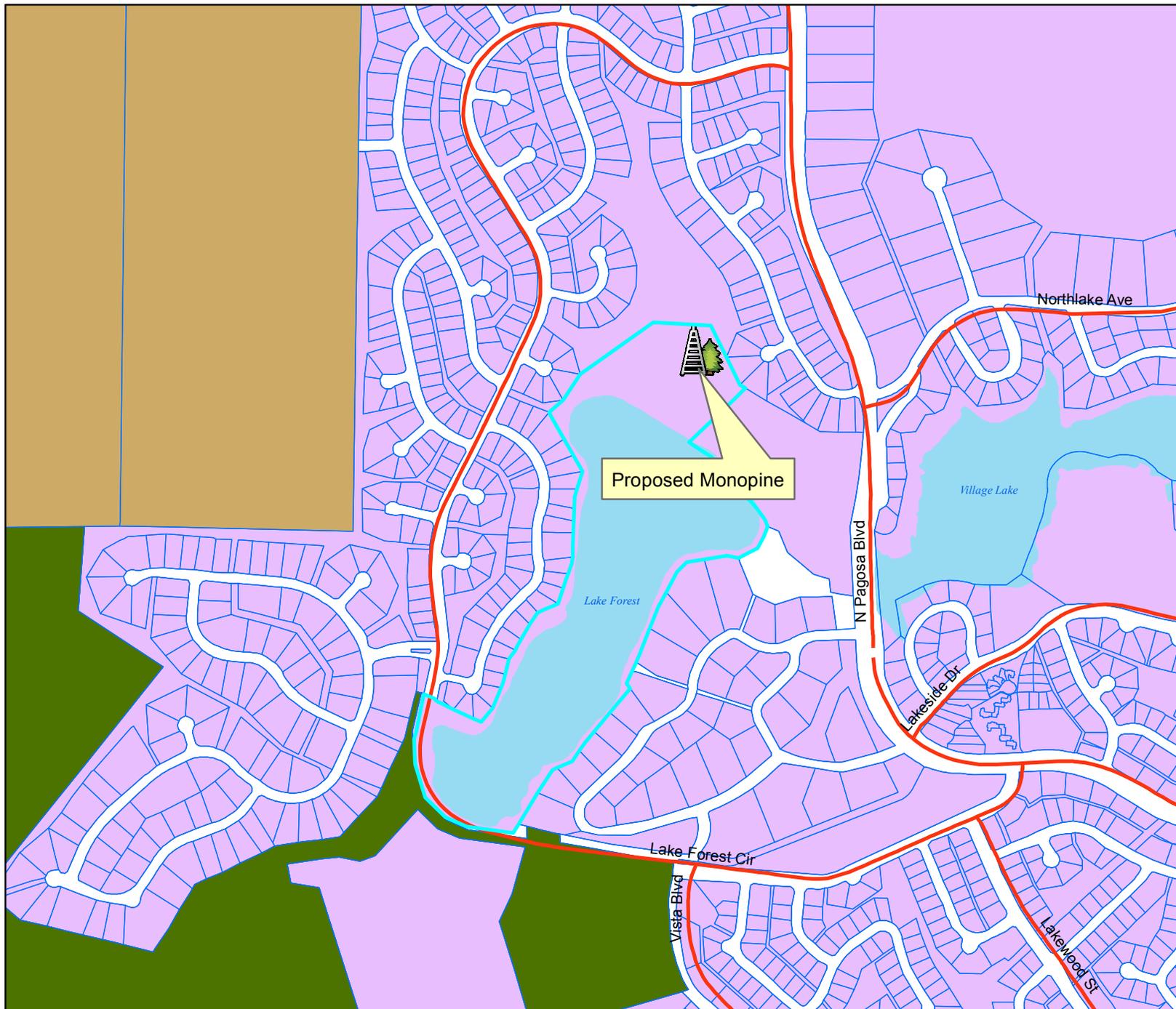
Pagosa Lakes
Telecom Facility
Development Plan
2015-33RZ

Legend

-  Primary Road
-  Lakes
- Zoning Map 2011**
- Zoning Districts**
-  Agriculture Forestry (AF)
-  Agriculture Ranching (AR)
-  Agricultural Estate (AE)
-  Rural Residential (RR)
-  Residential (R)
-  Mobile Home Park (MHP)
-  Commercial (C)
-  Industrial (I)
-  PUD
-  Project Parcel

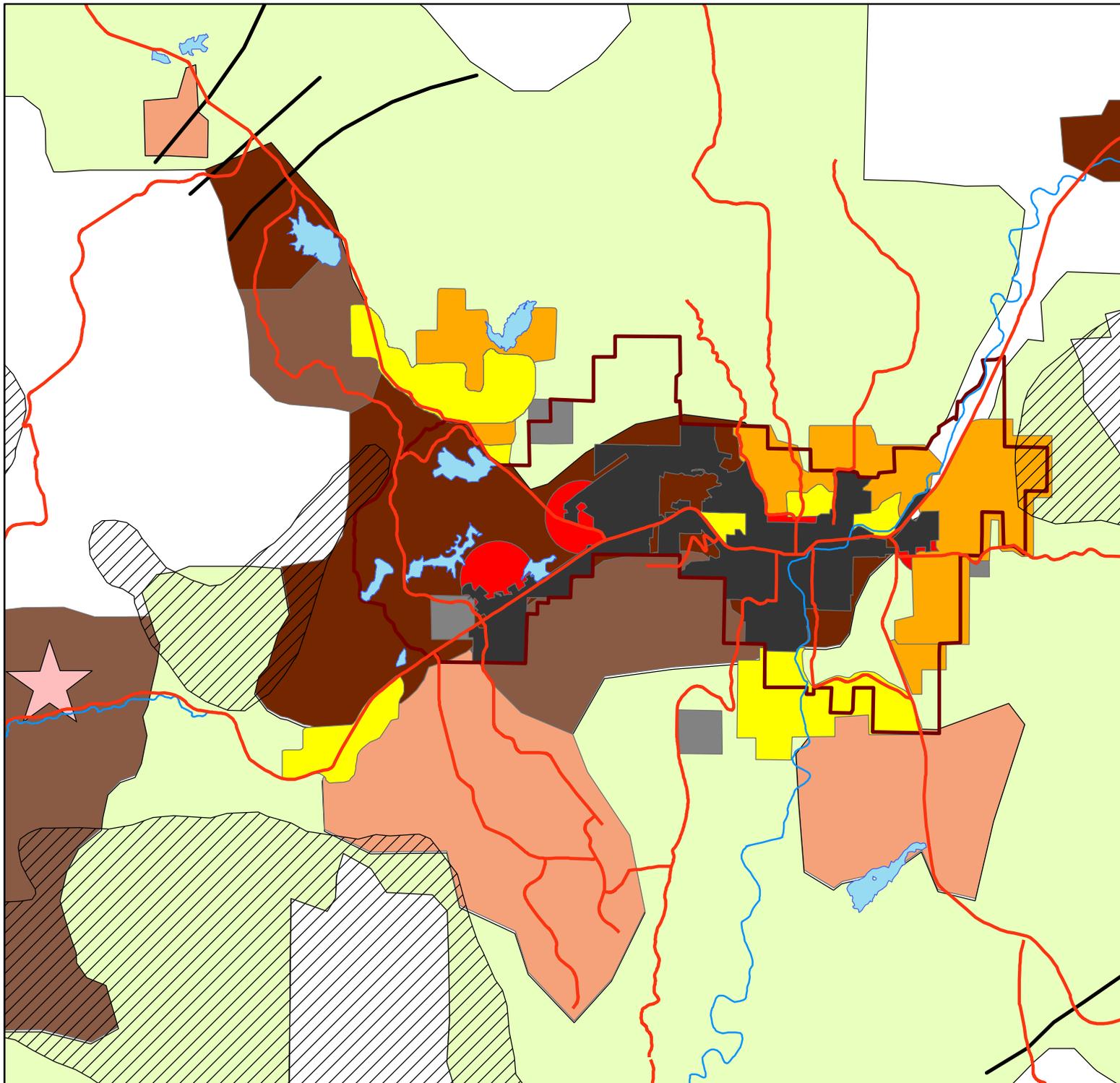


350 175 0 350 Feet



This map has been produced using various geospatial data sources. The information displayed is intended for general planning purposes and the original data will routinely be updated. No warranty is made by Archuleta County as to the accuracy, reliability or completeness of this information. Consult actual legal documentation and/or the original data source for accurate descriptions of locations displayed herein.

Detail: Future Land Use

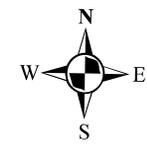


Legend

- Major Roads
- Rivers & Streams
- Lakes
- Critical Wildlife Habitat
- Migration Corridor
- Joint Planning Area
- Pagosa (2009)
- Tier 1
- Tier 2
- Industrial Park
- Commercial Area

Future Landuse

- High density residential
- Medium density residential
- Low density residential
- Very low density residential
- Public land
- Village Center



Detail of map developed 21 Sept 2011

Archuleta County Development Services
15 January 2016





BLACK & VEATCH
Building a **world** of difference.

**ARCHULETA COUNTY
PLANNED UNIT DEVELOPMENT APPLICATION**

**PARCEL OF GROUND WITHIN SE ¼ Sec18 T35N, R2W,
New Mexico P.M Archuleta County Colorado**

**Black & Veatch Corporation
For
Colorado 7-Saguache Limited Partnership d/b/a
Verizon Wireless
And
Pagosa Lakes Property Owners Association**

Verizon Wireless Site Name: CO7 Escoboar

TABLE OF CONTENTS

Exhibit A- Land Use Permit Application

Exhibit B- Proof of Ownership

Exhibit C-County Tax Certificate

Exhibit D- Project Overview Narrative

Exhibit E- Rezoning Criteria

Exhibit F-PUD Criteria

Exhibit G-CMRS Standards

Exhibit H- Official Development Plan/Site Plan & Elevation

Exhibit I-Survey

Exhibit J-RF Coverage Map

Exhibit K- Photos (Existing Sites)

Exhibit L- Photo-Simulation

Exhibit M- PLPOA ACC Approval

Exhibit A



LAND USE PERMIT APPLICATION

TO SUBMIT THIS APPLICATION, COMPLETE AND DELIVER WITH THE APPROPRIATE FEE
& SUBMITTAL REQUIREMENTS. FOR QUESTIONS CALL 970-264-1390 AND ASK FOR PLANNING

BY MAIL TO:
Archuleta County Planning Department
PO Box 1507
Pagosa Springs, CO 81147

IN PERSON TO:
Planning Department
1122 HWY 84
Pagosa Springs, CO 81147

TYPE OF REQUEST:

<input type="checkbox"/>	CONDITIONAL USE PERMIT (CUP)
<input type="checkbox"/>	USE BY RIGHT PERMIT (UBR)
<input checked="" type="checkbox"/>	PLANNED UNIT DEVELOPMENT (PUD)
<input type="checkbox"/>	CONCEPT REVIEW
<input type="checkbox"/>	GENERAL DEVELOPMENT PLAN
<input type="checkbox"/>	VESTED RIGHTS
<input type="checkbox"/>	MINOR LOT LINE ADJUSTMENT (MLLA)
<input type="checkbox"/>	PLAT AMENDMENT
<input type="checkbox"/>	LOT CONSOLIDATION
<input type="checkbox"/>	LOT UNCONSOLIDATION
<input type="checkbox"/>	SIGN PERMIT
<input type="checkbox"/>	RE-ZONING
<input type="checkbox"/>	OIL AND GAS (MINOR or MAJOR please circle)
<input type="checkbox"/>	SAND AND GRAVEL (MINOR or MAJOR please circle)
<input type="checkbox"/>	TEMPORARY USE PERMIT (TUP)
<input type="checkbox"/>	SUBDIVISION (MINOR or MAJOR please circle)
<input type="checkbox"/>	SKETCH PLAN (SUBDIVISION)
<input type="checkbox"/>	PRELIMINARY PLAN (SUBDIVISION)
<input type="checkbox"/>	FINAL PLAN (SUBDIVISION)
<input type="checkbox"/>	SUBDIVISION EXEMPTION PLAT (Final Plat)
<input type="checkbox"/>	VARIANCE (GENERAL or ADMIN please circle)
<input type="checkbox"/>	NOTICE OF ACTIVITY - GEO THERMAL

GENERAL INFORMATION:

PROJECT: Verizon Telecommunication Facility
 PROJECT NUMBER: N/A
 PROJECT ADDRESS: Approximately 1450' west of Ashtil Court, Pagosa Springs, CO
 ASSESSOR'S PARCEL NO. 569919200006
 CURRENT ZONING: PUD PROPOSED ZONING: PUD
 CURRENT USE: Recreation and Open Space
 PROPOSED USE: Recreation, Open Space and Telecom
 PROJECT DESCRIPTION:
Placement of a wireless communication facility, including a monopine tree pole and faux wood cabin shelter on Association property as detailed on attached plans.
 APPLICANT: Colorado 7-Saguache Limited Partnership d/b/a Verizon Wireless

MAILING ADDRESS: 3131 S. Vaughn Way, Suite 550, Aurora, CO 80012

PHONE: 303-873-2778 cell: 303-842-1720 EMAIL ADDRESS: jane.johnson@verizonwireless.com

REPRESENTATIVE: Jeff Sherer, Black & Veatch Corporate

MAILING ADDRESS: 4600 S. Syracuse St. Suite 800, Denver, CO 80237

PHONE: 720-834-4349 cell: 303-929-8651 EMAIL ADDRESS: shererj@bv.com

PROPERTY OWNER (IF DIFFERENT FROM APPLICANT): Pagosa Lakes Property Owners Association

MAILING ADDRESS: 230 Port Ave., Pagosa Springs, CO PHONE: 970-731-5635 x209

(NOTARIZED AGENT AUTHORIZATION FORM SIGNED BY ALL PROPERTY OWNERS IS REQUIRED AND MUST ACCOMPANY THIS APPLICATION IF APPLICATION IS MADE BY OTHER THAN OWNER(S) OF RECORD.)

APPLICATION RECEIVED BY: _____	DATE RECEIVED: _____
FEE AMOUNT REQUIRED: \$ _____	DATE PAID: _____
APPLICATION DEEMED COMPLETE BY _____	ON: _____

Continued on reverse

LAND USE PERMIT APPLICATION

CONTINUED

THE UNDERSIGNED AUTHORIZES THE LAND USE ADMINISTRATOR(S) TO PROCEED WITH PROCESSING THIS APPLICATION UNDER THE REQUIREMENTS SET BY THE ARCHULETA COUNTY LAND USE REGULATIONS.

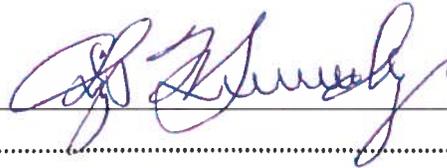
(Required if checked) THE LANDOWNER GIVES PERMISSION FOR COUNTY STAFF TO ACCESS THE PROPERTY FOR INSPECTION OF THE DETAILS OF THIS APPLICATION.

(Required if checked) THE UNDERSIGNED ACKNOWLEDGES THAT THE APPLICANT IS RESPONSIBLE FOR PROVIDING THE COUNTY WITH THE LIST OF NAMES OF THE ADJACENT PROPERTY OWNERS LOCATED WITHIN **500 FEET** OF ALL BOUNDARIES OF THE PROPERTY AND PROVIDE **ADDRESSED STAMPED ENVELOPES** FOR ALL THESE PROPERTY OWNERS PURSUANT TO THE REQUIREMENTS AS SET FORTH IN THE LAND USE REGULATIONS.

.....
(Required if checked) THE UNDERSIGNED ACKNOWLEDGES THAT MINERAL ESTATE OWNERS/LESSEES WERE NOTIFIED IN ACCORDANCE WITH C.R.S 24-65.5-101-105. LAND USE PERMIT APPLICATIONS REQUIRING MINERAL ESTATE OWNERS/LESSEES NOTIFICATION. THIS NOTIFICATION REQUIREMENT IS STRICTLY THE APPLICANT'S RESPONSIBILITY.

APPLICANT'S INITIALS JLS

LANDOWNER'S SIGNATURE AS ACKNOWLEDGEMENT: _____



.....

Exhibit B

Old Republic National Title Insurance Company

CELL TOWER INFORMATION BINDER

Order Number: 01-14076348-01T

Policy Number: OX-09437752

Liability: \$75,000.00

Fee: \$750.00

Subject to the exclusions from coverage, the limits of liability and other provisions of the Conditions and Stipulations hereto annexed and made a part of this Binder,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Corporation, herein called the Company

GUARANTEES

BLACK & VEATCH CORPORATION

Herein called the Assured, against loss, not exceeding the liability amount stated above, which the assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records as of 11/20/2015

1. Title to said estate or interest at the date hereof is vested in:

PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC.

2. The estate or interest in the land hereinafter described or referred to covered by this Binder is:

Fee Simple

3. The land referred to in this Binder is situation in the State of Colorado, County of ARCHULETA, described as follows:

SITUATED IN THE COUNTY OF ARCHULETA, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE E1/2 SW1/2 AND W1/2 SE1/4 SECTION 18, E1/2 NW1/4 AND NW1/4 NE1/4 OF SECTION 19, ALL IN T. 35 N., R. 2 W., N.M.P.M., ARCHULETA COUNTY, COLORADO, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF LAKE FOREST DRIVE, AS SHOWN ON THE PLAT OF LAKE FOREST ESTATES WHICH IS FILED UNDER RECEPTION NO. 77869 OF THE RECORDS IN THE OFFICE OF THE ARCHULETA COUNTY CLERK AND RECORDER, THENCE THE SOUTHEAST CORNER OF SAID SECTION 18 BEARS N. 75° 36' 53" E., 3624.42 FEET DISTANT; THENCE ALONG THE EASTERLY BOUNDARY OF SAID LAKE FOREST ESTATES THE FOLLOWING COURSES: S. 64° 41' 45" E., 284.24 FEET; N. 39° 48' 20" E., 117.15 FEET; N. 22° 53' 01" E., 167.16 FEET; N. 12° 51' 69" E., 145.00 FEET; N. 33° 57' 40" E., 343.18 FEET; N. 67° 47' 48" E., 105.84 FEET; N. 19° 04' 38" E., 253.95 FEET; N. 01° 44' 24" E., 395.18 FEET; N. 19° 32' 12" E., 197.36 FEET; N. 30° 35' 05" W., 414.69 FEET; N. 50° 19' 56" E., 159.79 FEET; N. 34° 06' 23" E., 190.82 FEET; N. 53° 46' 22" E., 463.63 FEET; S. 86° 05' 58" E., 352.82 FEET AND S. 26° 11' 25" E., 410.10 FEET TO THE SOUTH CORNER OF LOT 138 OF SAID LAKE FOREST ESTATES; THENCE S. 45° 54' 20" W., 377.89 FEET TO A POINT ON THE HIGH WATER LINE OF LAKE FOREST RESERVOIR; THENCE ALONG SAID HIGH WATER LINE THE FOLLOWING COURSES: S. 56° 42' 39" E., 79.99 FEET; S. 58° 34' 47" E., 83.12 FEET; S. 36° 10' 47" E., 82.22 FEET; S. 40° 47' 07"

Old Republic National Title Insurance Company

CELL TOWER INFORMATION BINDER

Order Number: 01-14076348-01T

Policy Number: OX-09437752

E., 73.94 FEET; S. 40° 57' 07" E., 100.42 FEET; S. 50° 48' 04" E., 101.50 FEET; S. 42° 46' 52" E., 66.11 FEET; S. 36° 34' 37" E., 69.19 FEET; S. 19° 24' 46" W., 100.85 FEET; S. 26° 48' 06" W., 83.92 FEET; S. 35° 01' 30" W., 44.53 FEET; S. 62° 38' 44" W., 58.38 FEET; N. 67° 55' 51" W., 79.05 FEET; N. 85° 25' 20" W., 111.21 FEET; S. 77° 23' 32" W., 99.88 FEET; S. 72° 38' 52" W., 80.58 FEET; S. 37° 27' 30" W., 87.02 FEET; S. 34° 03' 40" W., 88.50 FEET; S. 18° 12' 33" W., 89.75 FEET; S. 29° 46' 38" W., 55.53 FEET; S. 12° 30' 01" W., 69.38 FEET; S. 20° 47' 25" W., 87.02 FEET; S. 29° 28' 38" W., 90.76 FEET; S. 29° 42' 44" W., 92.62 FEET; S. 26° 33' 12" W., 88.78 FEET; S. 18° 36' 11" W., 86.34 FEET; S. 13° 12' 06" W., 105.43 FEET; S. 34° 25' 04" W., 167.13 FEET; S. 52° 25' 32" W., 57.66 FEET; S. 41° 24' 19" W., 138.40 FEET; S. 22° 00' 38" W., 50.44 FEET; S. 54° 35' 31" W., 100.68 FEET; N. 79° 01' 53" W., 73.36 FEET; S. 38° 25' 13" W., 68.54 FEET; S. 41° 23' 18" W., 107.72 FEET; S. 23° 30' 52" W., 134.60 FEET; S. 9° 27' 18" W., 74.60 FEET; S. 74° 42' 08" W., 69.86 FEET AND S. 49° 50' 06" W., 84.26 FEET; THENCE S. 82° 45' 12" E., 33.81 FEET; THENCE S. 73° 20' 21" E., 143.00 FEET; THENCE S. 3° 28' 06" E., 99.18 FEET; THENCE N. 82° 26' 14" W., 357.11 FEET; THENCE N. 67° 26' 34" W., 140.77 FEET; THENCE N. 46° 39' 00" W., 171.90 FEET; THENCE N. 10° 21' 04" W., 215.98 FEET; THENCE N. 5° 37' 09" W., 187.54 FEET; THENCE N. 12° 51' 59" E., 244.00 FEET ALONG THE SOUTHERLY PROJECTION OF THE WESTERLY LINE OF SAID DRIVE TO THE SOUTHWEST CORNER THEREOF, AS SHOWN ON SAID PLAT; THENCE S. 64° 41' 45" E., 81.92 FEET ALONG THE EASTERLY LINE OF SAID LAKE FOREST ESTATES TO THE PLACE OF BEGINNING; TOGETHER WITH THAT PORTION OF SAID DRIVE AND THAT PORTION OF BEAVER CIRCLE OF SAID LAKE FOREST ESTATES WHICH IS OCCUPIED BY THE LAKE FOREST DAM.

4. The following documents affect the land:

- (1) EXISTING LEASES AND TENANCIES, IF ANY.
- (2) SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS OF WAY AND BUILDING SETBACKS AS SHOWN ON THE PLAT OF LAKE FOREST ESTATES SUBDIVISION, AS RECORDED IN INSTRUMENT NO. 77869 OF ARCHULETA COUNTY RECORDS.
- (3) DECLARATION OF RESTRICTIONS PAGOSA, RECORDED 06/24/1970, IN BOOK 122, PAGE 224 OF THE ARCHULETA COUNTY RECORDS.
- (4) FIRST AMENDED DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES SUBDIVISION, RECORDED 04/15/1998, IN DOCUMENT NO. 98002816 OF THE ARCHULETA COUNTY RECORDS.
- (5) DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES, RECORDED 06/04/1973, IN BOOK 132, PAGE 231 OF THE ARCHULETA COUNTY RECORDS.

NOTE: FIRST AMENDED DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES SUBDIVISION, RECORDED 04/15/1998, IN DOCUMENT NO. 98002816 OF THE ARCHULETA COUNTY RECORDS.

- (6) EASEMENT, BY AND BETWEEN PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC., AND PAGOSA AREA WATER AND SANITATION DISTRICT, RECORDED 03/11/1992, IN BOOK 364, PAGE 148, RE-RECORDED 5/13/1992 AS BOOK 371 PAGE 68 OF THE ARCHULETA COUNTY RECORDS.

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(7) SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND OTHER MATTERS AS CONTAINED IN, RECORDED 08/20/1971, IN BOOK 125, PAGE 633 OF THE ARCHULETA COUNTY RECORDS.

Exhibit C

Exhibit D

**Pagosa Lakes Property Owners Association
TELECOMMUNICATION FACILITIES
NARRATIVE**

Verizon Wireless the nation's largest wireless telecommunication provider has, through extensive testing and customer feedback, determined that their wireless communication service in and around the West side of the Town of Pagosa Springs, because of a consistently growing customer base and increasing demand for data, has and will continue to experience increasing capacity and coverage problems including weak signal, slow downloads and dropped calls. To eliminate these problems and to optimize existing service, Verizon Wireless is proposing a new capacity off load communication facility on Pagosa Lake Property Owners Association open space property North of Lake Forest and West of Ashtil Ct. The new facility will be a 4G LTE facility. Verizon's 4G LTE sites use the latest technology to carry both voice and data. Voice service is provided over VoLTE or Voice Over Long Term Evolution technology through a service Verizon calls Advanced Calling 1.0. Advanced Calling offers high-definition or HD voice and video calling. To complete calls on this new cell site, customers' phones must be capable of Advanced Calling and that feature must be activated in the phone itself. Both customers on a call must be served by 4G LTE and have the Advanced Calling feature activated to experience HD voice and video service. Customers with older 1X, 3G or 4G devices without Advanced Calling will not experience a change in voice service.

Whenever feasible, Verizon Wireless strives to acquire sites that blend with the local character and are unobtrusive to the community. Existing structures such as water tanks, building rooftops and competitor owned towers are often the first choice for sites. When construction of a new structure is required, sites are chosen by their proximity to the target objective and the proposed compatibility to surrounding land uses. It is important to remember that wireless communications facilities must be considered as part of network, not as individual locations. Communication facilities can be likened to links in a chain, one link adds to the next, making the network design larger and in this case, adding capacity to that existing network.

After engineering review of submitted sites including sites at the PLPOA Recreation Center and the Pagosa Water & Sanitation Facility, a facility on PLPOA Open Space property at Forest Lake was determined to best meet the new site objectives. To best integrate the facility into its surroundings it was determined a faux pine tree tower was required.

Proposal Description

As proposed this Verizon Wireless facility will consist of a three sector monopine approximately 70' in height. The height of adjacent trees and topography (ground rises to north and west) were the determining facts in the height of the monopine. Associated radio equipment will be housed in faux wood shelter approximately 12' x 26' in size (see attached photo) that will be located adjacent to the monopine. All equipment, including an emergency generator will be placed within the shelter.

The location of the facility is north of Lake Forest within the tree line as shown on the attached survey. Open Space totally surrounds the site. The alternative faux design plus the existing vegetation and topography will mitigate any visual impacts. No removal of any mature trees is planned. A gravel drive running around the boundary of the open space is proposed for access and utilities (power and fiber).

The facility is self-contained and fully automated. It is visited once or twice a month by a technician in a truck or van and accordingly, there will be no impacts to the existing roads or traffic patterns nor will there be any traffic hazards or nuisances generated. The only noise generated will be the weekly testing of the in building generator and the shelter HVAC. The facility will not generate any vibrations, smoke or particular matter, toxic or noxious matter, odorous matter, fire, glare, heat or solid waste. The facility will not impair an adequate supply of light or air, or diminish or impair property values. When operational this 4G LTE facility will add value to adjacent properties through upgraded wireless and data access and will improve emergency E-911 communication in and around the Pagosa Lakes Community.

Compliance with Federal, State and Local Regulations.

Pursuant to discuss with Archuleta County it was determined a PUD rezoning was the best way to consider this Commercial Mobile Radio Service (“CMRS”) application while preserving the existing uses on the property. Accordingly, this application will address the Archuleta County rezoning standards as detailed in Section 3.1.7 of the Land Use Regulations, the PUD criteria detailed in Section 3.16.3 and the CMRS standards of Section 5.5.3.

Verizon Wireless will comply with all Federal Communication Commission (FCC) rules governing construction requirement, technical standards, interference protection, power and height limitations and radio frequency emission standards. In addition, the carrier will comply with all FAA rules on site location and operation.

Please note that on November 18, 2009 the Federal Communications Commission adopted rules (94 FCC Rcd. 13934) that affect the local tower siting process for both applicants and local jurisdictions. Specifically, the FCC established time frames within which a local zoning authority must take action on a siting application. On May 9, 2014, The State of Colorado adopted the same rules regarding siting application time frames (§ 29-27-403(1)(a)-(b), C.R.S.).

Affirmations

The applicant affirms;

The proposed Facility will be constructed so that the tower can accommodate co-location of additional antennas for future users and the Carrier, will not act to exclude or to attempt to exclude any other competitor from using the same facility for other antennae.

All antennas will comply at all times with the current American National Standards Institute or the Federal Communication Commission standards, whichever is more stringent for cumulative field measurements of radio frequency power densities and Electromagnetic fields. If requested, after installation, but prior to putting the antennas in service, the antenna owner will provide a certification by an independent engineer to that effect.

The Facility will not interfere with any public safety frequencies servicing the city and its residents.

The Facility shall not cause localized interference with reception of television and radio broadcasts.

Exhibit E

**Archuleta County
Rezoning Review Criteria**

(1) That the existing zoning is inconsistent with the goals, objectives or policies of the Community Plan.

The primary purpose of the PUD rezoning is to allow telecommunication uses on this Pagosa Lakes Property Owners Association Open Space parcel. The existing zoning predates contemporary telecommunication and is silent to placement of sites on Open Space parcels. The Association Board recognizes the need and has approved the design and supported this rezoning since it was brought to their attention (See Architectural Review Approval included in this application). The Community Plan recognizes the importance of telecommunications addresses needs and policy in Chapter 8 & 9 of the Plan. When operational the facility will significantly improve wireless internet and data access for Verizon Wireless customers in the area. Accordingly, this rezoning will address an increasingly important part of community life that is not covered by the existing zoning and is consistent with the Community Plan and this review criterion.

(2) That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest and consistent with the intent, purpose and provisions of these Regulations to encourage different densities or uses within the land in question

The primary use of the property is not changing. No physical change to the current Open Space and Recreation uses is planned. The Communication Use associated with this application is based on a community need relayed to Verizon Wireless by their customers in the area. The facility is being constructed by Verizon Wireless for their use and is not speculative. When completed the facility will provide upgraded data service which will allow substantially increased access to the internet for social and commercial purposes.

(3) That the proposed rezoning is needed to provide land for a demonstrated community need or service and such rezoning will be consistent with the goals, objectives and policies contained within the Archuleta County Land Use Plan.

This application includes an existing use of Open Space/ Recreation and a site specific CMRS facility. The Open Space is referenced in the Community Plan through the parent parcel PUD zoning. There is no change to that use. The Land Use Plan is silent to telecommunication uses and generally CMRS facilities are not the primary use of a property. As mentioned above, other sections of the Plan do address telecommunications and the County's need for upgraded service. This application furthers those policies and addresses identified need. Therefore, as submitted, this application is consistent with the County Land Use Plan and meets this criterion.

(4) That the existing zone classification currently recorded on the official zoning maps of Archuleta County is in error.

The County Zoning Map has the underlying property classified as PUD. The PUD classification is correct but the Zoning predates wireless telecommunications which has become of major importance. This requested Rezoning will allow the site to become current with respect to wireless communications while not impacting or altering the existing Open Space/Recreation uses.

(5) That the change of zone is in conformance, or will bring the property into conformance, with the Community Plan goals, objectives and policies, and other related policies or plans for the area.

As noted above, this rezoning application addresses concerns and conditions noted in the Community Plan specifically in Sections 8 and 9 where needs and policies for telecommunication access and telephone service is discussed. Therefore, as submitted, this application is consistent with the goals, policies and objectives of the Plan and this criterion is met.

(6) That the proposed change of zone is compatible with the surrounding area and there will be minimal adverse impacts considering the benefits to be derived.

The proposed zoning has been carefully crafted so that there are minimal adverse impacts. There are no changes to the primary uses of the property associated with Open Space and Recreation. The communication facility is an alternative design utilizing a pine tree type tower and a log cabin equipment shelter. Antennas will be hidden within the tree branches and covered with needle socks. The location of the site is behind a grove of trees and the height (70') is only tall enough for unobstructed antenna signal. When operational the facility will significantly improve internet access and data speeds for the many Verizon Wireless customers in the area.

(7) That there will be social, recreational, physical and/or economic benefits to the community derived by the change of zone.

The zoning change will allow telecommunication uses as well as the existing Open spaces and Recreation uses. The telecommunication uses will significantly improve the ability of the local residents to access the internet through their Verizon Wireless devices. Access to the internet and online services has become an increasingly important part of contemporary life and many people use it for shopping and socializing. It also has become a major conduit for current and local community information. Wireless internet access also is used by public services, such as CDOT and emergency respondents for communications and locational purposes. Therefore this rezoning, as detailed, will be beneficial to the community and accordingly conforms to this criterion.

(8) That adequate infrastructure/facilities are available to serve the type of uses allowed by the change of zone, or that the applicant will upgrade and provide such where they do not exist or are under capacity.

This application will not impact the existing infrastructure. The Open Space uses are existing and do not require any improvement in capacity. The telecommunication uses will have minimal impact and will not require upgrades in county Services. Because the facility is unmanned, no water or sewer service is required. Electricity is the only utility needed for the operation of the facility and the applicant will contract with the local power company to service the site. Since the site is fully automated a Verizon technician will only need visit the site once or twice a month. Those visits will be in a small truck or SUV and accordingly, the impact to County roads will be minor at most. Therefore, as presented the proposed zoning will not require upgrades to the County infrastructure and accordingly meets this criteria.

(9) That the proposed rezoning will not adversely affect public health, safety or welfare by creating excessive traffic congestion, creating drainage problems, or seriously reducing light and air to adjacent properties.

The proposed rezoning to a PUD will not change the primary use of the property (Open Space). The secondary use, a telecommunication facility, will not adversely impact the environment or negatively affect the health, welfare and safety of the community and in fact, will enhance the welfare of the local citizens by allowing improved wireless service including internet access. Communication facilities are unmanned and require only one or two visits a month so there are no impacts to traffic. The site is relatively small (3480 SF) in comparison to the overall size of the parent parcel and if there is a need for drainage improvement, the concern will be addressed during the BP process. With respect to lighting, the faux tower is unlit and the shelter has only a small downward focused fixture on the door which is only activated only when the technician is present. Therefore, as presented this application, to include existing open space and a faux telecommunication monopine tower, will not adversely impact the community health welfare and safety and will in fact improve the current condition by significantly increasing the communication ability of the residents of the area.

(10) That the rezoning will not create an isolated or spot zone district unrelated to adjacent or nearby areas.

The proposed rezoning to a PUD will allow all the existing uses as well as limited CMRS uses. The CMRS use is secondary to the primary use, Open Space and Recreation. The proposed facility is not speculative in nature and has its basis in voiced community need. Therefore, this application is not an isolated case of spot zoning but a use generated for the surrounding area.

Exhibit F

**Archuleta County
PUD Standards**

3.1.6.3 Approval Criteria:

In addition to the Standards in Section 5, the following standards shall apply to PUD requests.

(1) The location, character and intent of the PUD shall be consistent with the Community Plan.

As noted in the general rezoning review criteria, the uses are consistent with the Community Plan. The primary use Recreation and Open space is existing, and is identified as such on both the existing and future land use map. The secondary use, telecommunications, is addressed in several sections of the Plan (Chapters 8 & 9). With reference to Chapter 4 of the Community Plan, the PUD has been crafted so that the telecommunication uses are in character with the area. This has been done by limiting the telecommunication use to a small area of the underlying parcel which uses mature trees to screen the facility from the high activity areas around the lake. Additionally, the design has been restricted to a visually compatible faux tree and a faux cabin equipment shelter. Others design restrictions, including lighting, noise and tower height are written into the PUD ODP. These design & locational restrictions assure the facility will be compatible with the natural & community character of the surrounding area while providing a needed upgrade in telecommunication accessibility to the area.

(2) The PUD shall be compatible with the scale, intensity and type of uses located on adjacent property.

The PUD has been designed specifically to be compatible with the surrounding area with respect to its location, design and impacts on the natural environment. The site is a Pagosa Lakes Property Owners Association parcel and the design was approved by the HOA Board & the Architectural Review Committee prior to this zoning submittal.

(3) The PUD shall preserve at least fifty (50) percent of the area as open space.

The proposed PUD couples an existing open space with a non-occupied wireless communication facility. The facility footprint is small and only occupies approximately 3250 SF of this multi-acre parcel.

(4) The PUD shall provide for variety in housing types, price and ownership forms.

This PUD is non-residential and accordingly, this criterion doesn't pertain.

(5) The PUD shall provide pedestrian ways throughout the PUD that allow residents to walk safely and conveniently among areas of the PUD.

The primary use of the property is open space and as developed, has numerous pedestrian ways and hiking paths. The added PUD use, wireless telecommunications, does not interfere with these paths and has no impact on internal circulation.

(6) The design and layout of the PUD shall protect unique natural features and will not cause significant degradation of the environment.

As noted, great care has gone into the design of this telecommunication facility. The facility has been placed so that none of the mature surrounding evergreens need to be removed. Additionally, the access road alignment along the outside perimeter of the parcel uses natural contours and removes the need for grading. It also has been placed so that the adjacent wet lands are not disturbed.

(7) The PUD shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.

The telecommunication part of this PUD is a non-manned automated facility requiring infrequent visits by a technician in a small truck or van. Additionally the facility does not require water or sewer service. Verizon Wireless will contract with the local power provider for service.

(8) The layout and design of the PUD shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.

As noted above, great care has gone into the design and restrictions of this PUD. The placement of the monopine tower is in a groove of existing trees and the height of the tower is no taller than needed to clear adjacent tree tops as the topography rises away from the lake. The antennas will be located within the faux branches and will be covered with needle socks to further reduce their visibility.

(9) The PUD shall provide recreational opportunities and amenities to residents of the PUD.

As noted this facility includes existing open space and recreation uses. The ODP stipulates those uses will not change. The telecommunication uses will not have any impact on those uses.

(10) Each phase within a PUD shall be planned so that failure to proceed to the next phase of the PUD will not have a significant adverse impact on the PUD or its surroundings.

This PUD is a single phase rezoning including an ODP and site specific plan. Any change to the plan and design will require approval from Archuleta County and the HOA.

Exhibit G

ARCHULETA COUNTY
Commercial Mobile Radio Systems
Criteria and Standards

5.5.3.1 All proposed CMRS facilities shall be reviewed pursuant to the following procedures:

(1) Building- or structure-mounted CMRS facilities shall be reviewed by the County Staff for compliance with the requirements of these Regulations.

This review standard is not pertinent to this freestanding facility.

(2) Roof-mounted and freestanding CMRS facilities must receive approval as a conditional use.

County Staff has determined the best way to review this application is through the PUD process and accordingly a joint CMRS and rezoning application is being submitted concurrently.

5.5.3.2 Multiple providers. No more than one (1) roof-mounted or freestanding CMRS facility may be constructed or maintained upon a property in single ownership; provided, however, that additional CMRS facilities may be approved at the same location as a conditional use, provided all other requirements of this Section are met.

The proposed facility is being designed for collocation. However, the underlying parcel is part of the larger Pagosa Lakes Property Owners Association common area and there might be other locations some distance from this facility which would meet future site objectives. If there is such a location, a site specific would be submitted and evaluated on its own merits.

5.5.3.3 Building- or structure-mounted CMRS facilities shall be subject to the following requirements:

Because the proposed facility is new free standing alternative structure, sections (5.5.3.3 & 5.5.3.4) are not relevant to this application.

(1) Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.

(2) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two (2) feet.

(3) Building or structure mounted whip antennas shall extend no more than ten (10) feet above the highest point of the building or structure to which they are attached.

5.5.3.4 Roof-mounted CMRS facilities shall be screened or camouflaged as appropriate from view from adjacent property lines. Such facilities are additionally subject to the following requirements:

(1) Such facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached.

(2) Roof-mounted CMRS whip antennas shall extend no more than ten (10) feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.

(3) Roof-mounted CMRS panel antennas shall extend no more than seven (7) feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted.

(4) Roof-mounted CMRS accessory structures shall extend no more than seven (7) feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

5.5.3.5 Freestanding CMRS facilities shall be visually screened from adjacent residential development and public rights-of-way as follows:

(1) All accessory structures and equipment cabinets shall be totally screened from view from adjacent property lines.

All the telecommunication equipment will be placed within the a faux cabin structure. The cabin/shelter design has been used in the past and was very effective screening equipment and blending into mountain sites.

(2) Screening, landscaping and/or exterior building finishes and colors shall be compatible with the existing character of the site and adjacent properties and shall be determined as part of the conditional use review process.

Great care has gone into designing a facility that is compatible with its surroundings. The site is surrounded on all sides by Open Space and the location is away from trails and heavy use areas on and around the lake. The proposed tower is a faux pine tree placed within a grove of like type pines (see photo-simulation exhibit). The height of the pole (70') is only high enough to compensate for the increase in elevation and the height of adjacent trees. Additionally, the antennas will be painted green and be covered by needle socks to further reduce their visibility. Therefore this facility will be compatible with its surroundings and accordingly this standard is met.

5.5.3.6 No CMRS facility shall exceed the height limit applicable to the underlying zone district in which such facility is located.

The proposed tower will be 70' in height and is the tower height included in the PUD rezoning associated with this proposal.

5.5.3.7 The construction and use of a CMRS facility shall not cause interference to other adjacent CMRS facilities. The County shall be held harmless if interference occurs.

This is the only CMRS facility in the area and the Applicant acknowledges the County's position on interference.

5.5.3.8 CMRS facilities which are abandoned by disconnection of power service, equipment removal or loss of lease for greater than six (6) months shall be removed by the CMRS

facility owner. Should the owner fail to remove the facilities, the County may do so at its option, and the costs thereof shall be a charge against the owner.

This requirement is acknowledged by the Applicant and is acceptable.

5.5.3.9 Standards for approval:

(1) Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower.

This proposed telecommunication site would be the only wireless facility in the immediate area. The Carrier requires this facility to provide improved service to its many customers in the vicinity. Additionally, the Carrier is building the facility specifically for their use. Though designed for collocation, any collocators will need to lease ground space from the property owner for their base equipment. Accordingly, this standard is met.

(2) The tower shall not constitute a hazard to aircraft.

The site has initially been reviewed through the FAA review process and the location is approved per the submitted design. Prior to construction the site will have final FAA approval.

(3) The tower shall be placed on the property to contain on site all ice-fall or debris from tower failure.

The tower is proposed to be a maximum of 70'. The facility sits on a Pagosa Lakes Property Owners Association property Open Space parcel. Adjacent property is also open space. Because there are no occupied buildings on this parcel or the adjacent, damage from ice fall is negligible. The tower is designed with specific locational information which takes into account a number of factors including, soils, wind speeds and seasonal variations. The final design, prepared by a licensed PE is engineered so tower failure is highly unlikely. A copy of will be included in the Building Permit package.

(4) The proposed tower shall provide for shared capacity, if technically practicable.

Collocation capacity is being designed into the facility with respect to tower integrity. Any collocator will need to lease equipment space from the property owner.

(5) The tower shall have the least practicable adverse visual impact on the environment.

The alternative design (monopine) and the placement of the facility within the existing trees, has significantly removed visual impact from the proposed facility.

(6) The proposed tower shall not emit radiation that will adversely affect human health.

The facility will meet or exceed all Federal, State and local standards with respect to telecommunication site emissions.

(7) The proposed tower shall be the minimum height needed to accommodate the antenna.

Great care has gone into the design and location of this facility. As noted above the tower was kept to a minimum and is only tall enough for the antennas to clear the top of adjacent trees along the increased elevation to the north and west.

(8) The proposed tower shall comply with all applicable federal and state regulations.

As noted in the Narrative, the Carrier, Verizon Wireless, will comply with all Federal, State and local regulation pertaining to wireless telecommunication facilities.

(9) The design of the proposed tower shall insure structural integrity. The proposed tower shall have adequate measures to discourage unauthorized climbing and to insure the security thereof.

Before the facility is constructed, a structural analysis including the foundation and tower capacity will be prepared by a licensed Professional Engineer and be included in the Building Permit Application. Unauthorized tower climbing will be discouraged through the use of anti-climbing measures such as eliminating climbing spikes and ladders from the tower.

(10) All reasonably possible sites for the tower have been considered, and the proposed site is the most appropriate, available site from a land use perspective.

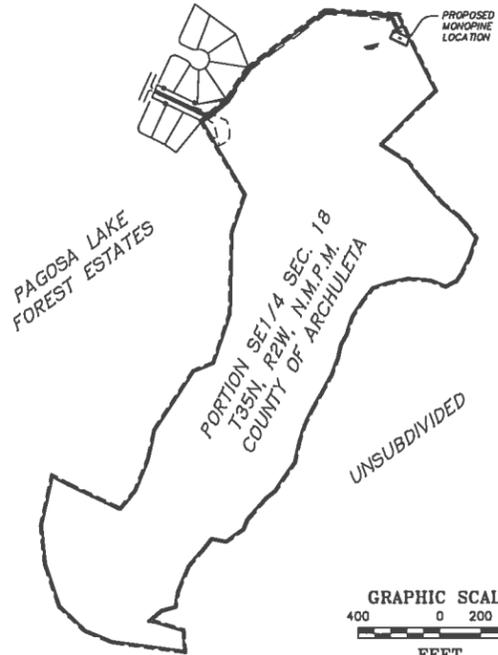
The purpose of this facility is to improve service in the Pagosa Lakes area. Service isn't up to VZW standards and calls have been received from customers requesting upgraded service. A number of sites in the area were considered but the location at Lake Forest was deemed to be the best. Other locations like the Association's Rec Center, the Water & Sewer District property and the Pagosa Lakes Association offices were ruled out because they were outside the search area or were lower in elevation and would require significantly taller towers. Another potential site was the Ranch Community open space off Antelope Avenue but no response was ever received from that HOA.

The proposed monopine design coupled with the location behind a group of mature trees allows this facility to be placed in the most advantageous location with little negative impacts on the surrounding community and the existing land uses.

Exhibit H

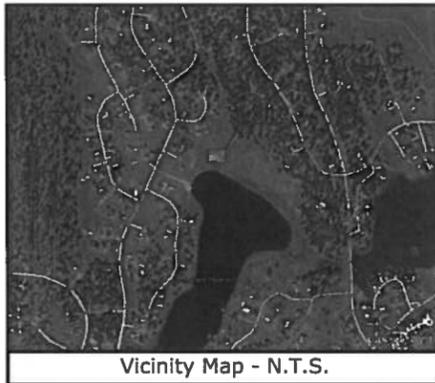
Exhibit I

Boundary Detail
Scale: 1" = 400'



Legal Description

A PARCEL OF LAND LOCATED IN THE E1/2 S81/2 AND W1/2 SE1/4 SECTION 18, E1/2 NW1/4 AND NW1/4 NE1/4 OF SECTION 18, ALL IN T. 35 N., R. 2 W., N.M.P.M., ARCHULETA COUNTY, COLORADO, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF LAKE FOREST DRIVE, AS SHOWN ON THE PLAT OF LAKE FOREST ESTATES WHICH IS FILED UNDER RECEPTION NO. 77868 OF THE RECORDS IN THE OFFICE OF THE ARCHULETA COUNTY CLERK AND RECORDER, THENCE THE SOUTHEAST CORNER OF SAID SECTION 18 BEARS N. 75° 36' 53" E., 382.42 FEET DISTANT; THENCE ALONG THE EASTERLY BOUNDARY OF SAID LAKE FOREST ESTATES THE FOLLOWING COURSES: S. 64° 41' 45" E., 284.24 FEET; N. 39° 48' 29" E., 117.15 FEET; N. 22° 53' 01" E., 167.18 FEET; N. 12° 51' 59" E., 145.80 FEET; N. 33° 57' 40" E., 343.10 FEET; N. 87° 47' 48" E., 108.04 FEET; N. 19° 04' 30" E., 223.83 FEET; N. 01° 44' 24" E., 305.16 FEET; N. 19° 32' 12" E., 197.38 FEET; N. 30° 35' 05" E., 414.68 FEET; N. 50° 10' 54" E., 159.79 FEET; N. 34° 04' 23" E., 190.82 FEET; N. 53° 46' 22" E., 463.63 FEET; S. 66° 05' 58" E., 352.82 FEET AND S. 21° 11' 25" E., 410.10 FEET TO THE SOUTH CORNER OF LOT 138 OF SAID LAKE FOREST ESTATES; THENCE S. 45° 54' 20" W., 377.89 FEET TO A POINT ON THE HIGH WATER LINE OF LAKE FOREST RESERVOIR; THENCE ALONG SAID HIGH WATER LINE THE FOLLOWING COURSES: S. 68° 42' 30" E., 79.89 FEET; S. 68° 34' 47" E., 83.13 FEET; S. 38° 10' 41" E., 82.22 FEET; S. 40° 47' 07" E., 73.84 FEET; S. 40° 57' 07" E., 100.42 FEET; S. 50° 48' 04" E., 101.50 FEET; S. 42° 46' 52" E., 66.11 FEET; S. 36° 34' 37" E., 89.19 FEET; S. 19° 24' 46" W., 100.85 FEET; S. 28° 48' 08" W., 83.92 FEET; S. 35° 01' 30" W., 44.53 FEET; S. 62° 38' 44" W., 58.38 FEET; N. 67° 55' 51" W., 79.05 FEET; N. 85° 25' 20" W., 111.21 FEET; S. 77° 23' 32" W., 99.88 FEET; S. 72° 38' 52" W., 80.58 FEET; S. 37° 37' 30" W., 67.82 FEET; S. 34° 03' 40" W., 68.56 FEET; S. 18° 12' 33" W., 89.79 FEET; S. 29° 44' 30" W., 66.53 FEET; S. 12° 30' 01" W., 88.58 FEET; S. 20° 47' 25" W., 87.82 FEET; S. 20° 20' 38" W., 80.78 FEET; S. 25° 42' 44" W., 92.82 FEET; S. 24° 33' 12" W., 88.78 FEET; S. 18° 36' 11" W., 86.54 FEET; S. 13° 12' 08" W., 105.43 FEET; S. 34° 25' 04" W., 167.13 FEET; S. 52° 25' 32" W., 57.66 FEET; S. 41° 24' 19" W., 138.40 FEET; S. 22° 00' 38" W., 58.44 FEET; S. 54° 35' 31" W., 100.68 FEET; N. 79° 01' 53" W., 73.38 FEET; S. 38° 25' 13" W., 68.54 FEET; S. 41° 23' 18" W., 107.72 FEET; S. 23° 30' 52" W., 134.80 FEET; S. 9° 27' 18" W., 74.80 FEET; S. 74° 42' 08" W., 68.84 FEET AND S. 48° 50' 08" W., 84.24 FEET; THENCE S. 82° 45' 12" E., 33.81 FEET; THENCE S. 73° 20' 21" E., 143.00 FEET; THENCE S. 3° 28' 04" E., 89.18 FEET; THENCE N. 82° 28' 14" W., 353.11 FEET; THENCE N. 67° 26' 34" W., 140.77 FEET; THENCE N. 48° 38' 00" W., 171.80 FEET; THENCE N. 18° 21' 04" W., 215.88 FEET; THENCE N. 5° 37' 09" W., 187.54 FEET; THENCE N. 12° 51' 59" E., 244.00 FEET ALONG THE SOUTHERLY PROJECTION OF THE WESTERLY LINE OF SAID DRIVE TO THE SOUTHWEST CORNER THEREOF, AS SHOWN ON SAID PLAT; THENCE S. 64° 41' 45" E., 81.83 FEET ALONG THE EASTERLY LINE OF SAID LAKE FOREST ESTATES TO THE PLACE OF BEGINNING, TOGETHER WITH THAT PORTION OF SAID DRIVE AND THAT PORTION OF BEAVER CIRCLE OF SAID LAKE FOREST ESTATES WHICH IS OCCUPIED BY THE LAKE FOREST DAM.

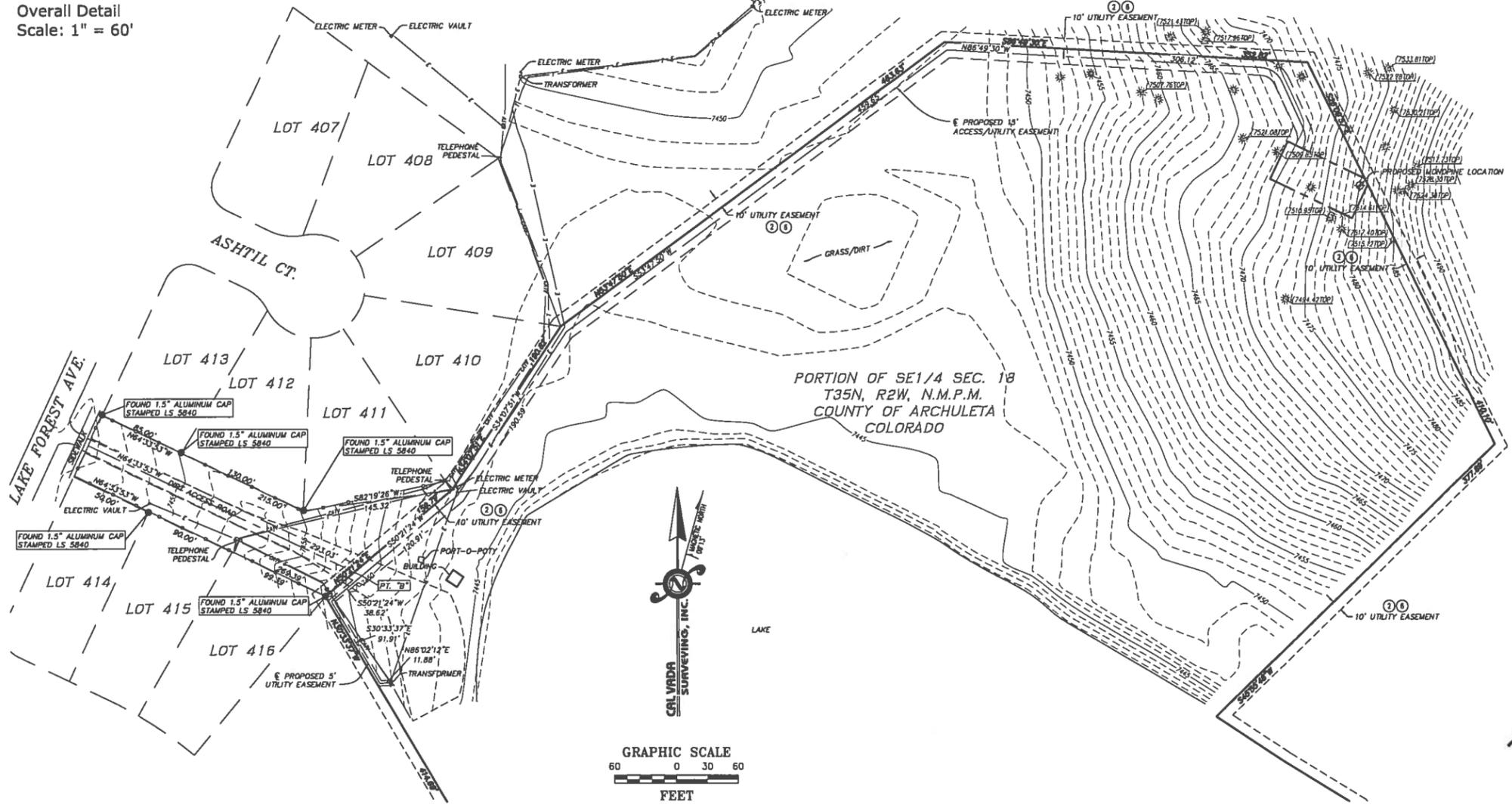


LINE LEGEND

	SUBJECT PARCEL BOUNDARY LINES
	SECTION LINES
	ADJOINING PARCEL BOUNDARY LINES
	EASEMENT LINES
	RIGHT OF WAY LINES
	FLOOD PLANE LINES
	BARBED WIRE FENCE
	CHAINLINK FENCE
	UNDERGROUND ELECTRIC LINES
	UNDERGROUND GAS LINES
	OVERHEAD ELECTRIC LINES
	UNDERGROUND SANITARY SEWER LINES
	UNDERGROUND TELEPHONE LINES
	UNDERGROUND WATER LINES

**TRACT F
PAGOSA LAKE FOREST ESTATES
COUNTY OF ARCHULETA
COLORADO**

Overall Detail
Scale: 1" = 60'



Title Report

PREPARED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
ORDER NO.: 01-14076348-01T
EFFECTIVE DATE: OCTOBER 3, 2014

Assessor's Parcel No.

569919200006

Easements

- SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS OF WAY AND BUILDING SETBACKS AS SHOWN ON THE PLAT OF LAKE FOREST ESTATES SUBDIVISION, AS RECORDED IN INSTRUMENT NO. 77868 OF ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS PLATTED HEREIN).
- DECLARATION OF RESTRICTIONS PAGOSA, RECORDED 04/24/1970, IN BOOK 122, PAGE 224 OF THE ARCHULETA COUNTY RECORDS. (DOES NOT AFFECT SUBJECT PROPERTY).
- FIRST AMENDED DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES SUBDIVISION, RECORDED 04/15/1994, IN DOCUMENT NO. 8002918 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS NOT A PLATTABLE ITEM).
- DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES, RECORDED 04/04/1973, IN BOOK 132, PAGE 231 OF THE ARCHULETA COUNTY RECORDS.
- FIRST AMENDED DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES SUBDIVISION, RECORDED 04/15/1994, IN DOCUMENT NO. 8002918 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS NOT A PLATTABLE ITEM).
- EASEMENT, BY AND BETWEEN PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC., AND PAGOSA AREA WATER AND SANITATION DISTRICT, RECORDED 03/11/1992, IN BOOK 364, PAGE 148, RE-RECORDED 5/13/1992 AS BOOK 371 PAGE 80 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS PLATTED HEREIN).
- SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND OTHER MATTERS AS CONTAINED IN, RECORDED 08/20/1971, IN BOOK 125, PAGE 833 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).

Lease Area/Access & Utility Easements

SEE SHEET LS2

Date of Survey

NOVEMBER 24 & 25, 2014

Basis of Bearings

THE COLORADO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD83).
CLASSIFICATION: MINIMUM GEOMETRIC ACCURACY STANDARD
THIRD 5.0 cm + 1: 10,000

Bench Mark

NGS CONTROL POINT "7379", ELEVATION = 7383 FEET (NAVD 88)

LOCATED ABOUT 6.0 MILES WEST-SOUTHWEST OF PAGOSA SPRINGS AND 1.5 MILES NORTHEAST OF NUTRA, AT U.S. HIGHWAY 160 MILEPOST 137.55, IN THE CENTER OF SECTION 30, T35N, R2W, ON THE EAST SIDE OF PAGOSA SPRINGS, 5.8 MILES TO THE TOP OF A LONG GRADE AND THE INTERSECTION OF PIEDRA ROAD (COUNTY ROAD 600) ON THE RIGHT, CONTINUE SOUTHWEST ON U.S. HIGHWAY 160 FOR 3.35 MILES TO THE STATION ON THE RIGHT, THE STATION IS A STANDARD BENCH MARK. IT IS 218.2 FEET WEST OF THE CENTERLINE OF U.S. HIGHWAY 160, 163.7 FEET WEST OF A WITNESS POST, 131.6 FEET NORTH-NORTHWEST OF A POWERPOLE WITH TRANSFORMER, 24.3 FEET WEST OF THE CENTER OF A POWERLINE AND ABOUT LEVEL WITH HIGHWAY.

Legend

	CONCRETE PAVEMENT		NATURAL GROUND
	CONIFEROUS TREE		PARKING BOLLARD
	DIAMETER		POINT OF BEGINNING
	DECIDUOUS TREE		POINT OF COMMENCEMENT
	EDGE OF ASPHALT		OVERHEAD ELECTRIC LINE
	FINISHED FLOOR		POWER POLE
	FINISH SURFACE		PROPERTY LINE
	FIRE HYDRANT		RIGHT OF WAY
	FLOW LINE		SEWER MANHOLE
	FOUND MONUMENT AS NOTED		SIGN POST
	FOUND SECTION MONUMENT		STREET LIGHT STANDARD
	GEOGRAPHIC LOCATION		TELEPHONE PEDESTAL
	GAS METER		TYPICAL
	IRRIGATION CONTROL VALVE		WATER METER
			WATER VALVE

Certification of Accuracy
THIS IS A CERTIFICATE OF ACCURACY FOR THIS TOPOGRAPHIC MAP AND IMPROVEMENTS SHOWN HEREON. I, THE SURVEYOR, BEING A LICENSED SURVEYOR OF MY KNOWLEDGE AND BELIEF.

JESUS A. LUGO, PLS
No. 238081
11/19/15

THIS DOES NOT REPRESENT A MONUMENTED SURVEY. REFERENCE IS MADE TO A MONUMENTED SURVEY FOR TITLE INSURANCE, NUMBER 01-14076348-01T, ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AND HAVING AN EFFECTIVE DATE OF OCTOBER 3, 2014. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THE LESSOR'S LEGAL DESCRIPTION AND RECORD BOUNDARY ARE SHOWN HEREON FOR REFERENCE ONLY. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE LESSOR'S PROPERTY.

Last Saved On: 11-19-15 At: 10:19am As: \\iscifent\W\Projects\2014 Projects\14258-C07 ESCOBAR VZW.dwg 14258-R1-C07 ESCOBAR By: XPMUser

DEPT	APPROVED	DATE
AKC		
RE		
RF		
INT		
EE/W		
OPS		
EE/OUT		

Engineer/Consultant:
CAL VADA SURVEYING, INC.
1400 1st St. NE
Durango, CO 81301
Phone: (970) 248-1300 • Fax: (970) 248-1308

Architect:
Rex Architet
1400 1st St. NE
Durango, CO 81301
Phone: (970) 248-1300 • Fax: (970) 248-1308

3131 S. Vaughn Way, Suite 550
Aurora, CO 80014
(949) 222-7000

C07 ESCOBAR
EAST OF LAKE FOREST
PAGOSA SPRINGS, CO. 81147
COUNTY OF ARCHULETA
TOPOGRAPHIC SURVEY

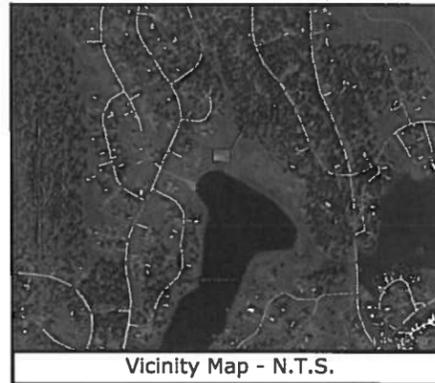
REVISIONS	DATE	DESCRIPTION
0	12/17/14	SUBMITTAL
1	10/14/15	ADD LEASE AREA

Sheet: **LS1**

Lease Detail
Scale: 1" = 20'

Legal Description

A PARCEL OF LAND LOCATED IN THE E1/2 SW1/4 AND W1/2 SE1/4 SECTION 18, E1/2 NW1/4 AND NW1/4 NE1/4 OF SECTION 18, ALL IN T. 35 N., R. 2 W., MAPAL, ARCHULETA COUNTY, COLORADO, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDARIES AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF LAKE FOREST DRIVE AS SHOWN ON THE PLAT OF LAKE FOREST ESTATES WHICH IS FILED UNDER RECEPTION NO. 77869 OF THE RECORDS IN THE OFFICE OF THE ARCHULETA COUNTY CLERK AND RECORDER, THENCE THE SOUTHEAST CORNER OF SAID SECTION 18 BEARS N. 72° 36' 53" E., 362.42 FEET DISTANT; THENCE ALONG THE EASTERLY BOUNDARY OF SAID LAKE FOREST ESTATES THE FOLLOWING COURSE: S. 64° 41' 45" E., 284.24 FEET; N. 30° 48' 20" E., 112.15 FEET; N. 22° 53' 01" E., 182.16 FEET; N. 12° 51' 59" E., 145.00 FEET; N. 33° 57' 40" E., 343.18 FEET; N. 67° 47' 46" E., 105.84 FEET; N. 19° 04' 30" E., 253.05 FEET; N. 01° 44' 24" E., 395.18 FEET; N. 19° 32' 12" E., 187.56 FEET; N. 30° 35' 05" W., 414.89 FEET; N. 50° 19' 56" E., 159.79 FEET; N. 34° 06' 23" E., 190.82 FEET; N. 53° 46' 22" E., 463.63 FEET; S. 08° 05' 58" E., 352.82 FEET AND S. 26° 11' 25" E., 416.10 FEET TO THE SOUTH CORNER OF LOT 138 OF SAID LAKE FOREST ESTATES; THENCE S. 45° 54' 20" W., 377.88 FEET TO A POINT ON THE HIGH WATER LINE OF LAKE FOREST RESERVOIR; THENCE ALONG SAID HIGH WATER LINE THE FOLLOWING COURSE: S. 56° 42' 30" E., 79.89 FEET; S. 50° 34' 47" E., 83.12 FEET; S. 36° 10' 47" E., 82.22 FEET; S. 40° 47' 07" E., 73.94 FEET; S. 40° 57' 07" E., 100.42 FEET; S. 50° 46' 04" E., 101.59 FEET; S. 42° 48' 52" E., 86.11 FEET; S. 38° 34' 37" E., 89.19 FEET; S. 19° 24' 46" W., 104.83 FEET; S. 28° 48' 06" W., 83.92 FEET; S. 33° 01' 30" W., 44.53 FEET; S. 82° 38' 44" W., 58.38 FEET; N. 07° 50' 51" W., 79.85 FEET; N. 80° 25' 20" W., 111.21 FEET; S. 77° 23' 37" W., 89.88 FEET; S. 72° 30' 52" W., 80.56 FEET; S. 37° 27' 30" W., 87.82 FEET; S. 34° 03' 40" W., 86.56 FEET; S. 18° 12' 33" W., 89.79 FEET; S. 29° 44' 30" W., 55.53 FEET; S. 12° 30' 01" W., 69.38 FEET; S. 20° 47' 25" W., 87.82 FEET; S. 29° 28' 38" W., 80.78 FEET; S. 29° 42' 44" W., 92.82 FEET; S. 20° 33' 12" W., 88.78 FEET; S. 18° 36' 11" W., 86.34 FEET; S. 13° 12' 06" W., 105.43 FEET; S. 34° 25' 04" W., 187.13 FEET; S. 52° 25' 32" W., 57.86 FEET; S. 41° 24' 19" W., 138.40 FEET; S. 22° 00' 38" W., 58.44 FEET; S. 54° 35' 31" W., 108.88 FEET; N. 79° 01' 53" W., 73.38 FEET; S. 38° 25' 13" W., 85.54 FEET; S. 41° 23' 18" W., 107.72 FEET; S. 23° 30' 52" W., 134.80 FEET; S. 8° 27' 18" W., 74.80 FEET; S. 74° 42' 08" W., 89.88 FEET AND S. 49° 50' 08" W., 84.28 FEET; THENCE S. 82° 45' 12" E., 33.81 FEET; THENCE S. 72° 20' 21" E., 143.00 FEET; THENCE S. 37° 28' 06" E., 89.18 FEET; THENCE N. 82° 28' 14" W., 351.11 FEET; THENCE N. 67° 28' 34" W., 140.77 FEET; THENCE N. 44° 30' 00" W., 171.80 FEET; THENCE N. 18° 21' 04" W., 215.88 FEET; THENCE N. 37° 37' 08" W., 187.54 FEET; THENCE N. 12° 51' 59" E., 244.80 FEET ALONG THE SOUTHERLY PROJECTION OF THE WESTERLY LINE OF SAID DRIVE TO THE SOUTHWEST CORNER THEREOF, AS SHOWN ON SAID PLAT; THENCE S. 84° 41' 45" E., 81.82 FEET ALONG THE EASTERLY LINE OF SAID LAKE FOREST ESTATES TO THE PLACE OF BEGINNING; TOGETHER WITH THAT PORTION OF SAID DRIVE AND THAT PORTION OF BEAVER CIRCLE OF SAID LAKE FOREST ESTATES WHICH IS OCCUPIED BY THE LAKE FOREST DAM.



Title Report

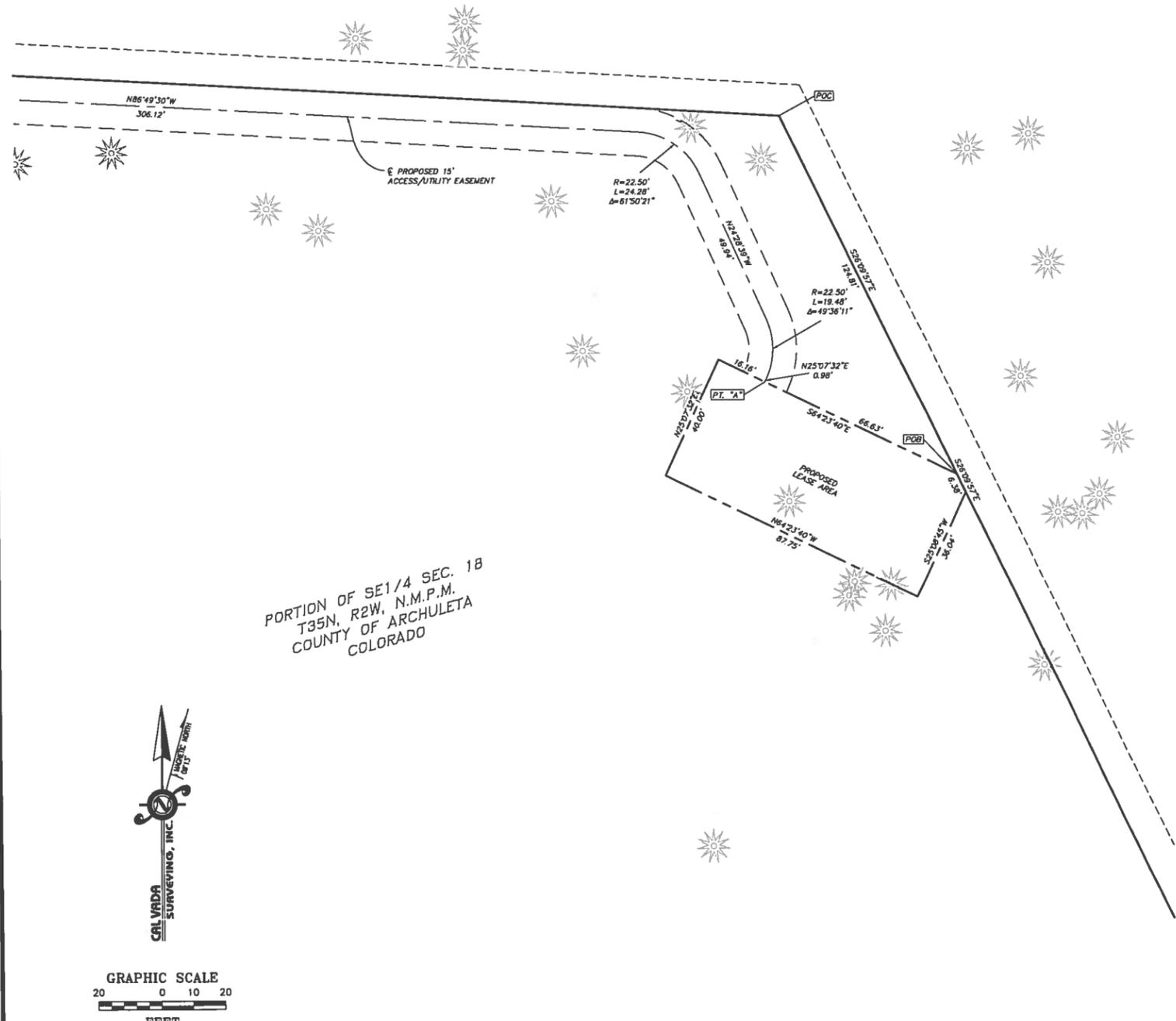
PREPARED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
ORDER NO.: 01-14076348-011
EFFECTIVE DATE: OCTOBER 3, 2014

Assessor's Parcel No.

56991290006

Easements

- SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS, AND RIGHTS OF WAY AND BUILDING SETBACKS AS SHOWN ON THE PLAT OF LAKE FOREST ESTATES SUBDIVISION, AS RECORDED IN INSTRUMENT NO. 77869 OF ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS PLUMBED HEREIN).
- DECLARATION OF RESTRICTIONS PAGOSA, RECORDED 08/24/1970, IN BOOK 122, PAGE 224 OF THE ARCHULETA COUNTY RECORDS. (DOES NOT AFFECT SUBJECT PROPERTY).
- FIRST AMENDED DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES SUBDIVISION, RECORDED 04/15/1994, IN DOCUMENT NO. 89002818 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS NOT A PLUMBABLE ITEM).
- DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES, RECORDED 06/04/1971, IN BOOK 132, PAGE 231 OF THE ARCHULETA COUNTY RECORDS.
- FIRST AMENDED DECLARATION OF RESTRICTIONS LAKE FOREST ESTATES SUBDIVISION, RECORDED 04/15/1994, IN DOCUMENT NO. 89002818 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS NOT A PLUMBABLE ITEM).
- EASEMENT, BY AND BETWEEN PAGOSA LAKES PROPERTY OWNERS ASSOCIATION, INC., AND PAGOSA AREA WATER AND SANITATION DISTRICT, RECORDED 03/11/1992, IN BOOK 364, PAGE 148, RE-RECORDED 5/13/1992 AS BOOK 371 PAGE 68 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS PLUMBED HEREIN).
- SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND OTHER MATTERS AS CONTAINED IN, RECORDED 08/20/1971, IN BOOK 125, PAGE 833 OF THE ARCHULETA COUNTY RECORDS. (AFFECTS SUBJECT PROPERTY AND IS BLANKET IN NATURE).



LINE LEGEND

---	SUBJECT PARCEL BOUNDARY LINES
---	SECTION LINES
---	ADJOINING PARCEL BOUNDARY LINES
---	EASEMENT LINES
---	RIGHT OF WAY LINES
---	FLOOD PLANE LINES
---	BARBED WIRE FENCE
---	CHAINLINK FENCE
---	UNDERGROUND ELECTRIC LINES
---	UNDERGROUND GAS LINES
---	OVERHEAD ELECTRIC LINES
---	UNDERGROUND SANITARY SEWER LINES
---	UNDERGROUND TELEPHONE LINES
---	UNDERGROUND WATER LINES

Lease Area/Access & Utility Easements

LEASE AREA
BEING A TELECOMMUNICATIONS LEASE PARCEL LYING WITHIN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 2 WEST OF THE 6TH P.M., COUNTY OF ARCHULETA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN DOCUMENT, RECORDED MAY 13, 1992, AS RECEPTION NO. 0186763, IN THE OFFICE OF THE COUNTY CLERK AND RECORDER, SAID COUNTY; THENCE ALONG THE EAST LINE OF SAID PARCEL, S26°09'57"E, 124.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, S26°09'57"E, 6.38 FEET; THENCE S25°08'45"W, 36.04 FEET; THENCE N64°23'40"W, 87.75 FEET; THENCE N25°07'32"E, 40.00 FEET; THENCE S64°23'40"E, 16.16 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING S64°23'40"E, 66.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,500 SQ. FT OR 0.080 ACRES MORE OR LESS.

ACCESS/UTILITY EASEMENT
BEING A STRIP OF LAND 15.00 FEET IN WIDTH LYING WITHIN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 2 WEST OF THE 6TH P.M., COUNTY OF ARCHULETA, STATE OF COLORADO, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT POINT "A" AS DESCRIBED ABOVE; THENCE N25°07'32"E, 0.98 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 22.50 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°36'11", AN ARC LENGTH OF 19.48 FEET; THENCE N24°28'39"W, 49.84 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 22.50 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 61°50'21", AN ARC LENGTH OF 24.28 FEET; THENCE N86°49'30"W, 306.12 FEET; THENCE S53°47'50"W, 459.65 FEET; THENCE S34°07'51"W, 190.59 FEET; THENCE S50°21'24"W, 120.91 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE N64°33'53"W, 293.03 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF LAKE FOREST AVENUE AND THE END OF SAID STRIP OF LAND.

EXCEPT ANY PORTION LYING WITHIN THE RIGHT-OF-WAY OF LAKE FOREST AVENUE.

UTILITY EASEMENT
BEING A STRIP OF LAND 5.00 FEET IN WIDTH LYING WITHIN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 35 NORTH, RANGE 2 WEST OF THE 6TH P.M., COUNTY OF ARCHULETA, STATE OF COLORADO, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT POINT "B" AS DESCRIBED ABOVE; THENCE S50°21'24"W, 38.62 FEET; THENCE S33°33'37"E, 91.91 FEET; THENCE N86°02'14"E, 11.88 FEET TO THE END OF SAID STRIP OF LAND.

SIDELINES OF SAID STRIPS OF LAND ARE TO BE LENGTHENED AND/OR SHORTENED TO PREVENT GAPS AND/OR OVERLAPS.

Date of Survey

NOVEMBER 24 & 25, 2014

Basis of Bearings

THE COLORADO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD83).
CLASSIFICATION: MINIMUM GEOMETRIC ACCURACY STANDARD
THIRD 5.0 cm + 1:10,000

Bench Mark

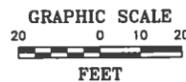
NGS CONTROL POINT "7379", ELEVATION = 7383 FEET (NAVD 88)

LOCATED ABOUT 6.0 MILES WEST-SOUTHWEST OF PAGOSA SPRINGS AND 1.5 MILES NORTHEAST OF NUTRIA, AT U.S. HIGHWAY 160 MILEPOST 137.55, IN THE CENTER OF SECTION 30, T35N, R2W, ON THE EAST SIDE OF PAGOSA SPRINGS, 5.8 MILES TO THE TOP OF A LONG GRADE AND THE INTERSECTION OF PEDRA ROAD (COUNTY ROAD 600) ON THE RIGHT. CONTINUE SOUTHWEST ON U.S. HIGHWAY 160 FOR 3.35 MILES TO THE STATION ON THE RIGHT, THE STATION IS A STANDARD BENCH MARK. IT IS 218.2 FEET WEST OF THE CENTERLINE OF U.S. HIGHWAY 160, 163.7 FEET WEST OF A WITNESS POST, 131.6 FEET NORTH-NORTHWEST OF A POWERPOLE WITH TRANSFORMER, 24.3 FEET WEST OF THE CENTER OF A POWERLINE AND ABOUT LEVEL WITH HIGHWAY.

Legend

---	CONCRETE PAVEMENT	NG	NATURAL GROUND
☀	CONIFEROUS TREE	•	PARKING BOLLARD
○	DIAMETER	POB	POINT OF BEGINNING
☀	DECIDUOUS TREE	POC	POINT OF COMMENCEMENT
---	EDGE OF ASPHALT	---	OVERHEAD ELECTRIC LINE
---	FINISHED FLOOR	---	POWER POLE
FS	FINISH SURFACE	R.O.W.	RIGHT OF WAY
⊕	FIRE HYDRANT	---	SEWER MANHOLE
FL	FLOW LINE	+	SIGN POST
⊕	FOUND MONUMENT AS NOTED	---	STREET LIGHT STANDARD
⊕	FOUND SECTION MONUMENT	⊕	TELEPHONE PEDESTAL
⊕	GEOGRAPHIC LOCATION	TPP	TYPICAL
⊕	GAS METER	⊕	WATER METER
⊕	IRRIGATION CONTROL VALVE	⊕	WATER VALVE

PORTION OF SE1/4 SEC. 18
T35N, R2W, N.M.P.M.
COUNTY OF ARCHULETA
COLORADO



DEPT	APPROVED	DATE
AMC		
RE		
INT		
EE\IN		
OPS		
EE\OUT		

Engineer/Consultant:
CAL VADA SURVEYING, INC.
1446 Medford Ave. Suite 105
Pagosa Springs, CO 81429
Phone: (970) 486-3341 - Fax: (970) 486-1388

Drawn By: JT
Job No.: 14258

Architect:
Rex Architect
144 Medford Ave. Suite 105
Pagosa Springs, CO 81429
Phone: (970) 486-3341 - Fax: (970) 486-1388

verizon wireless
3131 S. Vaughn Way, Suite 550
Aurora, CO, 80014
(949) 222-7000

C07 ESCOBAR
EAST OF LAKE FOREST
PAGOSA SPRINGS, CO. 81447
COUNTY OF ARCHULETA
TOPOGRAPHIC SURVEY

REVISIONS	DATE	DESCRIPTION
0	12/27/14	SUBMITTAL
1	10/14/15	ADDED LEASE AREA

Sheet: **LS2**

Exhibit J



3131 South Vaughn Way
Suite 550
Aurora, CO 80014
Main Office (303) 694-3234, Main Fax (303) 873-2682

23 November 2015

Planning Director
Archuleta County
Pagosa Springs, CO

RE: Verizon Wireless Site Pagosa Lakes Property Owners Association, Pagosa Springs, CO 81147 (Project Name: CO3 Escobar)

Dear Mr. Director:

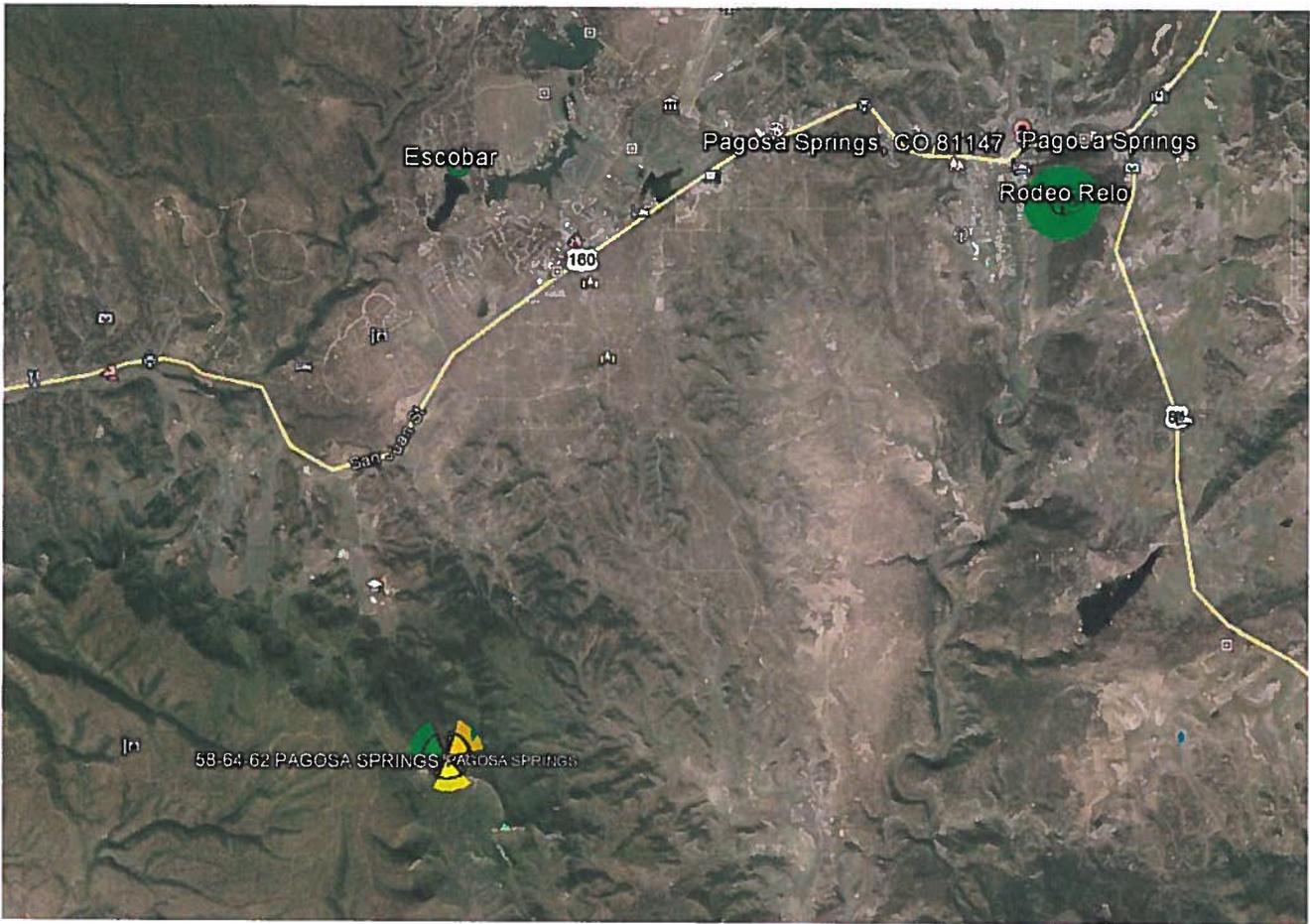
I am the Radio Frequency (RF) Engineer for the proposed telecommunication facility adjacent to Lake Forest on the Pagosa Lakes Property Owners Association Open Space as identified in the associated PUD application. I attest to the following:

1. The Verizon Wireless communications facility will meet our capacity needs based on its unique position in conjunction with our other sites. This specific location offloads the surrounding sites to increase performance of data and voice usage.
2. The Verizon Wireless Communications facility will also meet the future requirements of increased usage within this specific neighborhood.

Sincerely,

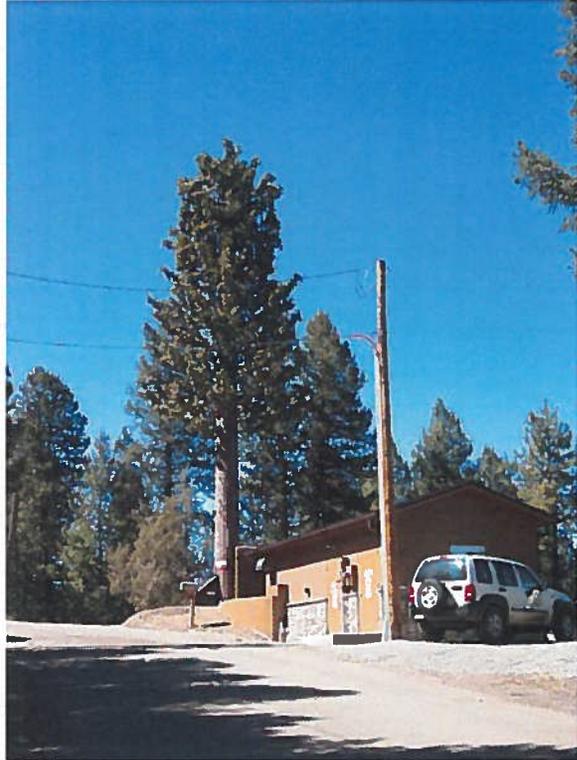
Greg D Chamberlin

Greg D Chamberlin
Radio Frequency Engineer
Verizon Wireless

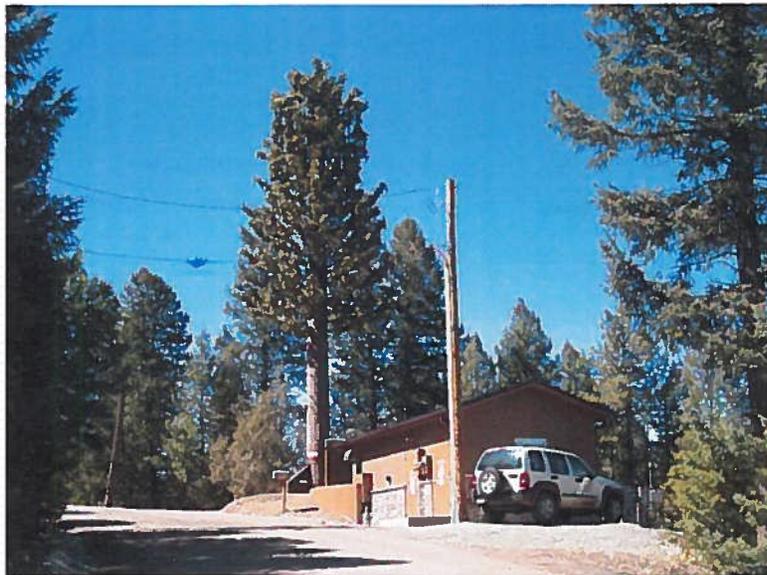
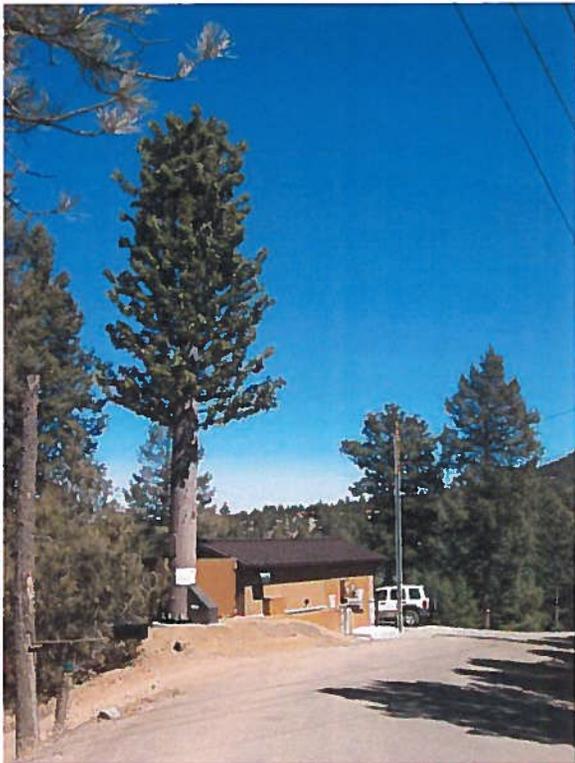


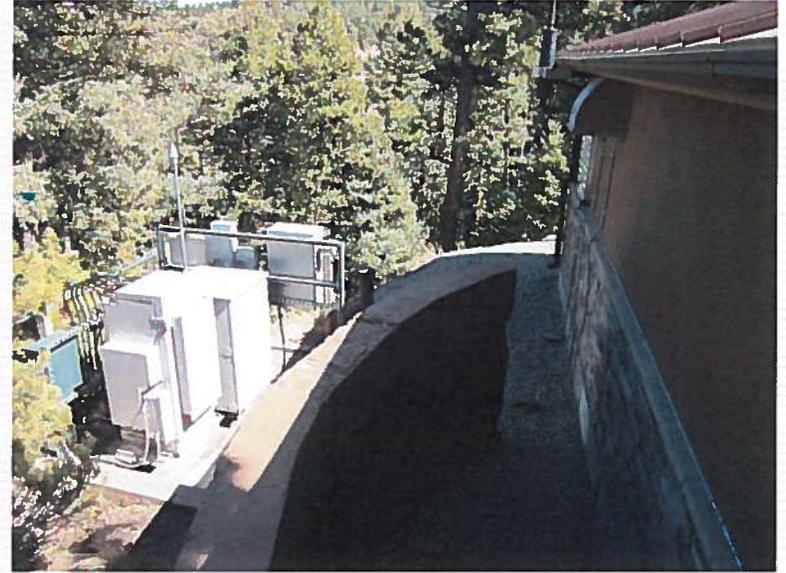
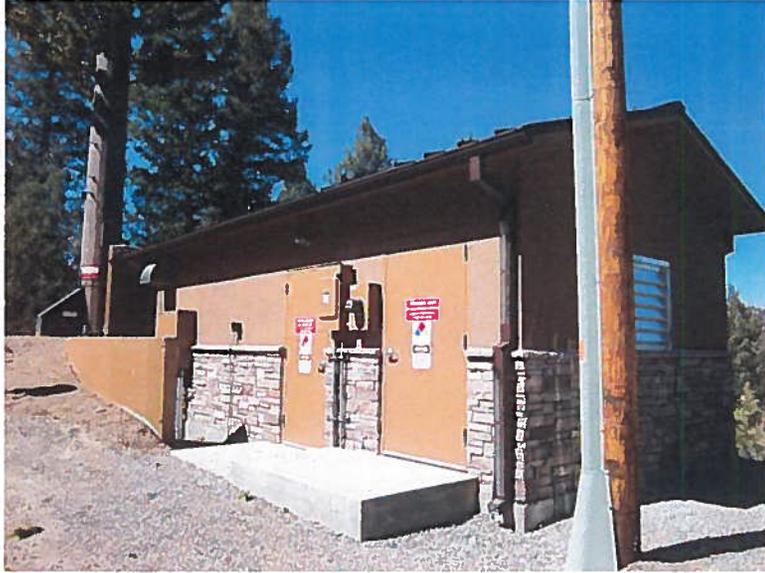
Site CO7 Pagosa Springs is currently the serving site for this area. The orange sector has a throughput value of less than 3 MBs per sector requiring another site in the area to offload the serving site.

Exhibit K



Site Visit 3-23-11





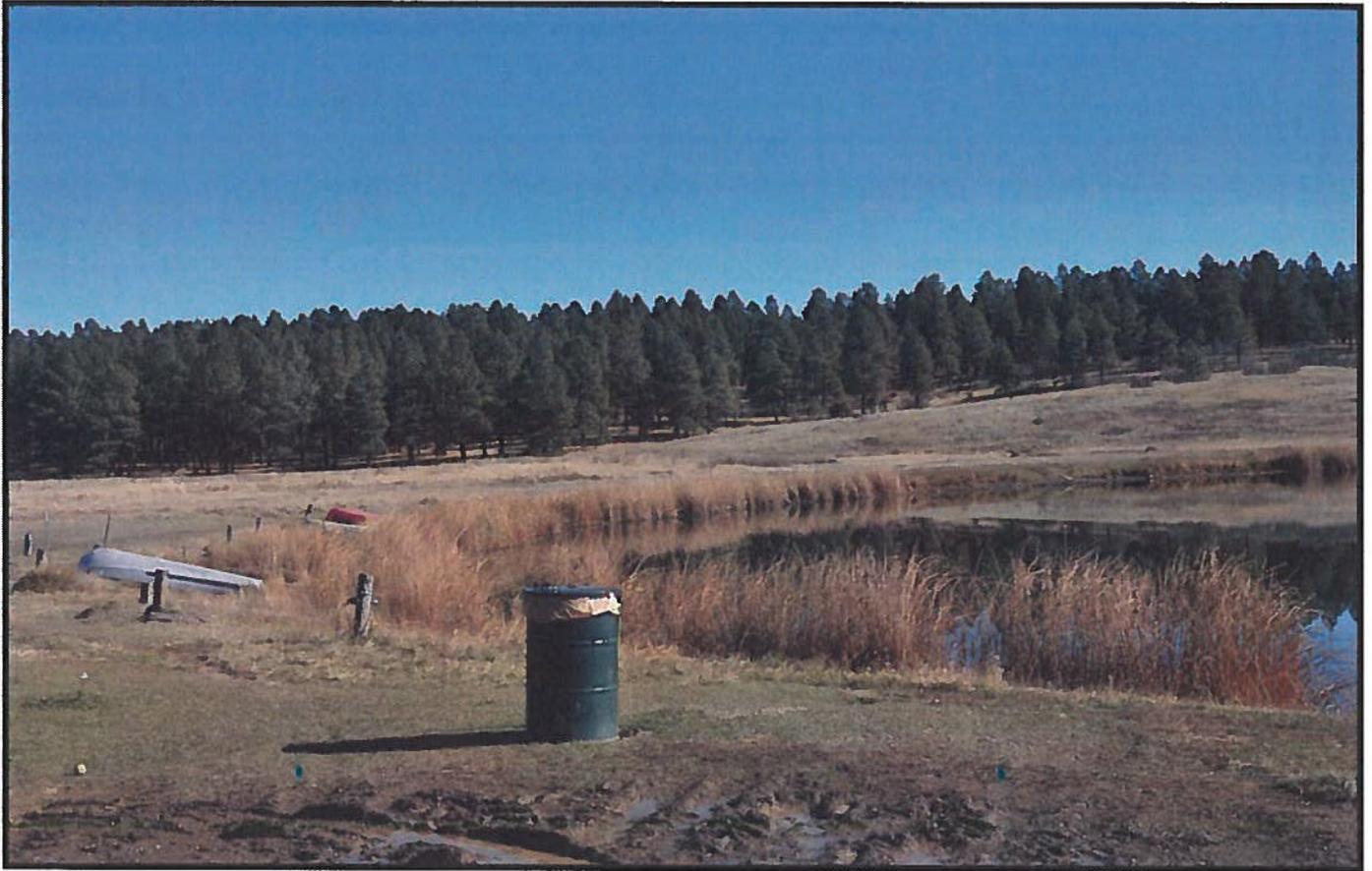


PLEASE
DO NOT OPEN DOOR
Prior to Cooling
1-800-264-4829
or More W-8 Sand
& Refill by W-8
By Vendor

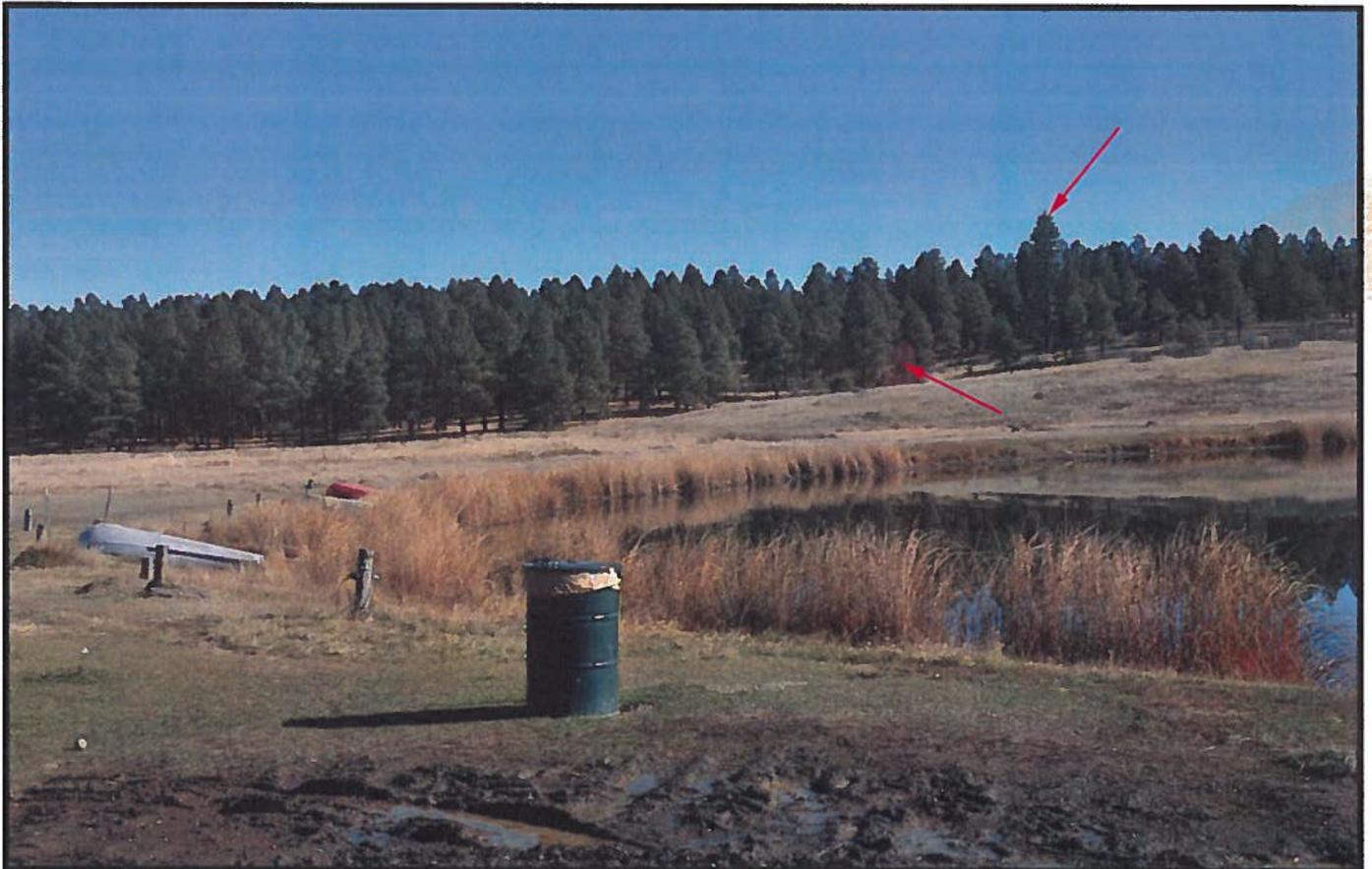
COY WINGS
W-8 SAND
REFILL



Exhibit L



Existing View



Proposed View

CO7-Escobar Alt 1: Photo-sim
500' East of Lake Forest, Pagosa Springs, CO 81147

03/18/15

SIMULATIONS ARE ILLUSTRATIVE.
VARIATIONS IN APPEARANCE WILL
OCCUR WITH CONSTRUCTION
METHODS, DAYTIME & WEATHER

Trex
Architect
146 MADISON
DENVER, CO
303.388.2918

Exhibit M

Sherer, Jeffrey

From: Chip Munday <chipm@plpoa.com>
Sent: Monday, June 08, 2015 8:18 AM
To: Sherer, Jeffrey
Subject: RE: Verizon Wireless site proposal for Pagosa Lakes Property Owners Association (VZW site name CO7 Escobar)

Good morning Jeff,

You beat me to the keyboard this morning. I was just about to email you that the ECC did approve the plans. I will be here on Thursday afternoon, and should be available so give me a call and we should be able to arrange some time together.

Thanks,

Chip Munday

Chip Munday, CMCA®, AMS®, PCAM®
General Manager
Pagosa Lakes Property Owners Association, Inc.
230 Port Avenue
Pagosa Springs, CO 81147
970-731-5635 ext. #209 (office)
970-731-5632 (fax)
888-467-5762 (toll free)
<mailto:chipm@plpoa.com>
website: <http://www.plpoa.com>



From: Sherer, Jeffrey [<mailto:ShererJ@bv.com>]
Sent: Monday, June 08, 2015 8:18 AM
To: Chip Munday
Cc: jane.johnson@verizonwireless.com
Subject: RE: Verizon Wireless site proposal for Pagosa Lakes Property Owners Association (VZW site name CO7 Escobar)

Hello Chip,

Could you update us on the ECC review of the VZW proposal? We're ready to move forward if you are. I'll be in Pagoda Thursday afternoon (6/11) if you have some free time and want to discuss.

Look forward to hearing from you. Thanks.

Pagosa Lakes Property Owners Association, Inc.
SECTION 4.6
APPLICATION FOR PROJECT PLAN APPROVAL
DOCKS / FENCES / SIGNS HAVE SEPARATE APPLICATIONS

Applicable Sections –

- 1: Owner/Property/Project Details
- 2: Minor / Major Projects
- 3: Major Projects (continued)
- 4: Modular Home
- 5: Mobile/Manufactured Home on an MH50 lot in Pagosa Vista
- 6: Commercial / Multi-Occupancy Residential Unit
- 7: Owner Signature & Certification

1. OWNER/PROPERTY/PROJECT DETAILS:

1.1 Owner's Name: Pagosa Lakes Property Owners Association
Mailing Address: 230 Port Ave.
Pagosa Springs, CO 81147
Phone: 970-23105635 Fax: _____ Cell: _____

1.2 Contractor: Black & Veatch for Verizon Wireless
Mailing Address: 4600 S. Syracuse St. Suite 800
Denver, CO 80237
Phone: 720-834-4349 Fax: _____ Cell: 303-929-8651

1.3 Alternate Contact Person – Yes/No If yes, the property owner authorizes the following person to act on their behalf on this project:
Name: Jeff Sherer (Black & Veatch) for County CUP
Mailing Address Same as above
Phone: _____ Fax: _____ Cell: _____

1.4 Scheduled Construction Dates:
Start date must be on or after the applicable ECC Meeting Date (Ref. section 13). Project(s) begun without a project permit are subject to an additional filing fee (Ref. section 9)
Start 5/01/2016 Completion 7/15/2016

1.5 Property:
Street Address: TBD
Subdivision: Pagosa Lakes Forest Estates
Block _____ Lot _____ Land Use Code: PUD
Project description: Placement of communication facility including 70' faux monopine and equipment shelter on Assn open space property as detailed on attached drawings & narrative

1.6 Existing structures/improvements located on the referenced property? Yes (No) (List): No

1.7 Lake front/golf course contiguous lot? Yes/No – If yes, a silt fence must be installed between proposed structure and waterway. The fence shall remain in place and maintained until the property is revegetated or removal is approved by the DCS/ECC.

1.8 Is a set-back variance requested or construction location within three feet of set-back line?
Yes (No) If yes, an "as-formed" foundation survey is required for DCS/ECC review and approval prior to constructing the foundation. Tree pole is adjacent to property line. See attached.

2. MINOR & MAJOR PROJECTS

Section 1 is completed and attached is a written description, site plan or PILC, dimensioned and detailed plans:

- Grade changes – cut or fill in excess of one foot TBD
- Drainage plan TBD
- Deck/Patio/Porch: New/Alteration (Reference Section 4.9)
Dimensions _____ Surface material _____
Finished Color: _____
Railing: Yes / No _____
- Driveway/Parking Pad: Type: concrete/asphalt/gravel/pavers and/or stone
- Landscape Planting Plan Not at this time
- Privacy screening: Yes/No _____
Material _____ Height _____ Color _____
- Screening / Skirting: Yes / No _____
Material _____ Height _____ Color _____
- Tree Removal (as part of a Major or Minor Project): Yes/No _____
Location: Front / Right Side / Left Side / Rear Yard
Specify number and species of trees to be removed: _____
- Exterior Lighting/Fixtures/Plan Downward focused light at door of shelter-only used when tech is visiting facility
- Address Posting _____

(MAJOR PROJECTS – CONTINUE SECTION 3)

(ALL OTHER PROJECTS - CONTINUE AS APPROPRIATE)

3. MAJOR PROJECTS

3.1 Declaration of Restrictions	Per Rules <small>Setbacks and/or Utility Easements</small>	Proposed By Owner	DCC Only OK/V
FRONT	/	Set-back	
REAR	/	Set-back	
SIDE	/	Set-back	
SIDE	/	Set-back	
Height in Feet	Not covered	70' tree pole & 12' shelter	
Number of Stories	Not covered	1	
Living Area (sq. ft)	Not covered	N/A	
Total Area (sq. ft)	Not covered	350 sq. ft. (shelter)	
Lot Size (sq. ft)	Not covered	3520 sq. ft. (lease)	
% Lot Coverage	Not covered	unknown	
# Parking Spaces (minimum 9' W x 20' L)	Not covered	1 for tech.	
Garage (fully enclosed) Minimum 12' W x 20' L	Minimum Single Car	N/A	
Other: Monopine		12' setback	

3.2 ARCHITECTURAL STANDARDS: (Exterior)

Note: Glossy finishes are not allowed.

Siding: Material Composite Dimensions _____
Color Brown Chart ID no. _____
Texture: Wood finish Finish: Wood
Wainscot: Material N/A
Color _____ Chart ID no. _____ Finish: _____

Trim: Material Dimensions (min. 3/4" thick) N/A

Color _____ Chart ID no. _____ Finish: _____

Fascia: Material Dimensions (min. 3/4" thick) _____

Color Brown Chart ID _____

Finish: _____

Roof: Architectural Grade Shingles / Metal / Other _____

Pitch 6 in 12 Color Dark Green

Chart ID _____

Garage Door: Material N/A Color _____

Chart ID _____

Finish: _____

Main Entry Door: Material Wood Color Brown

Chart ID _____

Finish: Wood/Natural

Other Exterior Doors: Material Wood Color Brown

Chart ID _____

Finish: Wood/Natural

Window Frames: Color N/A Chart ID _____

Finish: _____

Other: _____

Exposed Foundation / Retaining Wall:

Material: Concrete

Finish: Brown Stained

Color Brown Chart ID no. _____

3.3 ATTACHMENTS

- Two complete sets of plans (Reference Section 3.1.6)
- Proposed Improvement Location Certificate (PILC)
- Project agreement
- Septic system agreement (if applicable)
- Drainage plan (if applicable)

(CONTINUE TO SECTION 7)

4. MODULAR HOME

Sections 1, 2 & 3 have been completed and also attached are:

- Colorado Housing Certified Plans
- IRC Compliance Certificate
- Dealer signed and notarized IRC Compliance document

(CONTINUE TO SECTION 7)

5. MOBILE/MANUFACTURED HOME ON AN MH50 LOT IN PAGOSA VISTA

Sections 1, 2 & 3 have been completed and also attached are:

- Acceptable Condition Certification.
- Two (2) complete sets of plans
- HUD registration number.
- Two (2) copies HUD data sheet.
- Two (2) copies Colorado approved foundation plans capable of meeting "purging" requirements.
- Two (2) copies entry cover plans.
- Two (2) copies skirting plans.
- Two (2) copies of storage building plans

6. COMMERCIAL/MULTI-OCCUPANCY RESIDENTIAL UNIT

Sections 1, 2, & 3 have been completed and attached are:

- Landscape plan
- Drainage plan
- Master Sign plan
- Tree Protection Plan
- Statement of Commercial Usage

(CONTINUE TO SECTION 7)

7. The undersigned certifies that:

- I have read and will abide by the "Declaration of Restrictions" applicable to the subject subdivision;
- I have received a copy of the PLPOA Neighborhood Rules and Regulations;
- I have received a copy of Project Permit Process;
- I own the property identified in this application; and
- I am an Owner in Good Standing with the Association
- An alternate contact person is identified in Section 1.3

ALDOA [Signature] 5/21/15
 Property Owners Signature Date

8. With the payment of appropriate filing and inspection fees and submission of the applicable above items, this will be considered a **COMPLETE APPLICATION.**

ECC/DGS USE ONLY		<u>N/A</u>
Account # <u>Tynet E</u>	Member in Good Standing: <u>Yes/No</u>	
Date Application Received: <u>5/21/15</u>		
Date & Amount Fees Received: <u>5/21/15</u> *80.00		# 6623247
Date Application/Plan Submittal was Complete: <u>5/21/15</u>		
ECC Action Approved/Disapproved: <u>Date</u>		
Permit Expiration Date: _____		
Signatures: _____		
Project Permit # _____		
Comments: _____		

To: Archuleta County Planning Department

January 18, 2016

Subject: Pagosa Lakes Telecom Facility Development Plan 2015-33RZ

Attn: John Shepard

1. Thank You for the letter with the information about the 70' cell tower request to be erected on the adjacent property to mine.
2. We request this proposal for construction be disapproved.
3. What other areas have been looked at for this tower? With all the mountains and commercial areas nearby, it is hard to believe that this is the only location for the tower to be located. What about 2 shorter towers in the area nearer to where the heaviest use is expected? What happens when other cell phone companies ask to put up towers? If there is only one spot, and are they just out of luck?
4. The maps and pictures provided in the developmental request show pictures from the West towards the East – only. They do not show the view from East to West. The developmental map cuts off at where our properties touch, and does not even hint at the closeness of this tower and equipment from our property.
5. Even though our lot, 29 Longmont Court, is vacant, we are currently working with an Architect and builder to plan our retirement house to take advantage of as much of the view of Lake Forest, as possible. I've enclosed an enlarged view of the plot plan of our lot, and a rough draft of a proposed house foot print for our planning purposes (Atch 1). This shows that this proposed tower will be approximately 100 to 150 feet from our planned house, directly in the view of the Northeast corner of Lake Forest. Pictures I took on 1/16/2016 show the current views, and also sketched in views of how it would be with the tower in place (Atch 2 thru 5). This puts the tower directly in our view to the Northwest.
6. Is there a restriction of the minimum distance to a residence?
7. Icing/Falling risk area/Noise/ Lighting –
 - a. Icing - Is the tower heated to prevent icing? Will it fall over in High winds? What about when iced up? Can ice breaking of the top area of he tower be blow onto our property. What are the dangers to our grand children playing in our yard with these conditions? How will we be warned? Who will do this?
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8. Can the tower be moved 500 feet North? I was told that it could not be moved North because of a judge's ruling, "to keep the Open Space, originally set up by the

developers, for the use of the Property Owners and their guests only". So what is the difference between the area A (Wyndham Resorts) and B (PLPOA Properties) (Atch 6)? Nothing except the space administrators. Have County guidelines for Area B (PLPOA) usage been setup? If so, where?

9. Commercial Use. If this is turned into a commercial use area, it totally violates the intent of the Open Space concept for PLPOA members – (For use by Property Owners and their guests). How do you limit a cell tower to owners and their guests only. Thus – an open to all use facility. What's next? PLPOA resources (Rec Center) open to the public?
10. I have been contact with our neighbor to the east, Lot 140, and he agrees that this request should be denied.
11. Again - We request this proposal for construction be disapproved.



Richard & Sylvia Cline

Owners – 29 Longmont Court

(505-463-7698)

Atchs

1. Plot plan draft

2-5. Pictures of views

6. County Site Map



Atch 2



Atel 3



Atch H



Atch 5



Site Map

Pagosa Lakes
Telecom Facility
Development Plan
2015-33RZ

Legend

- Primary Road
- Lakes

Zoning Map 2011

Zoning Districts

- Agriculture Forestry (AF)
- Agriculture Ranching (AR)
- Agricultural Estate (AE)
- Rural Residential (RR)
- Residential (R)
- Mobile Home Park (MHP)
- Commercial (C)
- Industrial (I)
- PUD
- Project Parcel

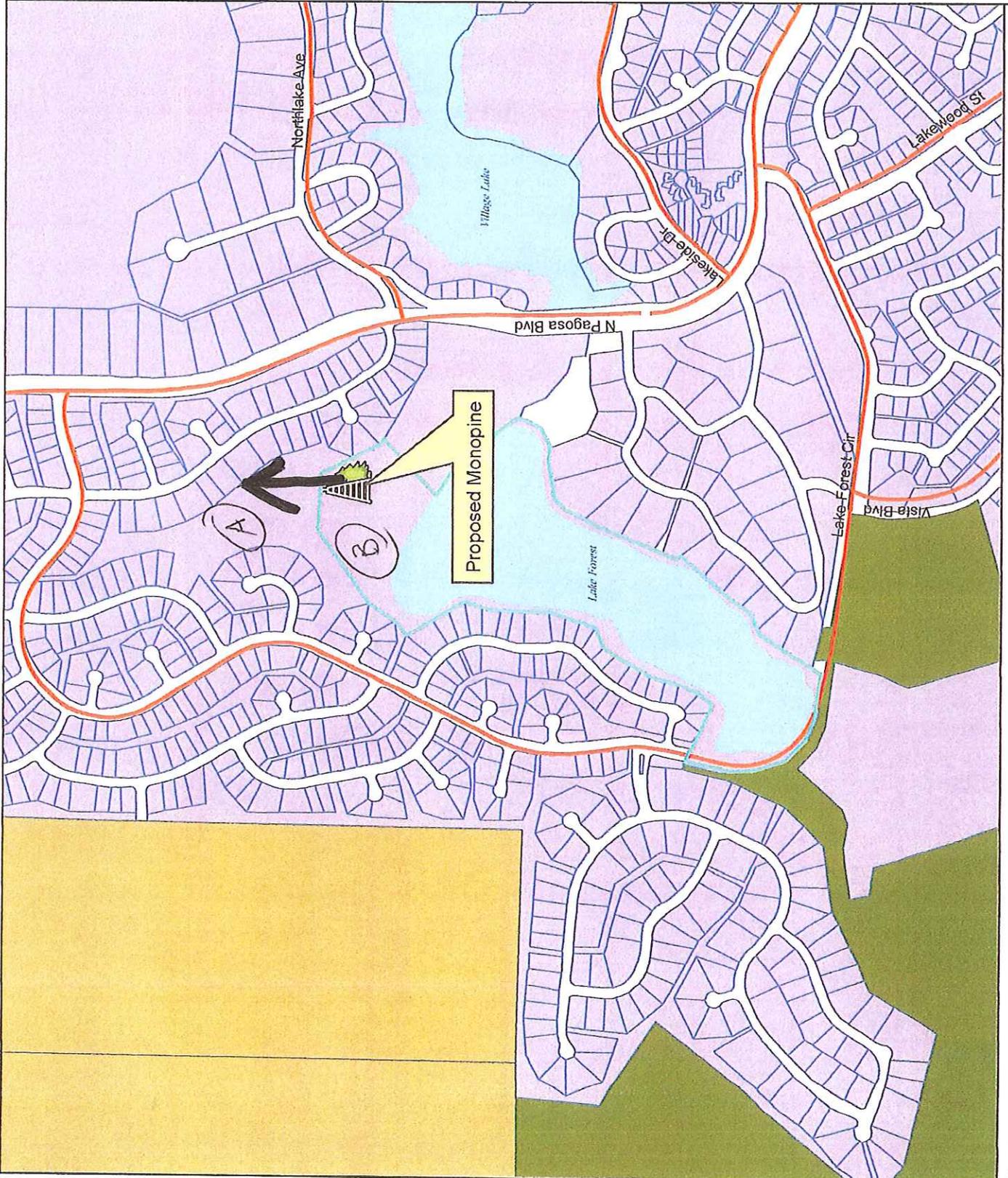


Project Location



350 175 0 350 Feet

Archuleta County Development Services
15Dec2015



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Atal 6

18 January 2016

Mr. John C. Shepard, AICP, Planning Manager, Archuleta County Development Services – Planning Department 1122 HWQ 84, Pagosa Springs, Colorado 81147 970-264-1390 / Fax: 970-264-3338

Dear Mr. Shepard,

Thank you for your letter dated January 4, 2016, the notice of a request for development approval in our neighborhood.

My wife and I (Charles C. Riehm and Sarah L. Riehm) are the property owners of 25 Longmont Court, Lot #140. We are very concerned about the poor choice of location for the proposed cell tower. Our neighbor Richard Cline has sent you a letter and we have discussed this matter on multiple occasions since we received the notice of building the tower in your letter dated January 4, 2016. I have enclosed portions of his letter to you as a statement of my agreement with his letter and in support of his recommendations to relocate this tower to a position that is further from our properties. It should not be an obstruction to any property just north of this proposed location. It would be well out of the way of any private property owner's view. The potential dangers of having this very tall tower near our properties is a risk that we believe the County should not take by approving this request. The alternatives are not difficult to see by visiting the site. I reject the premise that there has been a judgement by a court that would restrict the location further north-west. This is to be used by the public and in fact isn't adding a "tree" tower for the purpose of providing public access meeting that request by the judge? If no one has even asked the question of the court then it is too soon to decide what is right and not right about a better location.

I will be unable to attend the meeting on the 27th of January in person but am adding this letter as my notice and input for consideration.

Sincerely,

Charles and Sarah Riehm (Electronic Signatures)

Charles and Sarah Riehm, Owners of 25 Longmont Court.

My Cell phone is 214-674-1266 – please call any time to discuss this important issue.

Enclosed below are the excerpts from Richard Cline's letter dated 18 January 2016.

We agree in full with Richard and Silvia's letter below.

To: Archuleta County Planning Department

January 18, 2016

Subject: Pagosa Lakes Telecom Facility Development Plan 2015-33RZ

Attn: John Shepard

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Richard & Sylvia Cline

Owners – 29 Longmont Court

(505-463-7698)

Atchs

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2-5. Pictures of views

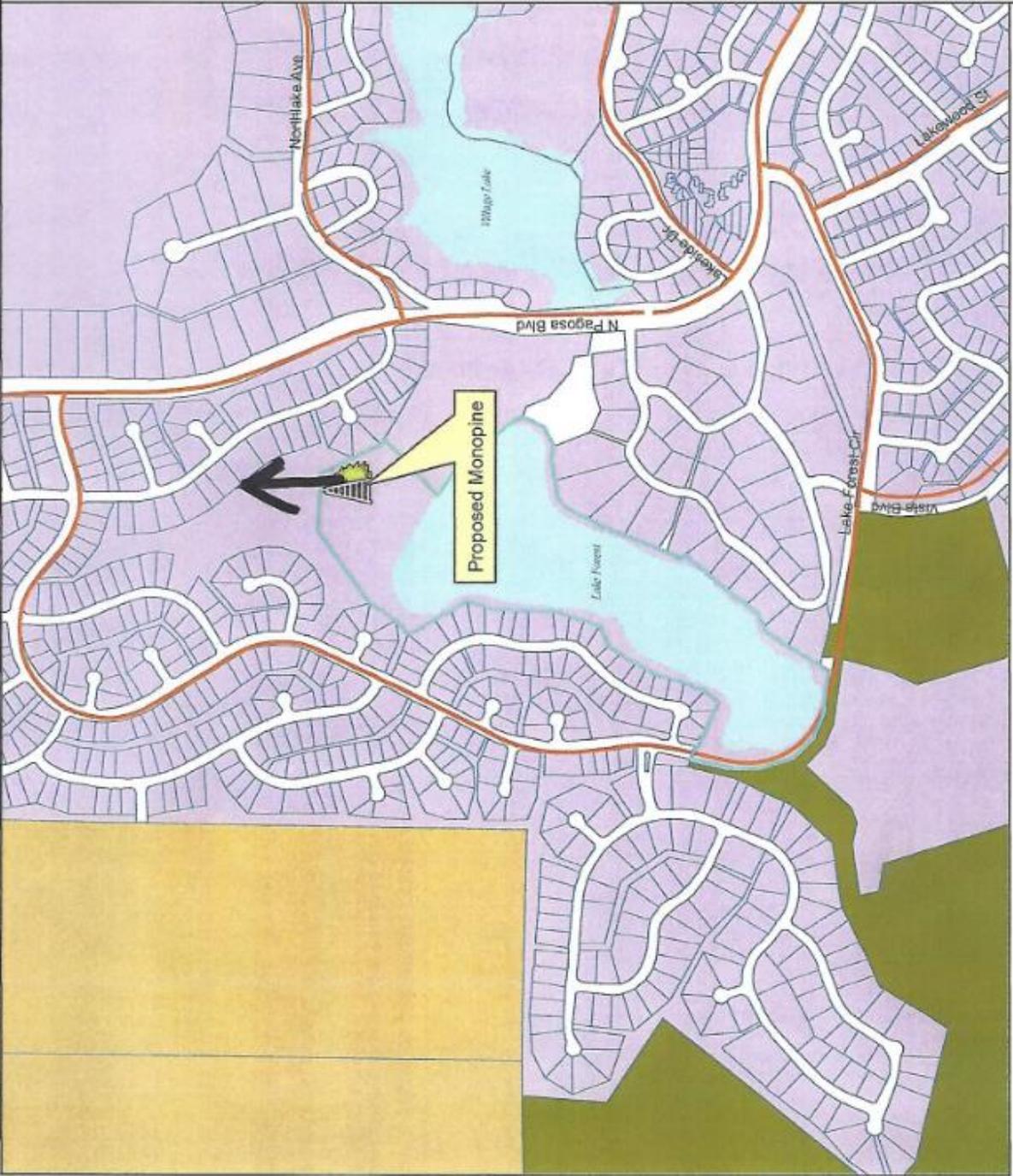
6. County Site Map



Site Map

Pagosa Lakes Telecom Facility Development Plan 2015-33RZ

- Legend**
- Primary Road
 - Lakes
 - Zoning Map 2011**
 - Zoning Districts**
 - Agriculture Forestry (AF)
 - Agriculture Ranching (AR)
 - Agricultural Estates (AE)
 - Rural Residential (RR)
 - Residential (R)
 - Mobile Home Park (MHP)
 - Commercial (C)
 - Industrial (I)
 - PUD
 - Project Parcel

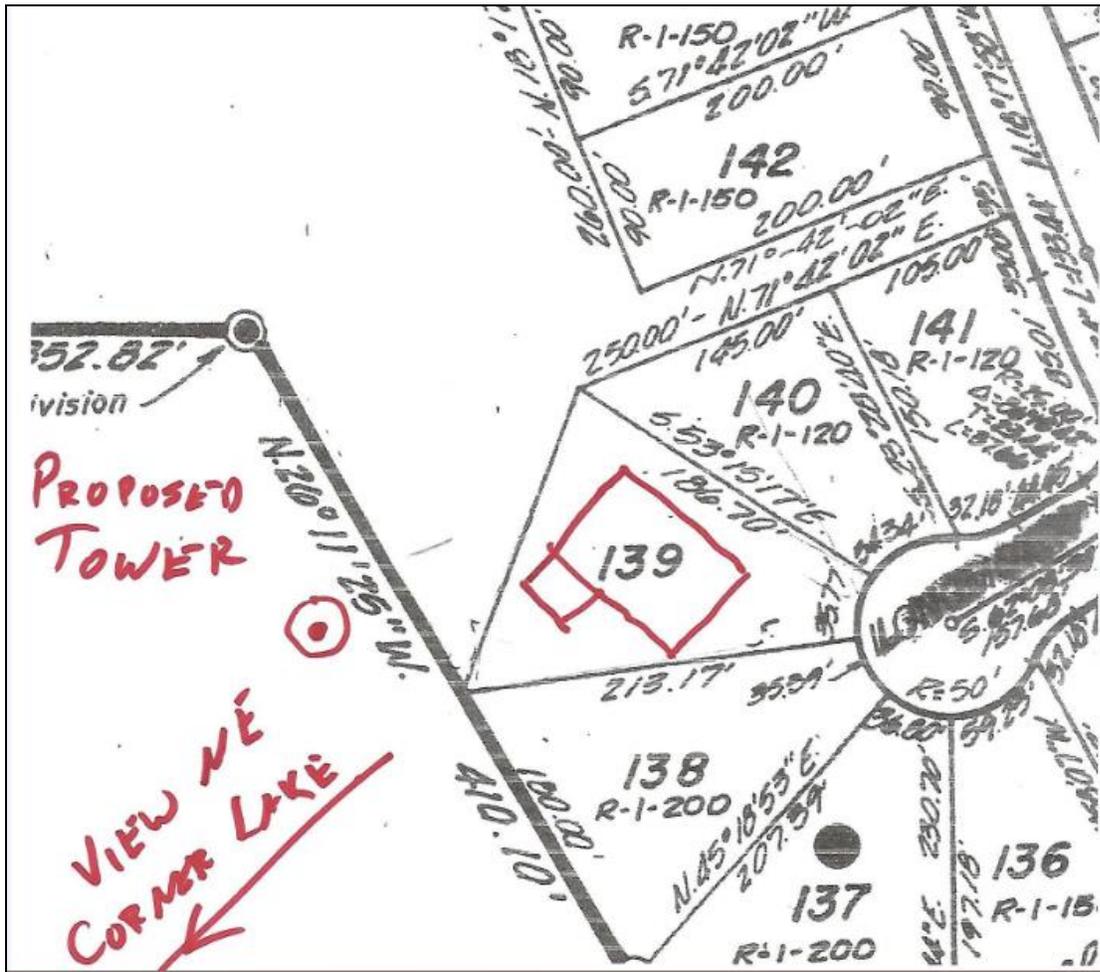


Apache County Development Services
1000215

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Above is also the view from our property, Lot #140, which is adjacent to the Cline's property.



received
1/20/16

Date: January 13, 2016

To: John C. Shepard, Planning Manager, Archuleta County
Chip Munday, General Manager PLPOA
From: James and Janet Freudenberger
122 Beaver Circle, Pagosa Springs, CO 81147

We would like to submit our opposition to the request for development approval of the proposed Verizon cell tower, building and road in Lake Forest Estates open land.

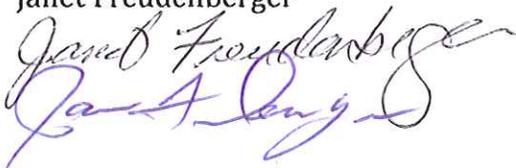
It is our opinion that this is not a satisfactory location for this project and that other options should be considered. This open space was included in the Planned Unit Development and Common Interest Community for recreational enjoyment for all members and their guests. We do not feel that this type of use for this property is appropriate in any way. Please find below a photo of a different angle of the proposed area that shows a part of the beautiful mountain views and only a small number of the *many* homes that will be affected – as opposed to the trash can and mud as shown in the county photo submitted in your letter. The enjoyment of Lake Forest will be once again marred with another “improvement”.

We are opposed to the tower, building and “driveway” from the aesthetic point of view as well as the possible health issues a cell tower could emit in such close proximity to residential homes. A 70’ metal tower among smaller pine trees is not blending into the environment. A “driveway” that cuts across open meadow land and up a hill is not blending into the environment. A 26’ foot building housing equipment is not blending into the environment.

We have spoken to over a dozen neighbors in the area, some received the letter and others have not. Not ONE household was happy to hear that PLOPA was allowing Verizon to construct a cell tower in their open space. A family was concerned about the effects on their kids in the future. A retired couple purchased their property and made this their home because of the open space adjoining their property. Not one household was in favor of this proposal.

We urge you to reconsider this and not grant the rezoning of common land so that all may continue to enjoy the open space in the future.

Sincerely,
Janet Freudenberger





Archuleta County Development Services
Planning Department
P.O. Box 1507
Pagosa Springs
Colorado 81147-1507

received
1/20/16

Dear Mr. Shepard, AIOP,

The purpose of this letter is to oppose the installation of a Mobile Radio System Antenna in the area of Lake Forest. My objection to this antenna is based upon the continuing degradation of the natural beauty of this area.

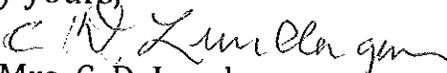
I will send copy of this letter to PLPOA and PAWS, in the hope they will increase their efforts to protect and enhance the natural beauty of Lake Forest. At one time photographers would take photos from the south end of Lake Forest looking north. That view was one of the most attractive in our area. Now there are a number of items in the lake that detract from this view. There are floats and two oversized aerators in the lake. All, of which, detract from the view.

"The human spirit needs places where nature has not been rearranged by the hand of man." Author unknown.

Now there is a petition to install an artificial tree - really?

I recognize the need to provide communication, but there are alternative sites for the tower that, while possibly not optimum, would provide the expanded service.

Sincerely yours,


Mr. and Mrs. C. D. Lundergan

John Shepard

From: Sherer, Jeffrey <ShererJ@bv.com>
Sent: Monday, January 18, 2016 11:51 AM
To: John Shepard
Cc: Chip Munday; jane.johnson@verizonwireless.com; Chamberlin, Greg
Subject: RE: County Review: Pagosa Lakes Telecom Facility 2015-33RZ (CO7 Escobar)
Attachments: CO7 Escobar -Distance to property.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello John,

Answers to your questions are below.

1. We've plotted the tower site on the attached and you will note the facility is not contiguous with the Cline's property. The property adjacent is Open Space and belongs to Wyndam Vacation Resorts. I've been told the Wyndam property will be transferred sometime in future, if not already, to PLPOA. For your info the specific coordinates of the VZW tower are 37-15-53.58, 107-5-51.62. The coordinates are what VZW will use on their FCC site license.
2. There will be no removal of existing trees. The site was specifically placed so no trees needed to be removed. Also the center of the monopine is approximately 90' from the closest point on the Cline's property not 20'. We can address landscaping at the PC hearing if necessary but we don't feel it is needed.
3. The tower is a monopine and like a pine tree, has pine needles (I'll bring a partial branch with me to the hearing). Ice will build up on the needles and branches similar to build up on a natural tree, unlike a standard lattice tower where there are cross bars and other metal surfaces for ice build-up. Also, the tree is only 70' and unlike large communication towers that are 150-350' in height, it is highly unlikely ice falling off the branches will cross the almost 100' to the Cline's rear property line.

Hopefully these answers will reduce the Clines concerns. If you have any additional questions please don't hesitate to contact me. Thanks.

Jeff Sherer | Senior Manager Site Acquisition & Zoning, Land Services & Acquisition Group,

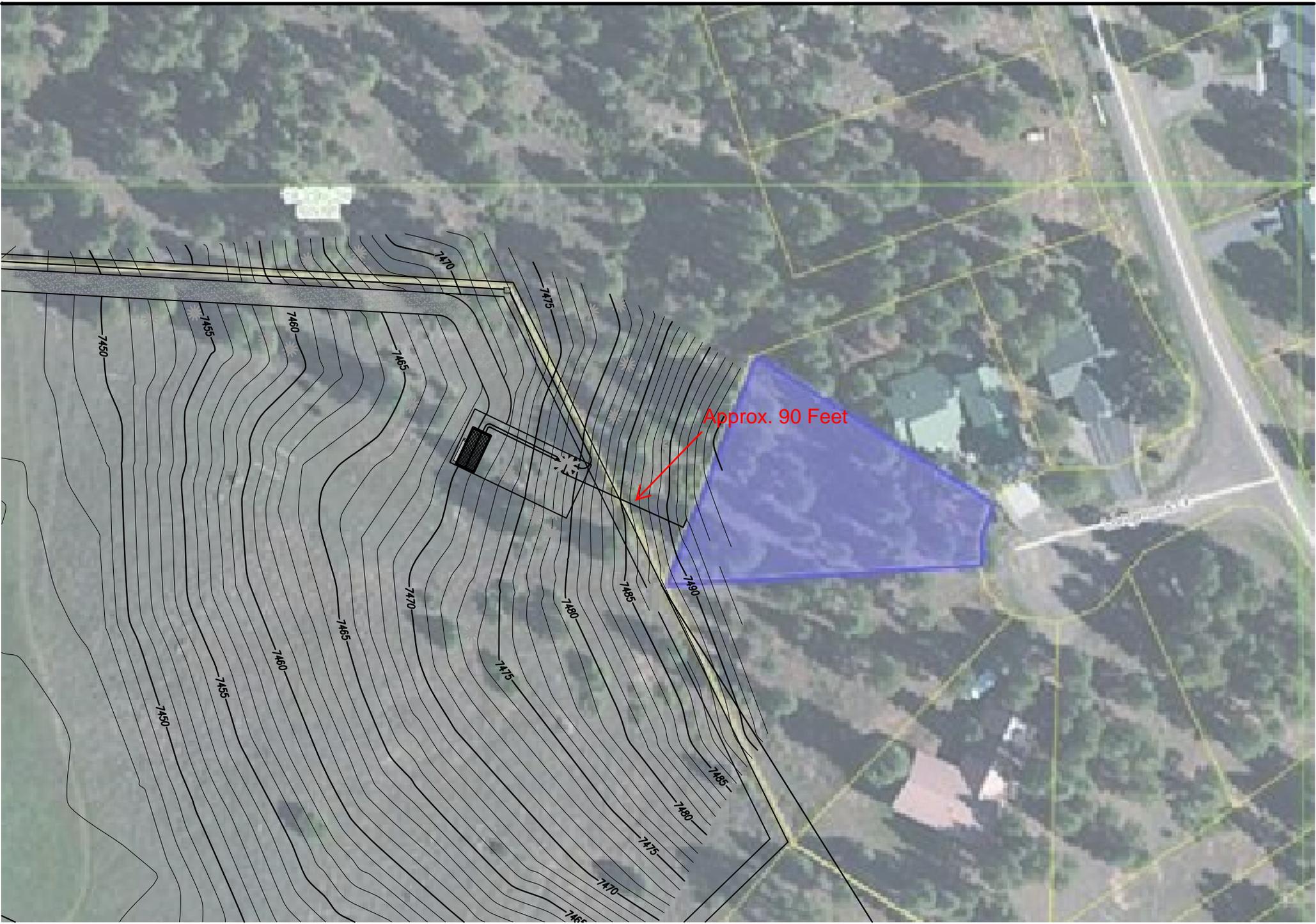
Black & Veatch Corporation | 4600 S. Syracuse Street, Suite 800, Denver, CO 80237 USA

+1 303-929-8651 M | +1 720-834-4349 F | shererj@bv.com

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Approx. 90 Feet

