



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

REGULAR PLANNING COMMISSION MEETING FOR FEBRUARY 24, 2016, 6 PM

ROLL CALL

CONSENT:

Approval Of Minutes For January Meeting

Documents: [MINUTES_SIGNIN 012716 DRAFT.PDF](#)

OLD BUSINESS:

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

The public hearing for this application was opened at the regular meeting of January 27, 2016, and continued to this meeting of February 24, 2016. The staff report notes additional information received since 1/27, which are also attached.

Documents: [2015-033RZ_PAGOSA_LAKES_TELECOM_PC-20160224_STAFFREPORT.PDF](#), [A4-ODP-PUD_REV_1.PDF](#), [A5-PFPD VERIZON TELECOMMUNICATION FACILITY LAND USE APPLICATION REVIEW FEB 10 2016.PDF](#), [A6-2015-33RZ_LETTERS_JAN27-FEB17.PDF](#), [A7-NEIGHBORHOOD_SUBMITTAL-20160217.PDF](#)

NEW BUSINESS:

ELECTION OF OFFICERS

DISCUSSION ITEM: Standards For Noncommercial Marijuana Cultivation

The Board of County Commissioners has asked the Planning Commission to consider non-licensed, noncommercial cultivation of marijuana and propose amendments to the Archuleta County Land Use Regulations.

REPORTS, ANNOUNCEMENTS:

NEXT MEETING MARCH 23, 2016

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 January 27, 2016

The Archuleta County Planning Commission held a regular meeting on Wednesday January 27, 2016, at 6:00 PM at the Archuleta County Commissioners Meeting Room, 398 Lewis Street, Pagosa Springs, Colorado. Chairman Michael Frederick called the meeting to order at 6:00 PM.

Commissioners in attendance:

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

Staff in Attendance:

John Shepard, AICP, Planning Manager; Sherrie Vick, Planning Technician

Public in Attendance:

Denny Barber; Chip Munday, General Manager PLPOA, and Jeff Sherer and Greg Chamberlin of Black & Veatch for Verizon Wireless. There were numerous members of the public, see attached sign-in sheet.

Consent:

Minutes from the December meeting were reviewed. Motion made by Commissioner Hooton to approve the minutes as submitted. Commissioner Shahan second. Approved by a vote of 5-0.

Old Business: None.

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.

Planning Manager John Shepard presented the staff report, recommending approval with conditions.

Chairman Frederick asked if there were any questions. Commissioner Hooton asked for clarification on the easements along the new lot line. The language Mr. Shepard read was the wording that the utility company expressly asked for. Chairman Frederick asked for clarification on the utility service lines vs main lines. Mr. Shepard responded the surveyor is working directly with La Plata Electric to show where the currently installed lines are. Chairman Frederick asked if the Applicant had any comments. Mr. Barber stated that the plat is being done to represent the legal descriptions on the deeds. Chairman Frederick asked for any public comment. Hearing none he asked for a motion.

Commissioner Adams made the motion 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 dated January 27, 2016. The Planning Commission finds 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.

Commissioner Hooton seconded. The motion was approved by a vote 5-0.

Before opening the next public hearing, Chairman Frederick noted conflict of interest guidelines and stated that, while he lived in the Pagosa Lakes Property Owners Association (PLPOA) area he felt there was no conflict for him because he had no direct financial interest in the project. He then asked if any other members had concerns. Commissioner Hooten disclosed she rented property in the PLPOA but felt that would not be a conflict of interest. Commissioner Adams stated although he lived in the downtown area, he did own property in the PLPOA but felt there was no conflict of interest. Chairman Frederick also iterated that the Commission was not allowed to address health concerns because those are regulated by the FCC and cannot be considered in this decision.

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.

The FCC regulates communication towers and health concerns cannot be addressed locally. Also we only have 150 days to act on the application by approving or denying it in writing. If no action is taken the application is considered approved after that time frame. The project was noticed by mailings to the properties within 500 feet of the legal parcel, posted on the property and in the paper.

Cell towers are reviewed under Section 5.5.3 of the land use regulation. The project is also rezoning a PUD to establish standards in a Development Plan, as provided in Section 3.1.6 and 3.1.7. The proposal does not pose a hazard to aircraft, the tower is 22' from the property line and 90' from the nearest private property. Ice fall or debris should not be a concern. The tower is a "stealth" type monopine tower and a faux cabin exterior on the equipment building to mitigate visual impacts. The tower is of minimum height needed to be effective and will meet the requirements of the Building Department for structural integrity. In the application, Black & Veatch has demonstrated that the location meets a need and the other towers in the area cannot cover the area in which the new tower will provide service.

Applicants' Representatives, Mr. Sherer and Mr. Chamberlin from Black & Veatch, presented the project to the Commission, showing the need for the tower and how it meets the criteria for the County regulations. They also presented additional information on coverage improvement, and testimony on property values from other project areas.

After the presentation Chairman Frederick asked for questions from the Commissioners. Commissioner Hooton asked if the equipment building was a four-sided structure, which it is. Commissioner Hooton asked where the access road would be located. The representative showed the Commission that the access would start at the boat dock parking area and follow along the property line. It would be a gravel driveway only as wide as needed to service the equipment roughly once every month to once every two months after the initial build. Commissioner Hooton asked if there was another place to access. Any other access would be on Wyndham-owned property. Commissioner Adams asked about the tower and the site elevation. With the hillside, the tower would allow them to build a 70 foot tower instead of a 120 foot tower at the low elevation sites, which would cause a greater visual distraction for two reasons--the tower would be higher and there were no trees at the those sites. Also it was discussed that the branches on the ones shown in other places are high off the ground which is to prevent climbing on the tower. Commissioner Shahan inquired about lighting strikes on the tower. Mr. Sherer informed the Commission that there are measure taken in the construction so the tower is equipped with a lightning rod to prevent issues with lighting like a surge protector. Chairman Frederick asked if the items mounted on the tower or in the building would create any mechanical noise. Mr. Chamberlin responded that only the

air conditioner unit might make noise, and there will be an emergency generator on the site which will run once a week as a test. Chairman Frederick also asked for clarification on how it was determined that this would be the best location. Mr. Chamberlin showed the 4 possible sites with the target area for coverage. With a computer model they built, the site by the lake was the best for coverage and mitigating the visual concerns. Chairman Frederick asked about limiting access to the access drive to the tower from the boat ramp area. Mr. Chamberlin deferred the answer to Mr. Munday as the property owner.

Chip Munday, General Manager of the PLPOA, introduced himself and added that they received several positive comments on this tower, and people were asking for a tower to be built in the Lake Hatcher area as well. In regards to the access. PLPOA has planned to limit the access from the boat ramp area because people have been inappropriately driving across the hillside. PLPOA would do a low fence around the boat dock area and have an access point for the tower road that only Verizon would have access to. It was clarified that there would be no fence around the equipment building and tower. Discussion of the coverage areas and the increase of coverage was briefly reviewed. Chairman Frederick asked Mr. Munday, as a representative of the property owner, at what extent did the PLPOA architectural control committee review this application? Mr. Munday expressed that this property and project was not in a specific subdivision and would not usually be under that committee's review. However, they did review it for how it would blend in and have a venue for people to make comment on the project. Chairman Frederick asked if the PLPOA made an attempt to involve these neighbors. Mr. Munday stated that yes, property owners were noticed in July or August of 2014 when the PLPOA Board published the agenda for their meeting. Mr. Munday explained that at the annual meeting, in 2015, it was discussed as part of a way for the PLPOA to generate more income which this lease agreement would achieve. PLPOA wanted to help in this development because a large portion of the properties in this area are developed already. Also, the coverage area includes a large part of the Wyndham time-share program. These folks only have cell service when they are here for vacations and this would meet their needs, as well as needs of the PLPOA home owners.

Public comment was then received starting at 7pm. Chairman Frederick asked members of the public to state their name and address for the record.

Doug Call 124 Wilderness Dr. (in addition two lots on Fish Cove Ct. and 2 lot on Lake Forest Cir.) Presented a petition of surrounding residents to the Commission and stated he had noticed there were flags staked out in the area a year ago and asked people about it and no one knew what was going on. He was not informed until he saw it in the paper and saw the property posted before this hearing. The neighbors he spoke to would like to see this denied or at least postponed until they can get more information from PLPOA. He is concerned with the road they were putting in and how that would affect the use of the open space area and the quality of the area.

Richard Cline 29 Longmont Ct. Mr. Cline showed the Commission pictures from his lot to the lake and where approximately the tower would be in his view (previously submitted by letter). Mr. Cline had been working for months with an architect for the best placement of his home on this lot. With no landmarks to see where on the PLPOA property the tower is going for sure he believed his view will be of the base of the tower. Also Mr. Cline was concerned about safety around the tower because he has grandchildren and there is no fence around the tree. Ice can fall from the tower and someone could get hurt.

Silvia Cline 29 Longmont Ct. Stated the tower will be 130' outside of her future kitchen window.

Ron Sutcliff 38 Sparrow Cir. Questioned Black & Veatch statements that cell service enhances home values. Mr. Sutcliff is a surveyor in the area. He asked several appraisers he has worked with and the appraisers do not have a tool to tell how cell service affects home values.

Chip Downing 220 Antelope Ave. He moved here for the peace and quiet and purchased his lot because no one was going to be allowed to build behind him. If we rezone this will that allow more towers to be built by other cell providers? He asked Mr. Munday how much PLPOA was going to make on the lease. Mr. Monday replied \$400,000 total.

Merlin Wheeler 172 Wilderness Dr. Presented a letter to the Commission. Mr. Wheeler asked about procedures and how the approval would be done. It was explained that the Planning Commission was an advisory board. The Board of County Commissioners would make the final decision. Mr. Wheeler stated that it was his understanding that PLPOA was intended to help protect the property owners from this kind of thing. The PLPOA did not inform the property owners of this project and they only got 2 weeks' notice

from the planning department. His plea is that the Planning Commission would not move forward on this until the property owners have time to respond. The project has 150 days which is up in April to have a decision.

Kim Coleman 65 Wilderness Dr. Ms. Coleman was concerned about the wetlands and asked was there an environmental impact study done?

Jason Nicholas has only a PO Box at this time. Stated that he was glad the Commission was looking at the visual impacts but we should look at the health impacts as well. Mr. Nicholas asked if the tower was going to be used for Smart Meters from the LPEA. Mr. Sherer said no, not that he knew of. Mr. Nicholas preceded to talk about health concerns and submitted a document from the FCC for local governments dated 6/2/2000 entitled "Radio Frequency Emissions Safety Rules, Procedures, and Practical Guidelines for Local Government Officials". Mr. Nicholas also asked if the Endangered Species Act has been addressed by the proposal.

Jeff Fortney 572 Antelope Ave. Cell phones are a choice people make. Are the land lines not working in that area? Why are we being asked to sacrifice our quality of life for PLPOA and Verizon to make money?

Todd Hagarty 66 Wilderness Dr. Give us the time to learn more and understand what is going on. Wildlife is there, how is it affected? The tower will affect all of us, our families, and recreational quality.

Deni Blaisch 172 Wilderness Dr. She is concerned that neighbors were not informed of this project prior to this meeting. There has been several court cases for health concerns. Opening the area up to have more towers in this location is frightening. It appears this is about the financial gain PLPOA will receive and not about the area's wellbeing. The road is of great concern, where it is going and how it is going to be blocked off.

Bill Hudson 268 Hermosa St. He lives downtown, and is a reporter for the Pagosa Daily Post. It seems that the Chairman is willing to give more time to the Applicants than the public opposed to the project and that it is an unfair practice and may be subject to a lawsuit. Mr. Hudson suggested that the project be tabled until the next meeting for the Applicant to respond to the public.

Cathy Justus 135 Dandelion CT. She understands the Planning Commission does not want to hear about health concerns but there are many studies and conclusions by the world health organization that say this radiation is harmful. She agrees with other members that the aesthetics are not very good.

Lynn Hagarty 66 Wilderness Dr. Ms. Hagarty submitted a letter stating her concerns and expressed that more time is needed to look at this project for the community and the Planning Commission.

Shanna Snard 462 Meadow Lark Dr. in Aspen Springs. She is a resident living by the most recent tower, which did increase some service in a limited area. Chairman Frederick asked her about that tower. She responded that it is just a stick that sticks up very high, you can see it on your way to Durango. It is not disguised so you know what it is. The health concerns will be proven in time. She is sensitive to them and had her smart meter removed. The community of Pagosa Springs is a rural community which is why she moved out here and that is the way she wants it to stay.

Janet Freudenberger 122 Beaver Cir. She was out helping with the petition and was not able to talk to all the neighbors but the ones she did talk to didn't know about this and were opposed to it.

Commissioner Frederick closed the public comment session and allowed rebuttal time for the Applicants to address public comments, starting at 8:15pm.

Mr. Sherer for Black & Veatch commented that towers are regulated by the FAA and FCC. There is an Environmental Impact Study being done, started about 6-7 months ago. The proposal meets the County regulations for towers and the mailing list for notices were given to Black & Veatch by the County for a 500 foot radius around the property and mailed out. No smart meters would use the tower that he is aware of. The base of the tree is only 24" in diameter with the branches out from there. The stealth pole is being done to mitigate the visual impact.

Mr. Chamberlin for Black & Veatch addressed health concerns. The tower is regulated by the FCC and they are required to have a third party come out, to test and monitor the tower's output once a year and they take that very seriously. The ice fall will be just like other trees. Snow and ice builds up and fails off.

Chairman Frederick closed the public hearing portion of the meeting and proceeded to ask Mr. Shepard a procedural question. Has the 150 days been calculated? Yes, the application was deemed complete the first of December 2015, so a decision would need to be given before the end of April. The decision would be a final written notice by the Board of County Commissioners. Mr. Shepard continued by stating our land use regulations do not require neighborhood meetings except for Oil and Gas permits. Chairman Frederick asked if there were any further questions or comments. Commissioner Shahan expressed her concern with the road location and type. Mr. Shepard clarified the access location, built to a minimal standard for the use of Verizon only.

Commissioner Adams asked how we would proceed if we postponed to get more input from the local community. Mr. Shepard responded they could continue it to the Planning Commission's next regularly scheduled meeting, but was unsure how they would adjust the scheduled Board of County Commissioner's meeting. Planning Commission Bylaws Article XI, Section 8.d. state: Continuance of the request to a date and time certain, to an event specific (which shall not be in excess of 180 days), with direction to Applicant as to specific issues that need to be resolved.

Commissioner Hooton made a motion to continue the project for the next scheduled Planning Commission meeting. Commissioner Shahan seconded. The motion to continue was approved 5-0. Commissioner Frederick stated that each side for and against would have 20 minutes in total (not each person) to present updated information at the Feb. 24th meeting under Old Business, starting at 6pm.

Mr. Shepard pointed out that this was advertised to be on the Board of County Commissioners meeting and staff will ask that they postpone it as well. There was discussion around the posted notice and the letter of notice. The project met those requirements. Commissioner Adams asked if we could ask Verizon to stake out the site. Mr. Shepard responded it was staked at one time but we can request they mark out the tower and equipment building again.

Reports/Announcements:

Mr. Shepard gave out to the Commissioners as information a copy of the PLPOA resolution regarding lot consolidations and their changes to those projects. It has generated several questions and a run on Consolidation Applications but will impact the number of consolidations in the future.

As a general information item, Mr. Shepard shared the newsletter of the American Planning Association's Small Town & Rural Planning division, for which he is editor.

February 10th special meeting reminder. This meeting is at 1:30pm for the Two Rivers Gravel Pit.

The Board of County Commissioners has asked staff and the Planning Commission to look at non-licensed marijuana cultivation regulations. This would be looking at potential regulation for individual plants per person and for Caregivers and their allowed amount of plants, to be regulated by the Land Use Regulations not ordinance. Mr. Shepard discussed with the Commissioners how they would like to consider the topic and involve the public.

Next Meeting: February 10, 2016 (Special Meeting); February 24, 2016 (Regular Meeting)

Adjourn: Commissioner Hooton moved to adjourn; Commissioner Hooton seconded; meeting adjourned at 9:00pm.

Approved this day of , 2016

Sherrie Vick
Planning Technician

Michael Frederick
Chairman

ARCHULETA COUNTY PLANNING COMMISSION

Meeting Attendance

January 27, 2016

Name	Address	Phone
ELAINE LUNDERGAN	140 BEAVER CIR.	731-5869
DON LUNDERGAN	140 BEAVER CIRCLE	731 5869
DICK CLINE	29 Lumbago Court	505-463-7698
Denny Barber	117 Navajo Trail Drive	946-3902
Chip Munday	337 Blue Heron Circle	502-7045
Kim Coleman	65 Wilderness Bl	946-9105
Brian Smith	65 Wilderness Dr	903-0466
Dave Call	125 Wilderness Ct.	946-7489
Jeffrey Footney	572 Antelope Ave	946-0572
JEFF SHORE	400 S. SYRACUSE ST DENVER, CO	3979-8651
Dale & Jenny Welch	316 Antelope Ave	432-349-4362
Greg Chamberlain	3131 S Aurora Way	402-305-2775
Tasha Gosh	167 Saddleback Dr.	970-264-0680
Cathy Justus	135 Dandelion	970-264-4462
Kimberly Rudshaw	20 quartz ct.	970-576-8076
Kim Downing	220 Antelope av	970 749 5742
Theresa Hussi	156 Glen Estan Dr.	970-731-5880
Todd Hererty	666 wilderness Dr.	946-2068
Bonnie O'Connor	102 Ute drive	759-8497
Janet Freudenberger	102 Ranger Cir	903-4391
Dewi Blaisch	177 wilderness	903-0958
Meredith McCallen	" "	903-1931



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, **Continued to February 24, 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.

On January 27, 2016 the Planning Commission opened the public hearing, took testimony, and continued consideration to their regular meeting of February 24, 2016.

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.
- **Pagosa Fire Protection District submitted review comments on Feb 10, 2016 (attached).**

Several ~~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 Maps

Attachment 2: Application Package

Attachment 3: Neighbor Letters

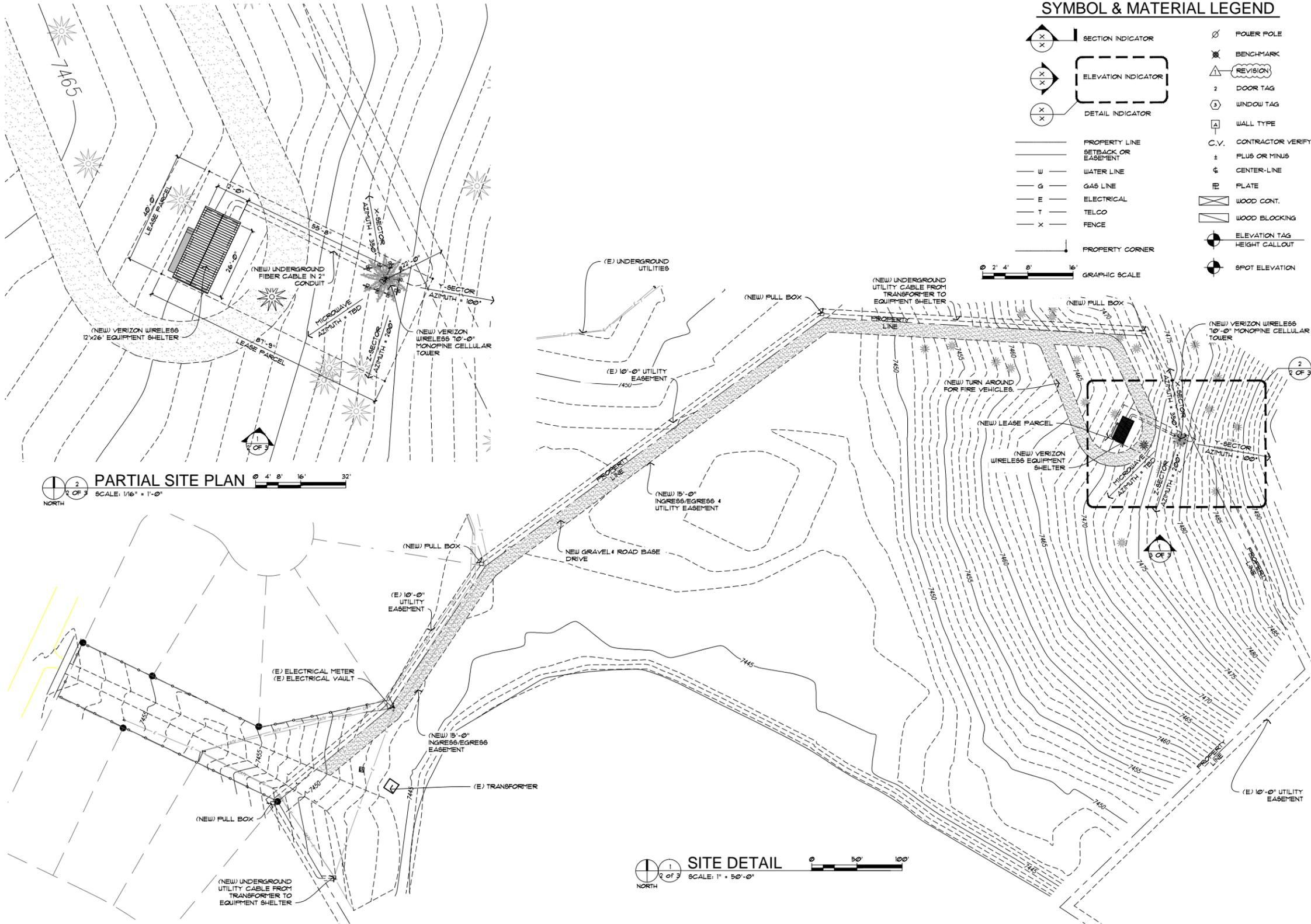
Attachment 4: Proposed Development Plan (Revised)

Attachment 5: Pagosa Fire Protection District review comments

Attachment 6: Additional Letters received 1/27-2/17

Attachment 7: Neighborhood Submittal 2/17/2016

PAGOSA LAKES TELECOMMUNICATIONS FACILITY OFFICIAL DEVELOPMENT PLAN



SYMBOL & MATERIAL LEGEND

- | | | | |
|--|---------------------|--|-------------------|
| | SECTION INDICATOR | | POWER POLE |
| | ELEVATION INDICATOR | | BENCHMARK |
| | DETAIL INDICATOR | | REVISION |
| | PROPERTY LINE | | DOOR TAG |
| | SETBACK OR EASEMENT | | WINDOW TAG |
| | WATER LINE | | WALL TYPE |
| | GAS LINE | | CONTRACTOR VERIFY |
| | ELECTRICAL | | PLUS OR MINUS |
| | TELCO | | CENTER-LINE |
| | FENCE | | PLATE |
| | PROPERTY CORNER | | WOOD CONT. |
| | GRAPHIC SCALE | | WOOD BLOCKING |
| | | | ELEVATION TAG |
| | | | HEIGHT CALLOUT |
| | | | SPOT ELEVATION |

PARTIAL SITE PLAN
SCALE: 1/16" = 1'-0"
1 OF 3

SITE DETAIL
SCALE: 1" = 50'-0"
1 OF 3

STAMP

T*REX ARCHITEX
146 Madison Street
Denver, CO 80206
303.388.2918

DRAWINGS

Drawings and Specifications are instruments of service and shall remain the property of the Architect whether the Project for which they are made is executed or not. The Owner shall be permitted to retain copies, including reproducible copies, of Drawings and Specifications for information and reference in connection with the Owner's use and occupancy of the Project. The Drawings and Specifications shall not be used for the Project or other projects, for additions to the Project or for the completion of the Project by others, without the Architect's prior written consent. The Architect's consent shall be in writing and with appropriate compensation to the Architect.

PROJECT FOR

verizon wireless
3131 S. VAUGHAN WAY, SUITE 550
AURORA, CO 80014
303-694-3234

DATE ISSUED

FEBRUARY 17, 2016

DATE	ISSUED AS
----	ZD APPROVAL
----	CD PRELIMINARY / REVIEW
----	BID SETS
----	PERMIT SUBMITTED

DATE	REVISIONS
02-17-16	ZONING REVISIONS
----	----
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PROJECT NAME

CO7-ESCOBAR

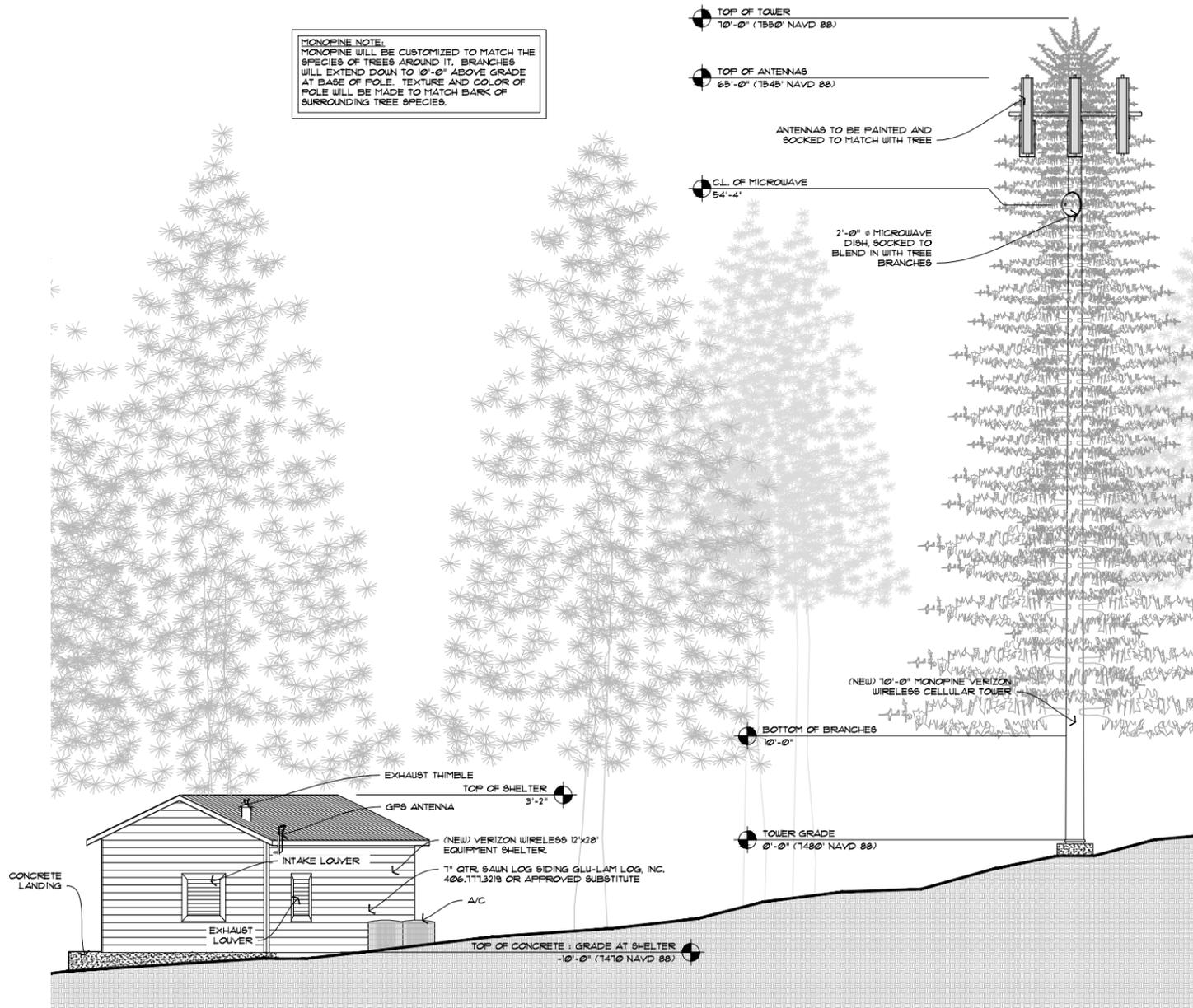
CELL SITE
ZD'S - ALT. #1
LAKE FOREST CIRCLE
PAGOSA SPRINGS,
COLORADO, 81147

COUNTY OF ARCHULETA
STATE OF COLORADO

2 OF 3
OFFICIAL DEVELOPMENT PLAN

PAGOSA LAKES TELECOMMUNICATIONS FACILITY OFFICIAL DEVELOPMENT PLAN

MONOPINE NOTE:
MONOPINE WILL BE CUSTOMIZED TO MATCH THE SPECIES OF TREES AROUND IT. BRANCHES WILL EXTEND DOWN TO 10'-0" ABOVE GRADE AT BASE OF POLE. TEXTURE AND COLOR OF POLE WILL BE MADE TO MATCH BARK OF SURROUNDING TREE SPECIES.



1 SOUTH ELEVATION
3 OF 3 SCALE: 3/16" = 1'-0"

STAMP



146 Madison Street
Denver, CO 80206
303.388.2918

DRAWINGS

Drawings and Specifications as instruments of service are and shall remain the property of the Architect whether the Project for which they are made is executed or not. The Owner shall be permitted to retain copies, including reproducible copies, of Drawings and Specifications for information and reference in connection with the Owner's use and occupancy of the Project. The Drawings and Specifications shall not be used for the Owner on other projects. In addition to the Project or for the completion of the Project by others, provided the Architect is not in default under the Agreement, except by agreement in writing and with appropriate compensation to the Architect.

PROJECT FOR



303-694-3234
3733 S. VAUGHAN WAY, SUITE 550
AURORA, CO 80014

DATE ISSUED

FEBRUARY 17, 2016

DATE	ISSUED AS
----	ZD APPROVAL
----	CD PRELIMINARY / REVIEW
----	BID SETS
----	PERMIT SUBMITTED

DATE	REVISIONS
02-17-16	△ ZONING REVISIONS
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----	----

PROJECT NAME

CO7-ESCOBAR

CELL SITE
ZD'S - ALT. #1
LAKE FOREST CIRCLE
PAGOSA SPRINGS,
COLORADO, 81147

COUNTY OF ARCHULETA
STATE OF COLORADO

3 OF 3

OFFICIAL DEVELOPMENT PLAN



Pagosa Fire Protection District



Feb. 10, 2016

Subject: Planned Unit Development Application
Owner: Verizon
Project: Telecommunication Facility
Address: Near Ashtil Court
Pagosa Springs, CO 81147

Attention: John C. Shepard, AICP

Dear Sirs;

I have reviewed the land use application provided for the proposed development of a Telecommunication Facility to be located near Ashtil Court in Pagosa Springs. The Fire District has no objections to this project. We would like to point out that an approved fire access road would be required by the currently adopted version of the International Fire Code.

503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exception: The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

Thank You

David Hartman

David Hartman
Fire Marshal

John Shepard

From: Andrea Anderson <littlebigdog100@hotmail.com>
Sent: Saturday, February 13, 2016 9:30 AM
To: John Shepard
Subject: Forest Lakes Verizon tower

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

Andrea Y Anderson
359 Antelope Ave
Pagosa Springs, CO 81147
(970)946-4299

February 13, 2016

John C. Shepard AICP
1122 Hwy 84
P.O. Box 1507
Pagosa Springs, CO 81147

Dear Mr. Shepard,

Please accept this letter as yet another landowner in **opposition** to the proposed Verizon Tower in the Lake Forest Subdivision. I think that is wrong to propose using open space along the lakeshore for such a thing. These towers look nothing like a real tree and the necessary infrastructure is ridiculous to put in that setting. From my investigation, property values decline when this sort of thing is in a buyers scope of pros and cons when purchasing a property. It is also my understanding that there have been offers of tower construction in other "higher elevation" areas (within Pagosa Lakes) where this may be better suited.

Thank you for your consideration in this matter,

Andrea Y. Anderson

John Shepard

From: Laura Bedard <grandessolar@yahoo.com>
Sent: Wednesday, February 17, 2016 4:09 PM
To: John Shepard
Subject: Lake Forest cell tower

received
2/17/16

Good afternoon Mr Shepard,

Here are our points and thoughts on the proposed tower location.

We have no problem with our verizon phones working in this area, and very soon phones will be stronger with more use of satellites. Therefore the destruction of any area around a wetlands and invading green space, really does not need to be done at all!

Corperate wishes should never be placed before wishes of the people that live here. I am a southern Colorado native and we have lived here for 25 years, not as snow birds either! Please consider our thoughts, and thanks for your time.

Best regard, Doug Large and Laura Bedard

[Reply](#) [Reply to All](#) [Forward](#) [More](#)

Click to [Reply](#), [Reply All](#) or [Forward](#)

received
2/16/16

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

I'm finding it difficult to put into words the potential effect of this 'proposed' cell tower in my back yard. As I study the legal methods used by trusted servants of Archuleta County I find myself appalled at the government process. I do want to thank the Planning Department for sending out the notice of request for the cell tower to some affected neighbors. Without your notice NONE of the residents of PLPOA, except for the board, would have known about this tower. As local residents we did notice and ask about flagging at Lake Forest yet no answer was forthcoming.

If the PLPOA board had handled this issue in an honest and transparent manner you would not be faced with this decision on re-zoning. WE THE CITIZENS DO NOT WANT THIS CELL TOWER IN OUR RESIDENTIAL AREA.

Telecommunication systems are very important in our society. Building an infrastructure should be of utmost importance to you. Planning for this should be as important as placement of any other utility. Care should go into economics, future needs, and building a lasting foundation that will serve customers for many years to come. I do not believe the foundation is in place that will best serve Archuleta County in years to come. And if we allow PLPOA board members via Verizon Wireless to dictate our future we will find useless towers all over our County in the next 10 years or so.

I could fill pages discussing other elements of the Community Plan even though there is no mention of communication towers for me to write about. Instead let me bring one last element to light and ask how this proposed tower is congruent with the county desire to attract 'clean businesses and industries' into our community. A VERIZON CELL TOWER IN A RESIDENTIAL AREA IS NOT A CLEAN AND GREEN BUSINESS. (Hum, maybe we will be the new clean as we scrub our DNA with wireless emissions.) I would like written acknowledgment that you have received and read my letter.

I would suggest you read the 1996 Telecommunication Act for yourself. You will quickly notice as County Attorney Todd Starr stated on Feb. 2 that this act was written by telecommunication lobbyist with no thought for anything but corporate greed. Those lobbyist were not thinking about our children and grandchildren. Nothing in that Act is written to protect any private citizen.

Thank you for your consideration,

Deni Blaisch



John Shepard

From: Sandra Butcher <sandi81147@me.com>
Sent: Wednesday, February 03, 2016 1:18 PM
To: John Shepard
Subject: Cell phone tower PLPOA

I am very much in favor of having a Verizon cell phone tower in the proposed site near Lake Forest. We have lived here for 7 years and cell phone service has always been a problem. With the new tower, maybe I will not have to stand on my deck, summer & cold winter, to get good service. It will be nice to not have so many calls dropped.

I do hope the county approves the change in zoning to accommodate the cell phone tower. I believe that both PLPOA and Verizon have a great plan making the project fit into the area. I am all in favor of the cell phone tower.

Thank you,
Sandra Butcher
281 Dutton Dr
PS, CO

received
1/25/14 2:27pm

Doug Call

124 Wilderness

Pagosa Springs, CO

Archuleta CO Planning Commission

Project 2015-33RZ

Sir,

I am writing to express my dismay in the proposal to build a road in the Lake Forest open space around Lake Forest, changing the zoning for the open space. The area chosen to build a cell tower is terrible and infringes on the PLPOA land owners to use to this open space without interruption of roads and vehicles in the open space. To presume that no one will use the road, built and access the building antenna is stupid. Currently there is unlimited and constant traffic to the boat ramp, day and night. Once a road is built through the open space it will increase the illegal traffic and enhance it to and around the lake, including through utility easements to residents lots. If the road is blocked or gated to discourage this then this eliminates our open space and is no longer is open for the intended use, open space.

Please cancel or at least defer the decision to change the zoning around Lake Forest until more people have the ability to respond to the proposed change. I am the owner of four lots that back up to the open space intended for a zone change and have never notified or informed of the plan. Others in the neighborhood are probably in the same boat and would like to express their opinions on the proposed change.



Doug Call

TO John C.Shepard, AICP

received
2/3/16 1:40 pm

Planning Manager

My name is James a Downing, I live at 220 Antelope in Pagosa Springs Colorado and I am asking for your help and intervention on my behalf as a resident of Pagosa Springs.

I became a resident in 2000 and decided to build a new home for my retirement years. A lot of time was spent researching where to purchase property and build my new home. I chose a single lot with the understanding that the property backed up to a dedicated greenbelt and there would be no new development or construction of homes between my property and Lake Forest which is below me. It's my understanding that the Zoning Commission is considering rezoning a piece of property in that area for the purpose of putting in a Verizon cell tower to be placed directly below my house and above the lake. I believe the rezoning of this green belt area for any purpose would be a violation of the CC&Rs.

I have a few observations and questions for you to consider in your decision making process:

1. It's my understanding that the best practices for a mobile tower is to be placed atop a high structure, water tower, or Hill. In this particular case the tower is being placed at the low point below my house. At that location the plan is to put up a 70 foot tower and the transmission from that tower would be directly parallel and opposite my house, in other words all the harmful transmissions would be directed straight to my house.
2. Why is it that there has not been due diligence and trying to find a appropriate location for the power such as federal Forest land, a high hill that is not heavily populated.
3. If this zoning is approved for Verizon what would prevent other companies from establishing their towers and potentially create an antenna farm. This will greatly increase the health danger for all of the residences.
4. Why is it that we are told that we cannot bring up any possible health issues or questions as it relates to the approval of the zoning?

I guess that I could just go on and on with question after question but that is not my intent. What I need is for someone to look out for what's good for me. Someone to represent me and my neighbors, and our good. So far it appears we do not have a representative looking out for the people. It feels like big government and people making money. I have to live with the results with no regard to my health or welfare. I'm asking you to listen to those of us who have honest concerns and do not what this tower in our neighborhood. Thank you for your consideration.


JIM DOWNING
749 5742

received
1-27-16 11:10 AM

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

Dear Planning Commissioners:

The proposed zoning change to allow PLPOA owned open space land near Lake Forest to be used to construct a (poorly disguised) cell tower interrupting the gorgeous mountain view of property owners and visitors alike should not be approved. The photo supplied by the applicants, which features a garbage can moved for the purpose, cleverly hides the snow capped mountains behind the hill upon which the tower would be placed. This stunning mountain view is one of the reasons that many of us moved to the area.

Communications towers have historically been placed on existing utility sites whenever possible to minimize environmental impact. The PAWSD sewer and water treatment plant adjacent to the Lake Forest dam is a short distance away where views would not be impacted, and the structure would blend with existing facilities.

PLPOA has offered only one reason to locate the tower on preserved open space: they want the money Verizon has offered. The purpose of PLPOA is to "improve, protect and enhance the quality of life and environment and preserve property values" not to lease, rent or sell dedicated open space land to finance operations. Association dues are quite low by any standards and can be raised as needed to support necessary activities well into the future without resorting to compromising the Association's purpose and spoiling the mountain views of its members.

Roger Flynn
92 Beaver Circle

Current contact info:
3705 NW 3rd Terrace
Cape Coral, FL 33993
Mobile 505-263-6635
Rogerflynn@comcast.net

Cc:
Chip Munday
Kimberly Swinney
Jim Van Liere
Mike Glick
Rod Proffitt
Joe Margraf
John Janowski
Bolland Hellerich Tr

John Shepard

From: ohhec@centurytel.net
Sent: Tuesday, February 16, 2016 9:40 AM
To: John Shepard
Subject: Homeowner appeal - 3rd time is a charm!

February 15, 2016

Mr. John C. Shepard AICP
Planning Manager
1122 Hwy. 84
P. O. Box 1507
Pagosa Springs, CO 81147

Rusty and Teresa Hector
98 Fish Cove
Pagosa Springs, CO 81147

Dear Mr. Shepard,

We have been property owners in the Lake Forest subdivision for 22 years, paying property and sales taxes as well as homeowner's dues. We were recently made aware by a neighbor of plans set forth by PLPOA and Verizon to change the zoning of our greenbelt land and install a radio tower to better service the area. We were under the assumption that property owner's associations were established to oversee and protect the best interests of their owner's land benefits; however, we have never been contacted via letter or email from this association, hence the late hour of our appeal.

In researching the information, on Bill Hudson's newspaper online, map renderings of the proposed tower's location show the tower would be installed literally straight out our front door view. In fact, the sun would rise directly behind said tower!

In all the years we have lived here, we have witnessed and enjoyed deer and geese annually making this greenbelt part of their migratory routes. In addition, rezoning our greenbelt would only cause a negative impact on our property value.

We understand the tower is being sought for better service in the area, especially as a service to the time-share community. We also understand the main reason for this proposed location is PLPOA would be receiving compensation for the land use. As long-standing property owners, we see neither as being for the betterment of the local property owners. Other proposed areas in surrounding forests and gravel pits would be just as effective, yet not negatively effect surrounding land owners.

We humbly request your consideration and intervention of relocating said tower away from subdivisions where local residents live and raise their families.

Thank you!

Rusty and Teresa Hector
970-903-8127

received
1-27-16 at meeting

66 Wilderness Drive
Pagosa Springs, CO 81147
970-903-0655
January 27, 2016

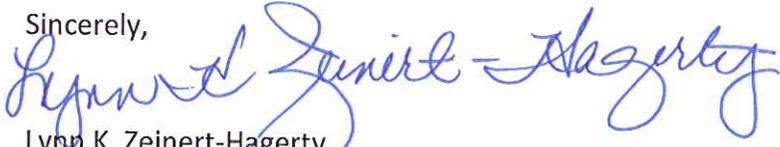
Development Services Department
PO Box 1507
1122 HWY 84
Pagosa Springs, CO 81147

To Whom It May Concern,

I am writing in regard to the Verizon cell tower they are planning to put in the Pagosa Lakes Lake Forest green space at the lake. I highly protest this action as a homeowner in the PLPOA. We purchased our home based on this green space. My home on Wilderness connects directly to the green space leading to the lake. We are one of many that use this green space daily, when weather permits our accessibility. The cell tower is an invasion of the natural green space designated for environmental reasons. Additionally, there are unseen radio waves and electromagnetic energies that will now be invading our space and area that will affect all of us within a certain parameter of the tower. This is a huge health hazard to both humans and animals domestic and wild. No matter what Verizon or anyone else may claim, it is a true known fact this is hazardous to our health and well being not just for only the electromagnetic energies but also the destruction of our green space. There are many wild animals that live in this area that will be affected by it as well.

Please reconsider your decision and do consider the importance of why I am protesting the tower placed in this particular place.

Sincerely,


Lynn K. Zeinert-Hagerty

John Shepard

From: Tag Hickey-Hill <evilfairiequeen@hotmail.com>
Sent: Wednesday, February 03, 2016 2:35 PM
To: chipm@plpoa.com; John Shepard
Cc: Mike Hill
Subject: Re: Lake Forest Verizon Cell Tower

Dear Chip and John,

Just to follow up on my husband's original email below, I, too, am strongly in favor of a new Verizon cell tower at Lake Forest. And, like my husband, I welcome you to call on me if I may be of any assistance in the process of gaining approval.

Yours truly,

Morgen Hickey

From: Mike Hill <mike.longride@gmail.com>
Sent: Wednesday, February 3, 2016 2:46 PM
To: jshepard@archuletscounty.org; chipm@plpoa.com
Cc: Morgen Hickey
Subject: Lake Forest Verizon Cell Tower

Dear Mr. Shepard and Mr. Munday,

I know there are some people opposed to the proposed Lake Forest Verizon cell tower and that they may be a lot more vocal than those of us in favor.

I would like to take this opportunity to let you know that my wife (cc'd here) and I are strong proponents of Verizon building a new cell tower in the proposed location. We live in the Pagosa Lakes area, and we are Verizon customers. We work remotely for large companies outside of Colorado and must rely on our cell phones to be able to live locally. The new tower will give us much better cell reception and performance.

We also use the lakes for fishing and kayaking and do not feel that the addition of the tower will affect those activities in any way. While I can appreciate that the opposition is of the opinion that the tower would pose environmental threats to the wildlife, that has not been borne out by the research. There is, however, a viable need for better communication services in the area.

Thank you for your time and attention. Please do not hesitate to contact me or my wife if we can be of any assistance in getting the building of this new cell tower approved.

Sincerely,
Mike Hill

John Shepard

From: Linda Muirhead <cosunandsnow@gmail.com>
Sent: Wednesday, February 03, 2016 2:06 PM
To: John Shepard
Subject: Fwd: Cell tower

Sorry, I took your address directly from a post on the PLPOA site, and didn't notice it was incorrect. Am forwarding our comments re: cell tower to you.

Linda Muirhead

----- Forwarded message -----

From: Linda Muirhead <cosunandsnow@gmail.com>
Date: Wed, Feb 3, 2016 at 1:05 PM
Subject: Cell tower
To: jshepard@archuletscounty.org

Good afternoon,
Just chiming in to say that we don't have a problem with a new cell tower in the Lake Forest area... we don't see that it would disturb the natural area that much. It sounds as if the plans are for it to be as unobtrusive as possible. People will still be able to walk their dogs, go fishing, and ski and sled the hill in winter. I would not mind having it on the greenbelt behind my house, if it would improve our cell phone coverage!
Thanks for your consideration,
Linda & George Muirhead

Linda Muirhead

Mr. & Mrs. Charles Randour
9634 Redmont Rd.
Albuquerque, NM 87109



Develop Services Department
John C. Shepard AICP, Planning Manager
1122 HWY 84
P.O. Box 1507
Pagosa Springs, Colorado 81147

February 2, 2016

Dear Mr. Shepard:

We are writing to you to request your help with a situation that has arisen concerning our property at 27 Ashtil Ct. which is right on Lake Forest. We purchased this property for the beauty and serenity that Pagosa Springs has to offer. We enjoy living here but it has come to our attention that Verizon wish to place a cell tower in our area. Ironically, we have Verizon as a cell phone service and we have a very strong signal, even with video files, etc. Our cell phone service is much better than at our place in Albuquerque. We were rather shocked to hear that Verizon was planning this operation. Furthermore, now we are finding out that they want to take away the green belt and put in a gravel road at our property. We already endure the dust from the gravel road to the west of us.

Please do not take away the greenbelt to put in this cell tower. Everyone that we have spoke with has great cell service now. We hike around the area and can always get a strong signal. We can't understand any reason to change the zoning of this beautiful area.

Sincerely,

Trudy and Charlie Randour

Handwritten signatures in blue ink. The top signature reads "Trudy Randour" and the bottom signature reads "Charlie Randour".

John Shepard

From: Brian Smith <brianwkimc@gmail.com>
Sent: Thursday, February 04, 2016 8:44 PM
To: John Shepard
Subject: Verizon Cell Tower on Residential Landand

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

We are writing this letter to voice our opposition to the proposed zoning change in Lake Forest Estates to allow the installation of a Verizon cell tower. There are several reasons we feel this is a bad decision. 1) This is a residential area. All of us who live in this area utilize the greenbelt and lake area for recreation, boating, fishing, hiking, biking and wildlife viewing. The tower with its access road would change the use of this area for the residents and for wildlife. 2) We feel it sets a bad precedent to allow a commercial venture into a residential area. If you allow Verizon who or what is next? We feel that there are other areas like PAWSD, the rec center, national forest near the batch plant that would be better suited for this development and not have such a negative affect on as many people and wildlife. 3) We can't see how our property values wouldn't be negatively affected by this tower and whatever development may follow. Pagosa Springs has been our home for 20 years. We chose our lot and built our home because it was promised to remain a residential area, not an area that is mixed residential and commercial, like the big city we moved from. One of the attractions of Pagosa Springs was that we weren't like the big city. 4) We also feel that the potential health risks are not being adequately addressed. The FCC does not allow you to be concerned about health effects? Your constituents are certainly concerned.

Thank you for your attention to this.

Sincerely, Brian Smith
Kim Coleman
65 Wilderness Dr
brianwkimc@gmail.com

John Shepard

From: Tom Steen <tom.n.ming@gmail.com>
Sent: Tuesday, February 02, 2016 12:55 PM
To: John Shepard
Subject: Verizon rezoning application

Dear Mr. Shepard,

We have reviewed Verizon's application to rezone a green belt parcel in the Lake Forest subdivision of Pagosa Lakes and have some concerns.

1. Verizon states several times in their application that this project is not speculative in nature, but has its basis in voiced community need and extensive testing and customer feedback. Since this project has a several questionable elements (possible health and safety of residents and recreational users near to their commercial mobile radio systems tower and the impact of a long 15' wide gravel road circumnavigating what is now a pristine green belt meadow) and since it is for the profit of a private commercial enterprise, we suggest that the County not simply take Verizon's word for demonstrated need for this project, but that Verizon should be asked to provide demonstrable evidence that there truly is a need (and the county is not unwittingly supporting the speculative venture of a private enterprise). Anecdotal evidence of users in the proposed area of need is that Verizon cellular service is fully adequate, so we feel Verizon's unsubstantiated claim of need is suspect.
2. With regard to the gravel road to be installed around the perimeter of the green belt, Verizon claims it will be used once or twice a month, but also states that there will be weekly testing of the generator and HVAC. This is an example of inconsistency in the accuracy of Verizon's claims. They claim this road use will provide no traffic nuisance. If the county does allow Verizon to continue to develop this project, we suggest that, minimally, they be required to install a locked gate preventing unauthorized users from accessing the gravel road (this may not be easily accomplished since a gate on an open meadow (that is frequently boggy) could be easily bypassed/driven around by trespassers.
3. Verizon claims this project will add value to adjacent properties through upgraded wireless and data access. This is an exceptionally specious and self-serving opinion -- it ignores the negative impact on property values of perceived health and safety of residents and recreational users near to their commercial mobile radio systems tower and the negative aesthetic impact of a long 15' wide gravel road circumnavigating what is now a pristine green belt meadow.
4. Verizon claims they are planning no physical change to the current open space. It seems incomprehensible to us that they would view building a 15' wide gravel road as not constituting a physical change.

respectably submitted,

Thomas P. Steen
Lim Koon Mui Steen

received
1-27-16 at meeting

To: Archuleta County Planning Commission, Pagosa Springs, CO

From: Merlin Wheeler, 172 Wilderness Drive, Pagosa Springs, CO (full-time resident since 2006)

Subject: Proposed rezoning of the parcel of land surrounding Lake Forest from Open Space to Open Space plus telecommunication facilities. (Project No. 2015-33RZ)

The proposal to rezone the parcel of land surrounding Lake Forest should be denied, or at a minimum the decision delayed, for the following substantive reasons.

1. The proposal is not in the best interests of the property owners/members of the Pagosa Lakes Property Owners Association.
2. The application for rezoning demonstrates at best an insensitivity to, and at worst a blatant disregard for the environmental and aesthetic qualities of Open Space.
3. The application provides an inadequate discussion and/or documentation of assertions regarding the need for and benefits of the proposed telecommunication facility, as well as the health, safety, and environmental impacts of the facility;
4. The opportunity for public review and comment on the proposal is unnecessarily hurried, and does not consider the overall best interests of the community.

PROPOSED REZONING IS NOT IN THE BEST INTERESTS OF PLPOA PROPERTY OWNERS/MEMBERS.

The Pagosa Lakes Property Owners Association (PLPOA), or any home owners association, is charged explicitly with protecting the vested interests of the member property owners. That function includes a critical review of any existing or planned construction and other activities that would degrade property values, as well as management of environmental resources such as the Lakes, hiking trails, and Open Space to maintain their functional and aesthetic qualities.

The proposal for rezoning the Open Space around Lake Forest to allow construction of a telecommunications tower in what is currently zoned Open Space is explicitly supported by the PLPOA Board of Directors through their participation in the rezoning application. In this regard, PLPOA has failed in their primary responsibility to protect the aesthetics and property values of the property owners/members within the Association. There is substantial documentation that location of a telecommunication facility in a residential area can degrade property values by as much as 20%. (Campanelli & Associates, PC (antiCellTowerLaywers.Com)). Further, the proposed telecommunication facility would degrade the quality of Open Space around Lake Forest, further undermining the interests of the affected property owner/members of the Association.

The PLPOA Board of Directors and the various committees reporting to them either did not consider these issues or did not consider them important. There is certainly no mention of it in any of the publicly available documentation. Comments by the Board at the public hearing held two weeks ago indicated that their primary concern was responding to Verizon's expressed need for additional transmission facilities, rather than with the best interests of property owners.

It is important to note, as acknowledged in the application, that the Home Owners Association for the Ranch Communities around the eastern portion of Antelope, did not even respond to the request by

Verizon to consider locating a telecommunication facility within their properties. At least one HOA is responsible to its members. Although not documented in the application, I understand there was also an unsuccessful attempt to negotiate with Wyndham to rezone some portion of the Open Space they own in the vicinity of Lake Forest.

Our only recourse now, short of a change in the minds of the PLPOA Board, is to appeal to the County Planning Commission to help protect our interests.

APPLICATION IS INSENSITIVE TO ENVIRONMENTAL AND AESTHETIC QUALITIES OF OPEN SPACE

Open Space is not a place, it's an experience. Experiencing the peace and quiet of walking my dog in the meadow, watching the ducks and geese on the lake, being away from the road if only for a brief time, experiencing the vista of the lake and the surrounding pines. How can anyone maintain that constructing an access road, a camouflaged steel tower, and a fake cabin structure to house equipment does not significantly degrade that experience? The application repeatedly uses terms like "no significant impact" to describe the effect of the proposed facility on the existing qualities of the Open Space surrounding Lake Forest. Ironically, the proposal to hide the tower in a fake pine tree implicitly acknowledges the importance of this impact, while attempting to deny it. Does Black and Veatch, and Verizon actually believe that a fake tree will somehow make us feel better about having this facility located in Open Space? If they do, they are sadly mistaken.

What is particularly disturbing is that the application admits to the possibility that once rezoned, additional facilities may be co-located within the parcel. "Though designed for co-location, any co-locators will need to lease ground space from the property owner" (response to Commercial Mobile Radio Systems Criteria and Standards, Section 5.5.3.9.). This raises the specter of additional towers and/or support buildings in the Open Space.

There are many assertions regarding both benefits and potential adverse effects in the application that are undocumented, at least in publicly available locations.

For example, while the access road is identified in the text of the application there is no description of its location, length or width. There is no indication of how unofficial use of this access road will be prevented. What, a fence across the entire parcel in the middle of Open Space?

The facility footprint is grossly understated as that of the tower and equipment building only (3250 square feet) completely ignoring the access road which contributes perhaps 10,000 square feet. It's asserted that no drainage structures will be required (completely bypassing the need for concern about wetlands), while not explaining how one can build a road around a lake through a seasonal swamp without some drainage control.

It is stated that emissions from the tower "will meet or exceed all federal, State and local standards", without documenting the comparison between the expected emissions and the applicable standards. The application asserts that safety aspects such as icefall will be included in the tower design, but provides no evidence as to how this will be accomplished. Neither does the application address control of access to the tower structure to prevent children or adults climbing the tower.

The application makes many assertions regarding the need for an additional telecommunication tower within the service area, without documenting the timing, nature, or magnitude of this need. It stipulates that the tower is not "speculative", but provides no evidence for that statement.

Without going into all the shortcomings it is evident that Black and Veatch had the best interests of their clients (Verizon and PLPOA Board) in mind, as is appropriate. I spent more than 25 years working for engineering companies, and was well-familiar with what was referred to as "rounding off in the client's favor". That is, all engineering reports presented the aspects of a project which were in the best interests of the client, and not necessarily in the best interests of other affected parties. As one of those affected parties it is incumbent on me, and I maintain on the Archuleta County Planning Commission to seriously question all these assertions.

INADEQUATE OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT

It is self-evident that this application has been long in planning, although there was not documentation of this in the application. PLPOA was obviously on board before the request for rezoning was submitted to the county (12/1/15). In that regard the "hearing" that was held by the PLPOA Board of Directors in mid-January I view as a farce; the application had been submitted more than 6 weeks earlier. The decision by the Board had already been made.

The County Planning Staff review of the application was complete and professional. I do not find fault with that. And that review was, as appropriate, "by the book". However, there are many issues pertaining to location of the proposed facility that are not "by the book" that nevertheless are of great importance. A thorough review and comment, not just by the Planning Staff, but by the public is essential.

The County Planning Staff Report states that a decision to approve or deny the request for rezoning must be made, under FCC regulations, within 150 days of submission of the application. (It's not stated whether that's calendar days or business days). By my estimate (assuming calendar days), that date is approximately April 28. To date, since public notice of the application on January 4, 2016, barely 3 weeks have elapsed. There is no discernable reason why an accept/deny decision is required at this time. We, the public and affected property owners, need additional time to investigate and comment on the legitimacy of this application, and the short term/long term ramifications of locating a telecommunication facility in the middle of Open Space surrounded on all sides by residential property.

I strongly urge the Commission to deny the application, or at the least to delay the decision for 3 months to mid-April. I believe the Pagosa Springs community will be well served by such an action.

TO: Archuleta County Planning Commission
c/o Planning Department, PO Box 1507, Pagosa Springs, CO

February 16, 2016



FROM: Merlin wheeler, 172 Wilderness Drive, Pagosa Springs CO

RE: Proposal by Pagosa Lakes Property Association to "Rezone" a parcel of Open Space near lake Forest to allow construction of a telecommunications tower.

This proposal is ill-advised and ill-considered, and is not in the best interests of the residents of PLPOA or the community at large. I have detailed objections to the Rezoning Application below. These are divided into the three primary portions of the application: Rezoning Review Criteria, PUD Standards, and Commercial Mobile Radio Standards. These three portions are comprised of a total of 40 criteria, 36 of which are deemed applicable to the application. Of the 36 applicable criteria, I contend that responses to 34 the criteria are either false, misleading, or non-responsive.

Section 1.1.5.2 of the County Land Use Regulations states that "The word SHALL is mandatory". The Rezoning Review Criteria do not contain the word SHALL. However, for the PUD Standards and CMRS Standards, essentially all of the criteria contain the word SHALL, and compliance with these criteria is therefore mandatory.

I contend, as documented below, that the preponderance of evidence indicates that the applicant DID NOT demonstrate compliance, and in particular did not respond adequately to mandatory criteria. While there may indeed be a need for improved wireless communication in the County, the adverse effects both near-term and long term of the proposed site for such a facility outweigh any benefits.

These adverse impacts include significant degradation of existing Open Space within the Pagosa Lake Area Planned Unit Development, decrease in property values of residential properties in the vicinity of the proposed tower, and establishment of a precedent for rezoning that would extend these impacts to other Open Space or residential parcels in the Pagosa Lakes PUD. Further the potential adverse effects of emissions from the proposed tower on human health is not addressed in the application.

I implore you to open your eyes to the inherent ugliness of this proposed rezoning. "Hiding" a cellular tower in a fake tree, in the middle of a residential neighborhood, on the edge of Open Space with an access road through the middle of that Open Space does not obscure that ugliness; it only reveals it. The Emperor has no clothes!

For brevity, I have restated the criteria in a few words, and stipulated whether or not the criterion is satisfied by the response provided by the applicant.

REZONING CRITERIA

1. Rezoning is Inconsistent with---the Community Plan

The criterion is not satisfied

The response refers to Chapters 8 & 9 of the Community Plan. (Chapter 9 says nothing about telecommunication). In Chapter 8 of the Plan it states "According to major utilities—telephone—they should have adequate capacity to support projected growth for 20 years". The application ignores this. The needs of county residents have certainly evolved since the Plan was issued in 2001, including telecommunication needs. I believe it is the obligation of the County to develop specific Policies and Action Items to address these needs, rather than relying on one profit-motivated company (Verizon) to impose these Action on the Pagosa Springs community.

2. Use of the land proposed for use has changed or is changing.

The criterion is not satisfied

Rezoning will change the fundamental character of the parcel from Open Space to Commercial. The contention that locating a communication tower, equipment structure, an access road, and fencing to control unauthorized use of the road in Open Space now used extensively for recreation is patently false. The photographic view of the "monopine" tower from over 1000 ft. distant DOES NOT illustrate the road and necessary fencing through the middle of the Open Space. This view completely ignores the view from private residential dwelling to the east of the proposed tower.

3. Rezoning is needed to provide land for demonstrated community need.

The criterion is not satisfied

While the application contends that such a need exists, that need IS NOT demonstrated.

4. That the existing zone classification --is in error.

The criterion is not satisfied

Response contends that rezoning will not impact or alter Open Space/Recreation uses. The proposed facilities, as noted in Criterion 2, will totally alter the character of the Open Space. It will also, as noted elsewhere in these comments, inevitably lead to further encroachment of commercial uses on both this parcel and others within the now residential and Open Space lands of PLPOA.

5. Change in zoning is in conformance---with the Community Plan ----goals---

The criterion is not satisfied

The Community Plan does not assert or even suggest that spot re-zoning should be allowed to provide for a Commercial use parcel entirely surrounded by residential and Open Space lands.

6. Proposed change of Zoning is consistent with surrounding area.

The criterion is not satisfied

Construction of the proposed facilities will totally alter the character of the open space, and significantly alter the character and desirability of adjacent residential properties. See comments on Criterion 4. Assertion by the application that the "Monopine" (fake tree) is "behind a grove of trees" completely ignores the fact that existing and planned residences are also behind those trees, and from that perspective the tower and support facility is in front of those same trees. That places it directly in the viewscape, which is one of the significant qualities of the Open Space

7. There will be social, recreational, ---or economic benefits.

The criterion is not satisfied

Recreational qualities of the Open Space will be degraded. Internet access in the area (I live at 172 Wilderness, approximately 1500 feet from the proposed tower location) is currently excellent by both land-line and wireless (Verizon) service. No improvement is needed.

The response also refers to benefits to emergency respondents regarding their communications. Emergency respondent currently, and for projected future, rely on radio communication rather than cell phones for their communications. (ASK THEM). While cell towers provide locational abilities, that is true only for older outmoded cell phones that are not equipped with GPS capability. Given planned obsolescence, such phones will no longer be in use in the near future.

8. Adequate infrastructure exists.

The criterion is not satisfied

Although a utility easement to the proposed tower exists, the facility will require road access, which is NOT available. The road will need to be constructed through the middle of Open Space, permanently altering its recreational character and degrading its utility. Further, this is inconsistent with the Community Plan which stipulates a need to provide additional Open Space and Recreational lands, not to degrade the existing ones.

9. Rezoning will not adversely affect—public welfare.

The criterion is not satisfied

Response states that rezoning will not change the primary use, Open Space. This is blatantly false. A road, an access control fence, and a fake tower will totally alter the character of the parcel, and thus change its use from Open Space to Commercial. It can be expected that future support facilities (as allowed for in the application) will further degrade the area. The response to this criterion significantly understates its impact by only identifying the tower and support facilities, ignoring completely the access road.

Further, construction of the tower can be reasonably expected to significantly lower residential property values in adjacent housing areas. This is in direct conflict with several of the stated purposes of the County Land use Regulations as presented in Section 1.1.4 Purpose, of the Plan.

See also comments on responses to the CMRS Criteria, Section 5.5.3.9, Items 3, 5, and 6 regarding public health and safety.

10. Rezoning will not create an isolated or spot zone district.

The criterion is not satisfied

The rezoning would explicitly accomplish such a spot zone. This will be to the benefit of the PLPOA Administration, and Verizon Wireless. Minimal monetary benefits may also accrue to the members and property owners of PLPOA, but these will not compensate for the many adverse effects of the proposed facility. Whether construction of the proposed tower would improve telecommunications service more than a tower in an alternate more appropriate location is not addressed in the Application.

This spot zoning, if approved, would set a precedent for such rezoning in other residential/Open Space portions of PLPOA. (See Spot One definition in Land Use Regulations)

PUD STANDARDS.

1. Location, character and intent will be consistent with Community Plan.

The criterion is not satisfied

The PUD classification currently applies to the entirety of PLPOA, now a residential and Open Space area. The proposed change in use of this parcel within the PUD will fundamentally alter that use, by adding a commercial element immediately adjacent to residential properties, and within existing Open Space. The contention that the "faux tree and a faux cabin" (not to mention the access road) is visually compatible with the character of the site is false.

2. The PUD SHALL be compatible with--adjacent property.

The criterion is not satisfied

The rezoning request is apparently intended for a small portion of the Open Space parcel, ignoring the necessary access road. Thus, the "adjacent property" referred to in the response is in fact a small portion of the Open Space parcel between the proposed tower and residential properties adjacent to the Open Space. The proposed tower is not in the least compatible with either Open Space or residential land. The fact that they propose to hide the tower in a fake tree is *prima facie* proof of this.

3. The PUD SHALL preserve >50% Open Space.

The criterion is not satisfied

The response identifies only the tower structure and equipment building, completely ignoring the required access road. This road, through the middle of the Open Space parcel would completely change and degrade its current character.

4. Provide for variety of housing---

As noted in the application, this Criterion does not apply.

5. PUD SHALL provide pedestrian ways---

The criterion is not satisfied

The proposed access road interferes with the existing access in that it alters the character of the parcel.

6. The design SHALL protect unique natural features and will not cause significant degradation of environment.

The criterion is not satisfied

The construction of this facility would destroy the Open Space character of the parcel. One of the essential characteristics of Open Space is that there are no roads.

7. PUD SHALL NOT have significant adverse effects on --service delivery systems.

NO COMMENT

8. The layout--SHALL preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development SHALL be prohibited.

The criterion is not satisfied

Again, the application completely ignores the "views and vistas" from adjacent residential properties. As illustrated by the applicants photos submitted with the Application, the proposed tower is on a ridge, and is seen to project above it. Further, there is nothing explicit in this application that would prevent the proposed tower from being constructed to a greater height than that proposed. As noted in comments on Section 5.5.3.6 Of the CMRS Criteria, there is no existing height limit for Open Space parcels within a PUD.

9. PUD SHALL provide recreational opportunities--.

The criterion is not satisfied

Far from providing such, the proposed facility will degrade existing opportunities. The applicant's statement that the facility will not "have any impact on those uses" is false.

10. Each phases within a PUD --- will not have a significant adverse impact on the PUD or its surroundings.

The criterion is not satisfied

The rezoning proposal is a request to amend an existing PUD, rather than to establish one. As such it would not appear that this criterion is applicable. The response is incomprehensible. However, the proposed tower, support facilities, and access road would have a significant adverse impact on the PUD.

COMMERCIAL MOBILE RADIO SYSTEMS CRITERIA

5.5.3.1 Review of CMRS facilities---

(1) Building or structure mounted CMRS facilities

Not Applicable

(2) Roof Mounted---

Not Applicable

5.5.3.2 Multiple providers- No more than one---free standing CMRS may be constructed upon a property in single ownership.

The response is unacceptable.

The response technically satisfies the criterion. However, the response indicates that other locations, also on PLPOA property may be considered for future site proposals. Such a proposal would directly contravene this criterion; the response is therefore unacceptable.

5.5.3.3 Building or structure mounted facilities

Not Applicable

5.5.3.4 Building and Structure mounted facilities

Not Applicable

5.5.3.5 Free-standing CMRS facilities SHALL be visually screened---

(1) Accessory structures

The criterion is not satisfied

A "faux cabin" in open space, adjacent to residential property is not "visually screened"

(2) Screening, landscaping compatible with existing character of site.

The criterion is not satisfied

A fake tree, fake cabin, and particularly the access road through Open Space is not compatible with existing character of site.

5.5.3.6 No CMRS facility SHALL exceed height limit applicable to underlying zone district.

The criterion is not satisfied

There is no specification, in the Land Use Regulations, of a height limit permissible in Open Space (not a designated zoning). Similarly, no height limit is specified for a PUD. The response is requesting a stipulation of a minimum height (70 ft.), rather than complying with established regulations. Why would there be a minimum height for a structure in Open Space? That's not where structures belong. Further, there is no assurance that the actual tower constructed would be the height of the proposed tower.

A statement made by the Chair of the Planning Commission at the January 27 hearing on this matter indicated that the county was prevented from addressing health effects of cell towers by a 1996 Federal Communications Act. However, Section 1.1.5.1 of the county Land Use Regulations states "Whenever both a provision of these regulations and any other provision in any other law----contain restrictions covering any of the same subject matter, whichever regulations are more restrictive or impose higher standards or requirements shall govern. There is no reason to believe that a 20-year old federal preventing consideration of health effects is "more restrictive, or imposes a higher standard." There has been extensive research in the intervening 20 years regarding such health effects.

If Archuleta County has elected to use effects on human health stipulated by other regulations, rather than to establish their own more restrictive standards, than those effects should be stipulated in the response. If other "higher standards" are proposed, then they should be made available to the public.

(7) Minimum height needed

No Comment. See response to 5.5.3.6

(8) Comply with applicable regulations

No Comment

(9) Structural integrity

No Comment

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

The criterion is not satisfied

Because PLPOA is officially the applicant for the proposed change in use (from Open Space to Commercial) only possible sites on PLPOA property were considered. Of those, as stated in the response, all but one was excluded as unsatisfactory. No other reasonably possible sites were proposed. Other potential sites not on PLPOA lands, such as on nearby commercial properties, were apparently not investigated. In fact, as alluded to in responses to several of the criteria, it would appear that this "rezoning" request is intended to be a precedent that would permit construction of additional towers in other residential or Open Space areas of PLPOA.

As in other criteria, the response indicates placement of the fake tree "behind a group of mature trees", blatantly ignoring that the tower would be in front of those same trees when viewed from adjacent residential areas. The proposed site is not "the most available site from a land use perspective".

Thank you for your consideration of these comments.

Merlin Wheeler



PETITION

Beaver

REGARDING REQUEST FOR REZONING NEAR LAKE FOREST

received
1-27-16 at meeting

PROJECT 2015-33RZ

We, the undersigned, request that the Archuleta County Planning Commission deny the request by Black & Veatch, representing Verizon Wireless, to rezone a parcel owned by the Pagosa Lakes Property Association to allow the location of a telecommunication facility in what is currently zoned Open Space. We believe the location of such a facility is inconsistent with existing use of the land, that the deleterious aspects of the proposed project are not adequately addressed in the application, and that members of the interested and affected community has had insufficient time to properly respond to this application. At a minimum, we request that the decision be deferred for a minimum of 3 months to allow for public input.

NAME ADDRESS PHONE NUMBER No. of LOTS OWNED

Jared Heidenbagen	122 Beaver Cir B	970 903 4391	1
Wesley	259 BEAVER CIR	415-994-2992	1
Juno Jundz	185 Beaver Cir	970 403 4962	1
Camt Montz	148 Martinez Pl.	970-731-4636	1
Miss Kneelock	9 Limestone Ct.	970-946-2137	1
Frank Elmer	125 Beaver Cir	970-731-5353	1
C D Lundberg	140 BEAVER Cir	970-731-5869	1

(7)

(7)

PETITION

Antelope

REGARDING REQUEST FOR REZONING NEAR LAKE FOREST

received

1-27-16 at meeting

PROJECT 2015-33RZ

We, the undersigned, request that the Archuleta County Planning Commission deny the request by Black & Veatch, representing Verizon Wireless, to rezone a parcel owned by the Pagosa Lakes Property Association to allow the location of a telecommunication facility in what is currently zoned Open Space. We believe the location of such a facility is inconsistent with existing use of the land, that the deleterious aspects of the proposed project are not adequately addressed in the application, and that members of the interested and affected community has had insufficient time to properly respond to this application. At a minimum, we request that the decision be deferred for a minimum of 3 months to allow for public input.

NAME	ADDRESS	PHONE NUMBER	No. of LOTS OWNED
James A. Downing	220 Antelope	970-749-5743	2
Vern Thomas	207 Antelope	623-512-3398	1
Theresa Thomas	207 Antelope Ave	623-512-3397	1
Margaret			
Margaret M. Parker	253 Antelope Ave	970-946-8546	1
Steve & Kim Lynd	151 Antelope Ave	970-731-9172	2
Rob & Norroon Scott	97 Antelope	970-731-8998	2
Wendy McChesney	253 Antelope	505-457-0369	2
DALE WELCH	314 ANTELOPE	432-557-6270	1 1/2
Patti Smith	23 Edgewater	505-860-5131	1
Samy Kovath	380 Antelope Ave	970-731-0109	1 1/2
Tozi Rubin	410 Antelope	970-731-3360	1
Scott Rubin	410 ANTELOPE	(970) 731-3360	1 1/2
RICHARD CLINE	29 Longmont Ct	505-469-7698	1
Sybil A CLINE	29 Longmont Ct	505-710-6038	1

PETITION

REGARDING REQUEST FOR REZONING NEAR LAKE FOREST

PROJECT 2015-33RZ

received
2/17/16

We, the undersigned, request that the Archuleta County Planning Commission deny the request by Black & Veatch, representing Verizon Wireless, to rezone a parcel owned by the Pagosa Lakes Property Association to allow the location of a telecommunication facility in what is currently zoned Open Space. We believe the location of such a facility is inconsistent with existing use of the land, that the deleterious aspects of the proposed project are not adequately addressed in the application, and that members of the interested and affected community has had insufficient time to properly respond to this application.

NAME	ADDRESS	PHONE NUMBER
Eileen Hooley	178 STEVENS	970-731-3298
Maria Walden	280 N. 8 th St.	719-588-3216
Shanna Green	53 Gila Dr. PS.	970-507-1244
Holly Ford	7400A County Rd 146	970-749-1740
Michelle Booken	310 Canyon Sabe	505-220-4445
Julie DeShal	230 Chambers Pl PS.	903-0036
Sumit Shah	2345 Running Horse Ct. Corona	970-264-1049
Angela Leslie	613 E. Golf Place	970-749-2000
Bridget Hill	PO Box 3520, PS	970-329-1151
Richard de Mingo	148 MARTINEZ PLACE / PS	970-731-4636
Terri L. Britchard	186 Spring Court / P.S.	970-946-3183
DENNIS SWAP	231 Aerowood Dr	731-0128
Jill Wood	12 W Nebo Ct, PS	720-670-8488
Phyll Daleske	217 Piñon Causeway	731-4589
Douglas Vanderhumm	100 Hurst Ln P.S.	507-317-4195
Veronica Kalika Johnson	116 Deer Pl, PS Co	(970) 731-2006
Banu Ronyar	Vieta	731-3527
Cindy Tietz	880 Easy St	719-250-6566
Karen LeCour	880 Easy St	970-264-0111
Bob DeCun	" " "	" " "

[lake forest verizon cell tower21](#)

2/3/16 5:23 PM

please don't let let the planning commission rezone Lake forest for a cell tower, contact jshepard@archuletscounty.org, Lake forest is a residential area with a recreational lake for boating and fishing, residents walk the lake area and ski and sled the hill in the winter, there are marsh lands and migratory birds in the area, bald eagles nest in the snag on the lake

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Kimberly Coleman - 2/3/16 12:56 PM

Hi Kimberly,

If you have any questions about the proposal, please don't hesitate to ask. Thanks for your comment.

Chip Munday - GM

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Chip Munday - 2/3/16 1:00 PM

Why are all these comments being sent to me via email? I never signed up to get all these comments and it is cluttering up my inbox! This is not the correct way of getting information out to the members. If they want to subscribe that should be their option, not being forced on them. This is irritating at the least!

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Michael Hayward - 2/3/16 2:47 PM

PLPOA constructed a hideous latrene in our neighborhood, along side Hatcher Lake, despite the neighbors' outspoken objections. It does not surprise me that the PLPOA Board will not listen to the wishes of the nearby property owners.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

South Shore Estates - 2/3/16 1:09 PM

Great idea. They could disguise the tower like the one this side of Flagstaff...biggest brightest green tree for miles!

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Dean Shortridge - 2/3/16 1:21 PM

Ken Lewis,

lot 125, Martinez Mt. Estates

Please do not let a Cell Tower be built in our area.

We want to be away from "Man made Garbage"!!!

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Kenneth Lewis - 2/3/16 1:37 PM

Could you please be specific about how a cell tower would be detrimental to the wildlife, boating, and fishing in the area? Or are you saying they would do away with the wildlife, etc., in order to establish the cell tower? Thanks for your response.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Yolanda Fivas - 2/3/16 1:50 PM

We really need better Verizon service by Lake Hatcher!!! Mine is terrible!

J. Kaufmann

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Julie Ann Kaufmann Trust - 2/3/16 1:59 PM

Cell phone service is marginal in the western Pagosa Lakes area, too. I would welcome a tower even if it is in my immediate vicinity.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Thomas Childers - 2/3/16 2:06 PM

Anything that would get us better cell phone coverage at Lake Hatcher would be very much appreciated.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Derald Polston - 2/3/16 4:27 PM

As far as I can tell, the only responses I see are of the NIMBY variety. We need the cell tower somewhere and I don't know of anyone who be 'wildy' in favor of having it their backyard, but it has to go somewhere... Maybe my backyard, then. I know I'd have the best Verizon service. Or maybe up by the cement plant where it would have the least amount of intrusion.

FYI, NIMBY = Not In My Back Yard.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Donald Macleod - 2/3/16 2:04 PM

Improved cell service is needed in our area especially since many households are dropping their land lines. I have experienced the cell tower dressed as a pine tree along the turnpike in Pennsylvania and it is unobtrusive and tends to blend in well to its surroundings.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

William Wert - 2/3/16 2:11 PM

Would it be nice to have great cell service everywhere, all the time, absolutely! Is it more of a want than a need, probably. Will life cease to exist if a call gets dropped, I doubt it. Its probably already a done deal, and are asking for opinions so they can draft an appropriate response to appease the majority of people that don't want it by their property. The problem is that the majority of property owners live no where near the area in question, but we do and have for 24 years, and yes we signed the petition. A Poa is a small government of sorts, but they operate much like a real government.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Linda Moore - 2/3/16 2:31 PM

"residential area with a recreational lake for boating and fishing, residents walk the lake area and ski and sled the hill in the winter"

So what are you saying? It sounds like the impact here could only be positive. If people use this area like you say, then they will have better cell service.

Your points are a bit vague (or not stated at all) but they led me to look a few things up.

"there are marsh lands and migratory birds in the area, bald eagles nest in the snag on the lake"

There are definitely studies about cell towers effecting migratory birds and I believe this should be taken into consideration when deciding where to place the tower. A simple Google search pulls up quite a few.

I have also read that property values are effected (in a negative manner) when close to a cell tower.

I think it's the responsibility of the PLPOA to research available impact studies and act in all of our best interest. I'm not familiar enough w/ the options but perhaps the cement plant might be a good option as mentioned in one post. Better cell service, a nice new metal tree, and as little impact as possible.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Leslie Petri - 2/3/16 2:31 PM

I think the Cement plant is an excellent suggestion and would cover Hatcher and down to the meadows. Maybe the Association needs to come up with several sites to suggest to Verizon that are less controversial than Forest Lake.

Bill Milner
Twin Creek area

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

William Milner Trust - 2/3/16 4:07 PM

Hmm. Personally, I'm all for protecting wildlife. I know there have been studies of microwave towers affecting horses who graze beneath them (cancers) and some people even claim to be sensitive to the radiation. With all the positive locations listed, I don't see why one couldn't be selected that provides us better cell service AND does not negatively impact wildlife and home values. As one writer here said, it would be nice to have coordinates to determine the environmental impact. Perhaps we should all write to John Shepard, Planner, and ask him for them? :-)

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Yolanda Fivas - 2/3/16 4:52 PM

Why not put it up on the hill near the water tower off of Saddlehorn. That would provide much wider coverage including possibly Wildflower.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Rodney Draper - 2/3/16 3:01 PM

I have not been able to find the exact location of the proposed tower. Co-ordinates would be helpful since even an 'address' would only be approximate. From what I can tell, the site is in a marsh, on low ground. While I would like a better signal where I live by Lake Hatcher, I can't see that the proposed tower would help much. If Verizon REALLY wanted to have good coverage, they'd try to put a tower on Coyote hill! A tower located on the flat top of the hill wouldn't even be visible unless a person were looking down. Ah, well, probably way to late for that suggestion. Anyway, I believe Coyote Hill is forest service land.

In the end, my primary objection to the proposed site is that it's just a plain poor site.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Peter Locke - 2/3/16 3:55 PM

-
- Verizon and PLPOA representatives said that the main emphasis for better coverage is for the Core area and Timeshare owners.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Janet Freudenberger - 2/3/16 4:20 PM

-
- The plans for the proposed cell tower are available on the Archuleta County website under the tabs of departments, planning, proposals and they are having a meeting on February 24th, 6:00 pm about the rezoning of this location off Lake Forest to allow this installation.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Richard Monks - 2/3/16 4:26 PM

-
- The San Juan National Forest will not allow for the installation of cell phone towers on public land when there is private land available, which is the case in this matter.

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Richard Monks - 2/3/16 4:31 PM

-
- I think the location that benefits the most people should be the deciding factor. NF or Private land. There are a lot of people in the Hatcher area, The "Core area" benefits short time visitors - time share!

[\[Reply\]](#) [\[Email Author\]](#) [\[Edit\]](#)

Thomas Childers - 2/3/16 5:23 PM

Chip Munday

From: Rodger Pettinger <rodger.pettinger@gmail.com>
Sent: Wednesday, February 03, 2016 3:25 PM
To: Chip Munday
Subject: RE: Pagosa Lakes Property Owners Association - Discussion Group Post Notification

Chip, Not a problem for me. I was on the board of Eagles Loft for 15 years and the Continental Country Club in Flagstaff. I find the comments somewhat comical.

On Feb 3, 2016 3:18 PM, "Chip Munday" <chipm@plpoa.com> wrote:

Hi Rodger,

I apologize for the emails. An opponent of the tower started a discussion group through our website, which triggered the emails. We normally let this run its course so not to be accused of censorship. But if this continues, we will ask our web host to stop the thread. As it is, the thread is producing some interesting comments that the Board of Directors may appreciate.

Again, I am sorry about the inconvenience.

Kind regards,

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: Rodger Pettinger [mailto:rodger.pettinger@gmail.com]

Sent: Wednesday, February 03, 2016 2:34 PM

To: chipm@plpoa.com

Subject: Re: Pagosa Lakes Property Owners Association - Discussion Group Post Notification

I just got about 9 of these emails. Am I on some sort of list?

By the way, I believe a cell tower that does not look like a pine tree is the best. We have a fake pine tree in Flagstaff. It looks like a fake pine tree.

Put up a tower.

On Wed, Feb 3, 2016 at 1:00 PM, Pagosa Lakes Property Owners Association
<DiscussionGroups@associationvoice.com> wrote:

Please do not reply to this message as it will be sent to an unmonitored email address. To Post a reply, please click on the "View Message" link within this email.

A new message has been posted to the discussion group "Property Owner" in the topic "lake forest verizon cell tower" by user Chip Munday.

Hi Kimberly,

If you have any questions about the proposal, please don't hesitate to ask. Thanks for your comment.

Chip Munday

From: Vicki Adams <vbadams1@hotmail.com>
Sent: Wednesday, February 03, 2016 4:15 PM
To: Chip Munday
Subject: Re: DISCUSSION EMAILS ARE NOT FROM US

Thank you. I understand. There is clearly a dead zone in the area you described, and it is in the best interest of all residents to cover this in case of an emergency.

Sent from my iPad

On Feb 3, 2016, at 5:50 PM, Pagosa Lakes Property Owners Association <Messenger@AssociationVoice.com> wrote:

February 3 3:45pm

Everyone,

Please accept our apologies for the incessant email chain coming from our discussion group. The discussion was generated by an opponent of the proposed cell phone tower. It was NOT generated by the PLPOA!

This is being generated through our website. No one has access to your email address, and they are not getting any information about you. The discussion group section of our website is intended for specific groups and not blast emails. We are working with our website host to change this setting, or finding a way for all of you to turn that setting off on your personal settings.

We should have this shut down by tomorrow. Our intent is not to limit speech or to censor people's opinions. But we do not want to inconvenience people either - and potentially lose subscribers.

In our Friday news update, we will reiterate this apology and bring everyone up to speed on what is happening, and any instructions you may need to limit these emails in the future, if necessary. Again, we apologize for this abuse of our system.

This message has been sent to vbadams1@hotmail.com

As a subscriber of General Correspondence at Pagosa Lakes Property Owners Association, we'll periodically send you an email to help keep you informed. If you wish to discontinue receiving these types of emails, you may opt out by clicking [Safe Unsubscribe](#).

To view our privacy policy, click [Privacy Policy](#).

This message has been sent as a service of [AssociationVoice](#), provider of smart Websites for Associations and Management, 400 S. Colorado Blvd. Ste 790, Denver, CO 80246. AssociationVoice © 2016. All rights reserved.

Chip Munday

From: Lydia Phillips <lydiakp@gmail.com>
Sent: Thursday, February 04, 2016 7:29 AM
To: Chip Munday
Subject: Re: DISCUSSION EMAILS ARE NOT FROM US

Good Morning from Texas,
Thank you for your email and the explanation about all emails I received.

It is not big deal, and personally, I think it was just a genuine mistake, and we all make mistake from time to time. Actually, I enjoyed reading all those comments about possible best place to put a tower. and on the end, we can not please everyone, so wherever this cell tower end up, someone will not be happy....

I wish you all the best and I am sure that in the end you all will come up with the best solution possible.

Have a great day,
Sincerely, Lydia Phillips

On Wed, Feb 3, 2016 at 4:50 PM, Pagosa Lakes Property Owners Association
<Messenger@associationvoice.com> wrote:

February 3 3:45pm

Everyone,

Please accept our apologies for the incessant email chain coming from our discussion group. The discussion was generated by an opponent of the proposed cell phone tower. It was NOT generated by the PLPOA!

This is being generated through our website. No one has access to your email address, and they are not getting any information about you. The discussion group section of our website is intended for specific groups and not blast emails. We are working with our website host to change this setting, or finding a way for all of you to turn that setting off on your personal settings.

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In our Friday news update, we will reiterate this apology and bring everyone up to speed on what is happening, and any instructions you may need to limit these emails in the future, if necessary. Again, we apologize for this abuse of our system.

This message has been sent to Lydiakp@gmail.com

As a subscriber of General Correspondence at Pagosa Lakes Property Owners Association, we'll periodically send you an email to help keep you informed. If you wish to discontinue receiving these types of emails, you may opt out by clicking [Safe Unsubscribe](#).

To view our privacy policy, click [Privacy Policy](#).

Chip Munday

From: Julie Kaufmann <kaufmann.julie@gmail.com>
Sent: Saturday, January 23, 2016 6:30 AM
To: Chip Munday
Subject: Re: Pagosa Lakes Weekly News Update

In regards to Verizon, we Really need a tower out by Hatcher Lake!!!!

Chip Munday

From: Pagosa Pueblo <pagosapueblo@gmail.com>
Sent: Monday, February 08, 2016 10:16 AM
To: chipm@plpoa.com
Subject: Verizon Tower

Chip – With all the hoopla over the Verizon tower I think it would be a good idea for the association to post a couple photos in the weekly update from the proposal of the Mono-pine tower. I don't think many people have actually taken the time to read or may not realize the online proposal is available to them. I think if they saw photos of the proposed Mono pine tower and how it fits into the existing environment they would be much more receptive of the idea.

I too was hesitant about a tower till I read through the proposal and saw what was actually being suggested. Now I think it is a great idea and elegant solution to expanding coverage and harmonizing with the environment.

Just and idea,

Bill Milner
8 Pueblo Court

Real Estate

&

Property Values

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Real estate values and environment: A case study on the effect of the environment on residential real estate values

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REAL ESTATE VALUES AND ENVIRONMENT: A CASE STUDY ON THE EFFECT OF THE ENVIRONMENT ON RESIDENTIAL REAL ESTATE VALUES

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ABSTRACT

This paper surveys the main issues in literature on real estate market and environment. The real estate business is one of the basic economic sectors in the world. However, it is world-wide accepted that the real estate market is affected and formed not only by economic and productive factors, but, also, by various qualitative characteristics of the natural and human environment, in which each real estate activity is performed. The legal framework that provide the specifications and the restrictions that should be followed in cases of proximity to urban green spaces, to water resources, to unusual topography and to possible, future or past, manifestation of natural disasters assure the importance of the above in the real estate market. Moreover, quantitative assessment and results reinforce further their significance. The main aim of this study is to evaluate the effect of the above parameters in the field of real estate, through a detailed literature review both to European and American areas. Conclusively, this study and its results arouse the need for collaboration of all scientific sectors so as to satisfy all needs and include all preferences, in order to develop the real estate market in a sustainable way with respect to the environment- an idea that the majority of scientists and researchers support for all sectors of human activity throughout the last decades.

Key words: Real estate market values, natural and social environment, natural disasters

1. INTRODUCTION

Greece has always been a country where the real estate business was and continues to be one of the most profitable and vivacious economic sectors. There have been performed no previous thorough studies concerning the factors that affect this sector. Therefore, the impact of various environmental attributes to the real estate market values have not been incorporated. This is the main scope of this study, which will try to enlighten the effect of the natural and human environment, as well as the risk of the natural disasters, to residential property market values. The results are the outcome of a detailed research in articles, journals, books and other studies, the combination of which has underlined the variation in the real estate market values in relation to their special characteristics and their position.

At the beginning of this analysis, it is important to mention and clarify certain definitions on the studied factors. According to the Greek Civil Code, real estate is the ground and its component parts. Ground is the piece of land, which fulfills the terms of a bounded area, able to be designed in topographic diagrams. Component parts of a real estate are those which cannot be separated from its main parts without damage (Greek Civil Code). Whether the building area is a building plot in a city or a farm, the real estate can be described as urban real estate, suburban real estate, coastal real estate and rural real estate. The mentioned differentiation is formed due to certain characteristics of each real estate, without the need of a visual contact (Kiohos, 2007). The market value of a real estate is affected by numerous factors, such as its characteristics, its position, its environment, the socioeconomic background of the area, etc. However, the definition of the market value is the estimated price for which the financial element is sold, on the date of the valuation, from a seller to a buyer, between whom there is not any relationship, they have the same informing and they are not in any kind of pressure (TEGoVA).

The organization of land uses is based on three criteria which include economic prosperity, quality of life and quality of environment. Therefore, the environment can strongly influence the real estate business. An obvious example is the impact of environmental amenities (open space or proximity to parks) or environmental disamenities (air pollution, water pollution, or proximity to noxious facilities) on housing prices through capitalization. When two housing units are identical in all respects except an environmental attribute, the unit with the preferred attribute (e.g., better air quality or greater proximity to the park) can be expected to sell for a higher price. That is, the value that individuals place on the improvement in the environmental attribute should get capitalized into the price of the house (Segerson, 2001). Urban and suburban green, lakes, rivers and sea, topography as far as green areas, wetlands and mountain areas are considered to represent the most important influential factors. The benefit from these elements are numerous, some of which are the stabilization of the global and local climate, the decrease of flood events, the enrichment of the ecosystems etc. (Morancho, 2003; Xatzibiros, 2007). On the other hand, risk of natural disasters can certainly influence negatively real estate market values. In this study, five kind of environmental risks- floods, fires, air pollution, noise pollution and electromagnetic fields- will be analyzed as the human factor cannot prevent the rest by any mean (Makropoulos, 2006).

Institutional laws in Greece concerning the management and the protection of the environment in combination with real estates are highly adequate. Regarding urban and suburban green, law 998/79, 1734/87 and 1650/86 describe the limitations and obligations of a real estate owner towards the protection of green spaces

(Xristofilopoulos, 2005; Hellenic Ministry of environment, physical planning & public works, 1987). Law 2971/01, 3199/03 and the Manual of European Law concerns wetlands (Hellenic Ministry of environment, physical planning & public works, 2001; Kiss et al., 1997) and 1577/85 and presidential Decree/25-5-05 are responsible for the areas with special topographic forms (Hellenic Ministry of environment, physical planning & public works, 1985). These institutional laws determine the way real estate should be created and the obligations of their owners towards the protection of the local environment. Lastly, the European Directive 92/43/EEC (Hellenic Ministry of environment, physical planning & public works, 2000) and Water Framework Directive, 2000/60/EC (Journal of European Community, 2000) form the Natura 2000 network, where parts of the Greek state are included.

2. REAL ESTATE AND ENVIRONMENT: RESULTS AND DISCUSSION

In this section, four elements affecting real estate market values are studied. Green spaces, wetlands, topography and environmental risks are the referred factors, which in combination with some socioeconomic data create the background of the real estate business reality.

Variables that commonly affect real estate market, their positive or negative impact, the source of the literature study and the method performed for the assessment are presented in Table 1 and analyzed separately below.

Table 1. Variables and special features forming real estate market values.

explanatory variable	special features	study	increase or decrease in market value	valuation model
Urban- Suburban green	green spaces	Lange et al. 2005	20%	hedonic pricing
	high income area	Kathleen, 2007	10-15%	hedonic pricing
	building clusters with full tree cover	Kathleen, 2007	18%	hedonic pricing
	building clusters with full tree cover, near suburban area	Kathleen, 2007	35%	hedonic pricing
	building plot covered up to 2/3 by green	Kathleen, 2007	37%	hedonic pricing
	distance of 400 meters or a distance of two to three blocks from a park	Kathleen, 2007	10%	hedonic pricing
	existence of a park (not free for the public)	Kathleen, 2007	20%	hedonic pricing
	urban park in a distance of 150 meters	Royal Institution of Chartered Surveyors, 2007	2%	hedonic pricing
	natural park in a distance of 150 meters	Royal Institution of Chartered Surveyors, 2007	19%	hedonic pricing
	park for special uses in a distance of 150 meters	Royal Institution of Chartered Surveyors, 2007	15%	hedonic pricing
	suburban green spaces with forestry view	Royal Institution of Chartered Surveyors, 2007	4,9%	hedonic pricing
	suburban green spaces with distance up to 1km from forestry area	Royal Institution of Chartered Surveyors, 2007	5,9%	hedonic pricing

	lake or river in a distance of 160 meters	Golby et al., 2002	5,9%	hedonic pricing
	lake or river in a distance of 500 meters	Golby et al., 2002	3,5%	hedonic pricing
	lake or river in a distance of 1600 meters	Golby et al., 2002	0,9%	hedonic pricing
Wetlands	high and safe water quality area	Maine Agricultural and Forest Experiment Station, 1996	15%	hedonic pricing
	lake or river in a distance of 0-100 meters for land market values	Golby et al., 2002	27%	hedonic pricing
	lake or river in a distance of 2400 meters for land market values	Golby et al., 2002	0%	hedonic pricing
	less abrupt ground slope	Davies et al., 2008	Increase not measurable	hedonic pricing
Topography	view and peaceful environment in places with high slope	Petty, 1982	Increase not measurable	Step- wise Multiple Regression model
	increase of air quality of just 1%	Carriazo-Osorio, 2001	10%	hedonic pricing
	increase of air quality of just 1% in high income area	Harrison et al., 1978	28,7%	hedonic pricing
	increase of air quality in various high income areas	Harrison et al., 1978	41,5%	hedonic pricing
	proximity to highway	Klein, 2007	(-)8-(-)10 %	hedonic pricing
	proximity to railways	Brinckerhoff, 2001	-6,7%	hedonic pricing
	increase of noise from airports of 1 db	Kaufman et al., 1997	-0,3%	hedonic pricing
Environmental Risks	noise barriers	Julien et al., 2002	10%	Combination of vector analysis and environmental attributes
	fire (alredy occurred)	Loomis, 2004	-15%	hedonic pricing
	at risk from a flood	Yeo, 2004	(-)4-(-)12%	hedonic pricing
	high voltage towers	McDonough, 2003	-10%	questionnaire research
	damage from high voltage towers	Dalaney et al., 1992	-28,60%	questionnaire research
	noise from high voltage towers	Dalaney et al., 1992	-43%	questionnaire research
	health problems from electromagnetic fields	Dalaney et al., 1992	-58%	questionnaire research

10 meters from high voltage powers	Sims, 2002	27%	Empirical research
100 meters from high voltage powers	Sims, 2002	2,7%	Empirical research

2.1. Real estate and urban- suburban green

In general, green spaces increase the market value of properties up to 20% while, at the same time, they increase the commercial value for real estate for commercial use. The importance of green spaces and the positive correlation of their existence in the real estate market values are evident. The combination of well designed and preserved green spaces with a complete urban design can provide improvements in the ecological, economic and social function of a city (Lange et al. 2005).

To begin with, studies concerning trees and residential property market values in nuclear families have proven that the increase can reach up to 10-15 %, when the property is located in an area of high income. The conservation or creation of green spaces (in case of new created regions) or their reformation is performed according to certain standards. Thus building clusters with full tree cover can present an increase in market value up to 18 %, while this percentage increases even further and reaches up to 35 %, in cases of land areas near to suburban green. Moreover, a building plot covered up to 2/3 by green is 37 % more expensive than building plots with no green at all.

Studies have shown that potential buyers are willing to pay high amounts for houses near urban free spaces or green spaces of any size, small or big, such as Central Park in London. It is impressive, that a distance of 400 meters or a distance of two to three blocks from a park, can increase 10 % the market value of properties, while the existence of a park (not free for the public) can lead to an increase in price, up to 20 % (Kathleen, 2007).

Variations are discerned as far as special characteristics of the park are concerned. In a distance of 150 meters, an urban park increases the market value up to 2 %, a natural park up to 19 % and a park for special uses reaches 15,4 % (Royal Institution of Chartered Surveyors, 2007). Combining the characteristics of the park with those of the building, results presented in Table 2 evoke:

Table 2. Variations in market value due to certain building and spatial characteristics

PARKS-OPEN SPACES	DETACHED	FLAT	NON-DETACHED
City Park	19,97 %	7,54 %	2,93 %
Local Park	9,62 %	7,92 %	9,44 %
Open space	2,71 %	4,70 %	0,44 %

Source: Economic Value of Green In fracture, 2008.

In cases of commercial use, values tend to increase 9-12%, if the stores are near an urban green space (Kathleen, 2007). It is worth mentioning, that the distance from the Central Business District does not decrease the value to the same extent, as the age of the building does.

Taking into consideration various socioeconomic factors (families with or without children, income level), it is noted that willingness to pay for a property near urban green is higher for families with children and even higher for families with children and a high income (Thériault et al., 2001).

As far as suburban green spaces and areas nearby forests are concerned, property market values increase up to 4,9 % in average for those with view to a forestry area and decrease up to 5,9 % in average for those, whose distance from such areas increase by 1 km (Tyvalnen et al., 2000).

2.2. Real estate and wetlands

Almost in every case, property market values increase as the proximity to the sea shore augments. Its market value is the same regardless of its proximity to the costal line. However, its real current value in the market varies according to its position, its characteristics and the characteristics of the residential wetlands (Lambrou, 2006).

Real estate market values are influenced by the existence of a lake or a river, if they are within a range of 2 km. Specifically, the increase in market value reaches 5,9% for a distance of 160 m, 3,5 % for 500 m and 0,9 % for 1600 m. On the other hand, land market values without the existence of a real estate are increased, having the higher percentage for a distance of 0-100 m (27 %) and are completely eliminated, when reaching a distance of 2,4 km. It is important to mention that potential buyers are reluctant to pay more for a property at a distance of more than 100-150 m, because of the possible existence of a protection framework for the river or lake and their nearby area and, therefore, their obligation towards this protection (Golby, 2002).

Finally, high and safe water quality is an influential factor too, increasing the real estate market values up to 15 % (Michael et al., 1996).

2.3. Real estate and topography

One of the most difficult real estate influential factors to study and define is the topography of the area or else the relief. According to the land category in which the property is located (plain, mountainous), the market value fluctuates respectively.

It is proven that as the ground slope becomes less abrupt, real estate market value increases. The willingness of the buyers to reach the coastal line or the more plain areas constitutes a primary role and affects the properties market value. Of course, this does not prove the absence of disadvantages in properties in plain areas, as these properties might confront problems with floods (Davies et al., 2008).

Finally, there are cases where properties located in places of high slope are more expensive than those in plain areas. The reason for this fact is that in the first case, the property offers a beautiful view and possibly a more peaceful environment to its owners. Especially, if a building plot is divided into smaller ones in order to create more buildings, the view contributes more to the market value formation than does the proximity to the sea shore (Petty, 1982).

2.4. Real estate and environmental risks

Natural disasters are phenomena which can be provoked by the nature without any human intervention. The final outcome of the disaster is measured by the size and force of the natural phenomenon, by how vulnerable is the system which suffers the damage and by its value. The cost of natural disasters in global economy exceeds the amount of 60 billion dollars annually and causes approximately 140.000 deaths.

Environmental risks are phenomena which can be provoked by the nature because of the human intervention. It is widely known that human life and activities affect the course of the environmental life and circle. The effect of the human activities in major cities and their metropolitan areas have augmented in such level that strongly influence the global climate change and the stability of the ecosystems.

The five studied cases belong to the second category. Neither of the other natural disasters are studied as they are not easily measurable (Makropoulos 2006).

2.4.1. Air pollution

It is widely known that air pollution is a frequently appeared phenomena and a major problem in metropolitan cities. Its impact on ecosystem stability and on human health is indisputable worldwide. But as all environmental risks, air quality level has its impact on the economy and more specifically on the real estate business as it influences the willingness of a property acquisition (Jaksh, 1970).

Studies have shown that an increase of air quality of just 1 %, increases land values up to 10 % (Carriazo-Osorio, 2001). In relation to the economic level of the residents, the percentage can reach 28,7 %. Furthermore, this percentage can even reach 41,5 % in various regions.

This fact is enforced by examples of numerous cities where suburban properties, with less air pollutant emissions and a higher-level environment, are much more expensive than properties in the main core of the city (Harrison et al., 1978)

2.4.2. Noise pollution

Noise destruction can be divided into three categories: noise created by public transport, railway noise and airport noise.

Public transport refers to buses, subways, cars etc. Properties in high proximity to highways are 8-10 % cheaper than those in a quiet area (Klein, 2007).

Real estates close or next to railways present a 6,7 % decrease in its market value. It is worth mentioning, though, that the unwillingness of a potential buyer, if only the distance and not the noise is considered, can reduce further the value (Brinckerhoff, 2001).

Even if the majority of the airports are located out of the city areas, the noise still reaches the suburban properties and, therefore, influences their market value. Specifically, an increase in the noise of 1 decibel (db) decreases the value up to 0,3 %. Considering the activities performed in an airport, the decibels are multiple during takeoff and landing of aircrafts (Kaufman et al., 1997).

Noise barriers are very important in all of the above cases as they tend to increase values even up to 10 %. However, the proximity to such infrastructures can decrease market values as they exclude a possible view from a property. A correct combination of these factors can lead to the utmost financial effect on real estates (Julien et al., 2002)

2.4.3. Fires

Fires are a special factor because they have important subsequent as floods. The decrease in property market values can reach 15 % after the occurrence of fire in the area. This fact demonstrates that buyers tend to think about the possibility of a new fire and, consequently, the destruction of their property. Moreover, even if the efforts of rehabilitation are effective, the view from the properties is not the same.

As far as land market values are concerned, the destruction of the nutritious ingredients of the ground by a fire decreases its productivity and, hence, decreases its value (Loomis, 2004).

2.4.4. Floods

Floods are divided into two categories: land flooding and floor flooding. In the following charts, it is clear that flooded properties decrease their value, when properties at risk from a flood reach a decrease up to 4-12 % (Yeo, 2004).

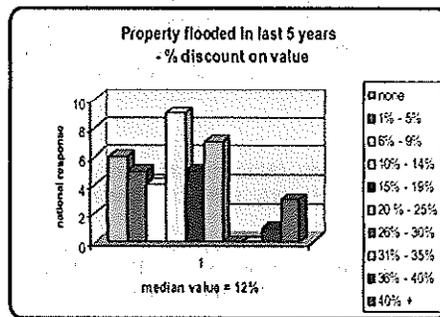


Fig. 1. Decrease in value of flooded properties

Source: RICS Foundation 2004

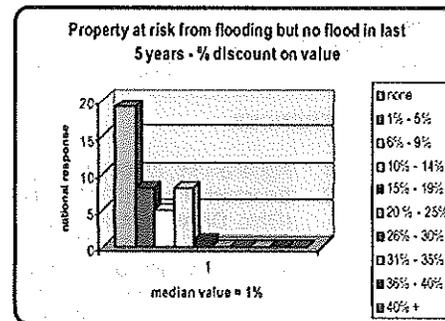


Fig. 2. Decrease in value of properties at risk from floods

Source: RICS Foundation 2004

The fact that the properties have already suffered floods proves that there is a high risk of such an environmental risk to appear again. In Figure 1 a percentage more than 80 % declare that there is actually a discount on value, which reaches the percentage of 10-14 %. More importantly, 30 % of the responses believe that the decrease in value of the properties can overcome the percentage of 40 %, while almost 60 % of the responses believe that floods do not have any impact on the value.

It is crucial to mention that physiological factors (fear, hesitation, preferences, hope etc.) play an important role in Figure 2. While in Figure 1 the fear of suffering floods again is incorporated, Figure 2 shows that the fact that the property has not flooded for, at least, five years has not influenced the value respectively. A fluctuation between 1-14 % discount on the value appears to have won some responses. The properties that have not flooded recently have a decreased value mainly due to the fact that the fear of floods and the expected unwillingness to pay for those properties affect the value strongly than the fact according to which the properties have not been flooded in the last 5 years.

2.4.5. Electromagnetic fields

The emotional factor in the case of property acquisition is very important, especially when examining impacts of electromagnetic fields. It is proven that the existence of high voltage towers cause a decrease of up to 10 % in average (McDonough, 2003).

The view of such infrastructures is not the only reason for the decrease in value. The fear of danger from these towers cause a 28,6 % decrease of the market value, the noise they are creating a 43 % decrease and the possible health problems caused by the electromagnetic fields decrease market values even up to 58 % (Dalaney et al., 1992).

The proximity to these towers increases the values as it gets higher. For example, 10 m. from the base point can cause a decrease of 27 %, but when reaching the 100 m. this percentage decreases to 2,7 % (Sims, 2002).

3 CONCLUSIONS

Through the decades, cities have evolved and changed in a great deal. The relationship between human and nature consisted and still remains the basic influenced factor during every change observed in the structure and organization of the cities. Spatial development includes and is influenced by economical, environmental and social characteristics. One of the affected sectors is the Real Estate Market (Aggelidis, 2000).

In Greece, the real estate business is a new, recent developing sector, compared to other European countries. The institutional laws are sufficient despite the fact that extreme variations of market values exist as if there is no legislative framework. The protection of the environment should be one of the main concern of every management plan and action, as the environmental dimension is obligatory for every measure according to the European Union.

Market values of real estates and land increase in average according to their proximity to urban green and forestry areas. This observation is expected as the positive effect of such areas is proven both in aesthetical level and human health.

The same results are observed as far as riparian areas are concerned. Seas, rivers and lakes stabilize the local climate and elevate the region aesthetically giving a boost to real estate and land market values too.

Restriction for the building ability stand for areas with special topography, because the majority of these areas are located on mountains with forests or specially protected regions. The variations of real estate market values follow an increasing trend inclination in general.

Very interesting are the results on how the market values are influenced by environmental risks. At this point, it is worth mentioning that the emotional composition strongly affects the decision of property acquisition - risk of a natural disaster especially if the area has already suffered from a disaster.

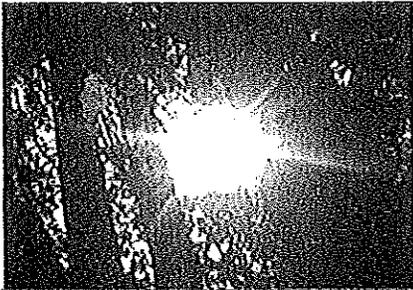
Conclusively, through the existing examples for each element and the observation of the Greek real estate reality, it is obvious that the development of this sector is imperative beyond the determination of simple market or current values. Therefore, in this case, it is mandatory to create complete studies which will determine and enlighten the inclinations according to which the foundations of the real estate market will be based.

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"Our lives begin to end the day we become silent about things that matter."

- Martin Luther King, Jr.

Electromagnetic Health.org

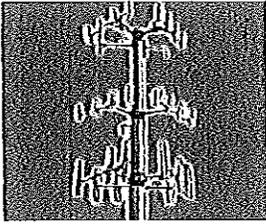
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EMF Real Estate Survey Results: "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?"

03.07.2014 by emily Category [Electromagnetic Health Blog](#)



The National Institute for Science, Law and Public Policy's survey "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" initiated June 2, 2014, has now been completed by 1,000 respondents as of June 28, 2014. The survey, which circulated online through email and social networking sites, in both the U.S. and abroad, sought to determine if nearby cell towers and antennas, or wireless antennas placed on top of or on the side of a building, would impact a home-buyer's or renter's interest in a real estate property.



The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it. And 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antenna.

- 94% said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it.
- 94% said a cell tower or group of antennas on top of, or attached to, an apartment building would negatively impact interest in the apartment building or the price they would be willing to pay for it.
- 95% said they would opt to buy or rent a property that had zero antennas on the building over a comparable property that had several antennas on the building.
- 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas.
- 88% said that under no circumstances would they ever purchase or rent a property with a cell tower or group of antennas on top of, or attached to, the apartment building.
- 89% said they were generally concerned about the increasing number of cell towers and antennas in their residential neighborhood.

The National Institute for Science, Law and Public Policy (NISLAPP) was curious if respondents had previous experience with physical or cognitive effects of wireless radiation, or if their concern about neighborhood antennas was unrelated to personal experience with the radiation. **Of the 1,000 respondents, 57% had previously experienced cognitive effects from radiation emitted by a cell phone, wireless router, portable phone, utility smart meter, or neighborhood antenna or cell tower, and 43% had not experienced cognitive effects. 63% of respondents had previously experienced physical effects from these devices or neighborhood towers and antennas and 37% had not experienced physical effects.**

The majority of respondents provided contact information indicating they would like to receive the results of this survey or news related to the possible connection between neighborhood cell towers and antennas and real estate decisions.

Comments from real estate brokers who completed the NISLAPP survey:

"I am a real estate broker in NYC. I sold a townhouse that had a cell tower attached. Many potential buyers chose to avoid purchasing the property because of it. There was a long lease."

"I own several properties in Santa Fe, NM and believe me, I have taken care not to buy near cell towers. Most of these are rental properties and I think I would have a harder time renting those units... were a cell tower or antenna nearby. Though I have not noticed any negative health effects myself, I know many people are affected. And in addition, these antennas and towers are often extremely ugly--despite the attempt in our town of hiding them as chimneys or fake trees."

"We are home owners and real estate investors in Marin County and have been for the last 25 years. We own homes and apartment building here in Marin. We would not think of investing in real estate that would harm our tenants. All our properties are free of smart meters. Thank you for all of your work."

"I'm a realtor. I've never had a single complaint about cell phone antennae. Electric poles, on the other hand, are a huge problem for buyers."

Concern was expressed in the comments section by respondents about potential property valuation declines near antennas and cell towers. While the NISLAPP survey did not evaluate property price declines, a study on this subject by Sandy Bond, PhD of the New Zealand Property Institute, and Past President of the Pacific Rim Real Estate Society (PRRES), [The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods](#), was published in *The Appraisal Journal* of the Appraisal Institute in 2006. The Appraisal Institute is the largest global professional organization for appraisers with 91 chapters. The study indicated that **homebuyers would pay from 10%–19% less to over 20% less for a property if it were in close proximity to a cell phone base station.** The 'opinion' survey results were then confirmed by a market sales analysis. **The results of the sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood.**

The Appraisal Journal study added,

"Even buyers who believe that there are no adverse health effects from cell phone base stations, knowing that other potential buyers might think the reverse, will probably seek a price discount for a property located near a cell phone base station."

James S. Turner, Esq., Chairman of the National Institute for Science, Law & Public Policy and Partner, Swankin & Turner in Washington, D.C., says,

"The recent NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally. A study of real estate sales prices would be beneficial at this time in the United States to determine what discounts homebuyers are currently placing on properties near cell towers and antennas."

Betsy Lehrfeld, Esq., an attorney and Executive Director of NISLAPP, says,

"The proliferation of this irradiating infrastructure throughout our country would never have occurred in the first place had Section 704 of the Telecommunications Act of 1996 not prohibited state and local governments from regulating the placement of wireless facilities on health or environmental grounds. The federal preemption leaves us in a situation today where Americans are clearly concerned about risks from antennas and towers, some face cognitive and physical health consequences, yet they and their families increasingly have no choice but to endure these exposures, while watching their real property valuations decline."

The National Institute for Science, Law, and Public Policy (NISLAPP) in Washington, D.C. was founded in 1978 to bridge the gap between scientific uncertainties and the need for laws protecting public health and safety. Its overriding objective is to bring practitioners of science and law together to develop intelligent policy that best serves all interested parties in a given controversy. Its focus is on the points at which these two disciplines converge.

NISLAPP contact:
James S. Turner, Esq.
(202) 462-8800 / jim@swankin-turner.com
Emily Roberson
er79000@yahoo.com

If you can support NISLAPP's work, please donate here:

Real Estate value examples

- **The Bond and Hue – Proximate Impact Study**
The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Cell Tower reduced price by 15% on average.
- **The Bond and Wang – Transaction Based Market Study**
The Bond and Wang study involved the analysis of 4,283 residential home sales in 4 suburbs between 1984 and 2002. The study reflected that close proximity to a Cell Tower reduced price between 20.7% and 21%.
- **The Bond and Beamish – Opinion Survey Study**
The Bond and Beamish study involved surveying whether people who lived within 100' of a tower would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only 1%-9%, and 24% said they would reduce their sale price by 10%-19%.
- United States Court of Appeals for the 11th Circuit upheld a denial of a Cell Tower application based upon testimony of residents and a real estate broker, that the Tower would reduce the values of property which were in close proximity to the Tower.
- **The Appraisal Institute**,
the largest global professional organization for appraisers says, 'A cell tower should, in fact, cause a decrease in home value.'

Thinking through how this might affect our school system, what if the health effects do cause learning problems? What if our school rankings suffer as a result? What if these health effects begin to steer the best educators to other school systems because – all other factors being equal – they'd rather not take the chance of health effects? If the quality of our school system is intimately linked to the desirability of the Dover and Sherborn communities, might this effect the real estate values of **all of our homes**?

Realtors have also weighed in:

- *"As a licensed real estate broker with over 30 years of experience, it is my professional opinion that the installation of a Cellular Tower can significantly reduce the value of neighboring residential properties."*
Lawrence Oxman, Licensed Real Estate Broker
- **The California Association of Realtors**
"[S]ellers and licensees must disclose material facts that affect the value or desirability of the property," including "known conditions outside of surrounding" it. That property values would be affected and the presence of a cell tower must be disclosed to potential buyers. "If you desire to sell your home, and you are legally bound to a disclosure statement which would include listing a cell tower in your area."

1 .

Sherborn resident David Parrish adds "I am quite concerned with the current proposal to install a cell tower on the DS high school/middle school property. As a local builder in the Dover-Sherborn market I would say property values could certainly be impacted although it may take several years to materialize. Why take a risk with the health of our children?"

Once erected, a closely sited cell tower will not move. This is a decision that will effect all of us – with children in the school system **and those that do not** for many years to come. We'd better be sure we are comfortable with all the implications of this decision down the road.

REALTOR Mag

Cell Towers, Antennas Problematic for Buyers

DAILY REAL ESTATE NEWS | THURSDAY, JULY 24, 2014

An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna.

What's more, of the 1,000 survey respondents, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90 percent said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood.

Trouble Spots for Buyers:

- Home Owners Object to Cell Tower Installations
- Field Guide to Cell Phone Towers
- 6 Ways a Home May Turn Off Buyers
- 6 Ways to Turn Off Buyers at Open Houses

The survey, "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" also found that properties where a cell tower or group of antennas are placed on top of or attached to a building (condominium high-rise, for instance) is problematic for buyers.

"A study of real estate sales prices would be beneficial at this time in the United States to determine what discounts home buyers are currently placing on properties near cell towers and antennas," says Jim Turner, chair of NISLAPP.

The NISLAPP survey echoes the findings of a study by Sandy Bond of the New Zealand Property Institute and past president of the Pacific Rim Real Estate Society (PRRES). "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," which was published in *The Appraisal Journal* in 2006, found that buyers would pay as much as 20 percent less for a property near a cell tower or antenna.

Source: "[Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?](#)" National Institute for Science, Law & Public Policy (June 2014)

TO John C.Shepard, AICP

Planning Manager

My name is James a Downing, I live at 220 Antelope in Pagosa Springs Colorado and I am asking for your help and intervention on my behalf as a resident of Pagosa Springs.

I became a resident in 2000 and decided to build a new home for my retirement years. A lot of time was spent researching where to purchase property and build my new home. I chose a single lot with the understanding that the property backed up to a dedicated greenbelt and there would be no new development or construction of homes between my property and Lake Forest which is below me. It's my understanding that the Zoning Commission is considering rezoning a piece of property in that area for the purpose of putting in a Verizon cell tower to be placed directly below my house and above the lake. I believe the rezoning of this green belt area for any purpose would be a violation of the CC&Rs.

I have a few observations and questions for you to consider in your decision making process:

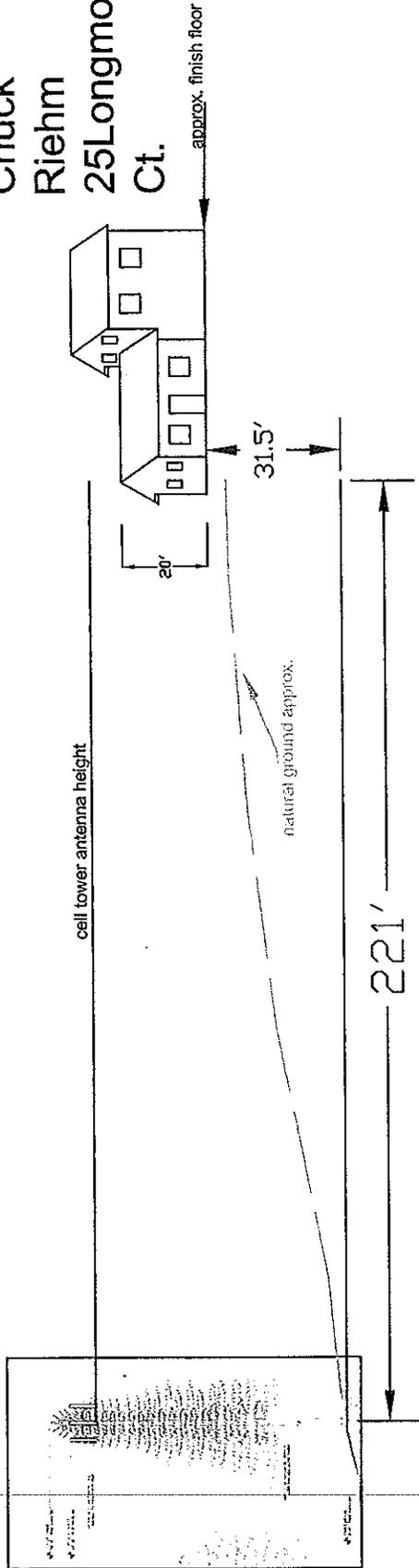
1. It's my understanding that the best practices for a mobile tower is to be placed atop a high structure, water tower, or Hill. In this particular case the tower is being placed at the low point below my house. At that location the plan is to put up a 70 foot tower and the transmission from that tower would be directly parallel and opposite my house, in other words all the harmful transmissions would be directed straight to my house.
2. Why is it that there has not been due diligence and trying to find a appropriate location for the power such as federal Forest land, a high hill that is not heavily populated.
3. If this zoning is approved for Verizon what would prevent other companies from establishing their towers and potentially create an antenna farm. This will greatly increase the health danger for all of the residences.
4. Why is it that we are told that we cannot bring up any possible health issues or questions as it relates to the approval of the zoning?

I guess that I could just go on and on with question after question but that is not my intent. What I need is for someone to look out for what's good for me. Someone to represent me and my neighbors, and our good. So far it appears we do not have a representative looking out for the people. It feels like big government and people making money. I have to live with the results with no regard to my health or welfare. I'm asking you to listen to those of us who have honest concerns and do not what this tower in our neighborhood. Thank you for your consideration.

JIM DOWNING

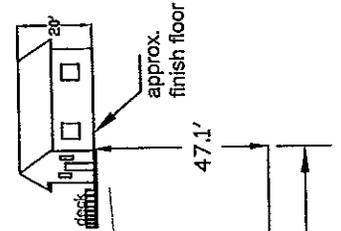
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Jim
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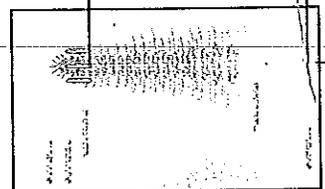


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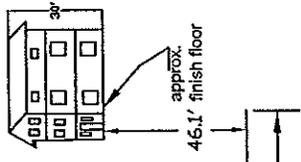
natural ground
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408.5'

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horizontal and
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to scale 1"=50'



Thomas 207 Antelope

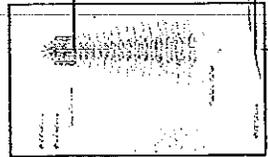


call tower antenna
height

natural ground
approx.

540'

depictions,
horizontal and
vertical distances
to scale 1"=60'

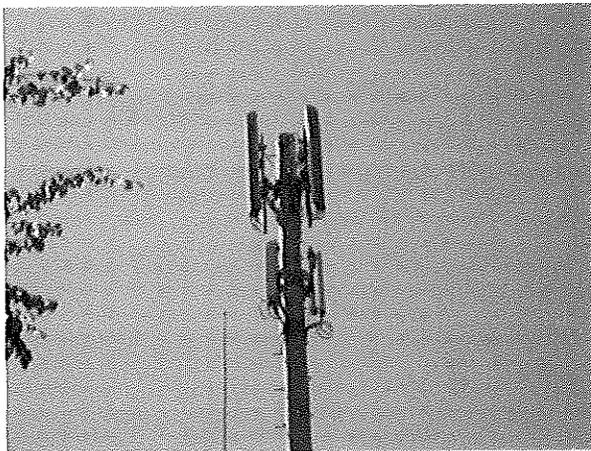


Safety

EMF Safety Network

Reduce EMF and RF (wireless) to protect children, communities, and nature

EMF Safety Network files lawsuit against Sebastopol 4G cell tower



On January 11, the EMF Safety Network filed a lawsuit in California Superior Court against the City of Sebastopol, Verizon, and Crown Castle alleging the City's decision to approve a 4G cell tower expansion was in violation of a California Environmental Quality Act (CEQA). According to the Sebastopol attorney, the city has a "hold harmless" clause in their contract with Verizon which

requires Verizon to pay for all litigation costs related to the cell tower.

Sebastopol is located adjacent to an internationally recognized wetlands preserve, the Laguna De Santa Rosa. The City filed a CEQA exemption for the project stating there would be "negligible or no expansion of use", calling it a "minor alteration." EMF Safety Network lawyer Rose Zoia argued their exemption claims were false. The addition of 3 and 4 G panels to the cell tower will add significant radio frequency (RF) exposure to the downtown area and extend nine miles into the Laguna.

Sebastopol's Telecommunications Ordinance states, " No telecommunications facility shall be sited such that its presence threatens the health and safety of migratory birds."

An environmental study by A. Balmori, Electromagnetic pollution from

phone masts. Effects on wildlife. states,

“*Electromagnetic radiation is a form of environmental pollution which may hurt wildlife.*”

“Phone masts located in their living areas are irradiating continuously some species that could suffer long-term effects, like reduction of their natural defenses, deterioration of their health, problems in reproduction and reduction of their useful territory through habitat deterioration. Electromagnetic radiation can exert an aversive behavioral response in rats, bats and birds such as sparrows. Therefore microwave and radiofrequency pollution constitutes a potential cause for the decline of animal populations and deterioration of health of plants living near phone masts.”

A second study, Bioassay for assessing cell stress in the vicinity of radio-frequency irradiating antennas. assesses cell stress in water plants from RF. Conclusion excerpt: “The present work makes a unique biological connection between exposure to RF-EMF and real biological stress in living cells.”

Verizon reps swagger into town with their cookie cutter safety data, and hired guns making broad claims of FCC safety. Cities are caught in a legal trap between mega-rich wireless industry, educated residents armed with evidence of environmental harm and the city’s local ordinances which call for protecting the public and environmental health. The 1996 Telecommunications Act makes it illegal to deny a cell tower based on health impacts!

The Sebastopol City Council voted 2-2 to deny the cell tower expansion, however because it was a tie, the original planning commission decision to approve the 4G network was upheld. Faced with the cost of a lawsuit from Verizon for denying the tower- or a lawsuit from local citizens which Verizon has to pay, the vote was likely financially driven.

Your help is needed – Please donate toward this lawsuit.

📅 January 12, 2012 👤 admin 📁 Cell towers, Environment, Legal, RF 🔖 cell towers, lawsuit

10 thoughts on “EMF Safety Network files lawsuit against Sebastopol 4G cell tower”

 **Molly**

January 12, 2012 at 5:44 pm

This is an outrage. Cell companies are taking over the country and bull dozing their way into every city and community even to the extent of setting up towers at elementary schools. Meanwhile, according to the American Cancer Society, the rate of brain cancer continues to increase. If people really understood the risks of these technologies, they would not be gobbling up Smart phones or giving them to their children. The wireless industry has been concealing the health hazard data for years trying to get as many towers up as possible before the hard facts can finally be made public and, unfortunately by then, a lot of species, including humans become sick. Nothing has been done because the wireless industry is boosting the technology market in the US, which in turn is boosting the stock market – who wants to tamper with that after all...

 **Joan Carles Lopez Sancho**

January 13, 2012 at 1:57 pm

Now that the evidence in the 4G arrival in Barcelona is a fact, increasing the frequency increases the risk of pollution entering electromagnéticael any living being,

 **Richard**

January 14, 2012 at 7:11 pm

Balmori's work was not an “environmental study”, it was a review of previous work. Furthermore, phrases like “may hurt”, “could suffer”, and “potential cause” only emphasize the real uncertainty. But I do agree with the final statement: “To measure these effects urgent specific studies are necessary.” Keep us posted.

 **Leslie Gerhardt**

January 18, 2012 at 1:00 pm

You are missing Page 2 in the copy of your scanned complaint.

 **admin** 

January 18, 2012 at 3:05 pm

Thanks for letting me know. Will fix this.

 **Gene Plocki**

April 4, 2012 at 11:10 am

Send me update.
Do not want smart meters on my property.
Do not to pay any fees.

 **pradeep maheshwari**

June 15, 2013 at 8:58 pm

Should we set up an 4g mobile tower on our house roof plz roof

 **admin** 

June 16, 2013 at 5:29 am

No.

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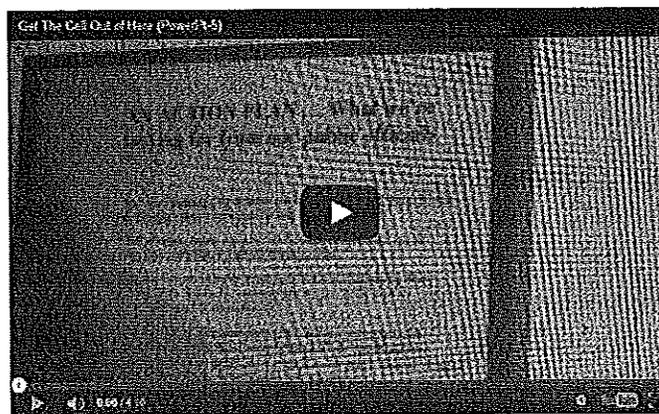
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HOW TO APPEAL THE CELL TOWER IN YOUR AREA.

HOW TO FIGHT THE CELL PHONE TOWER SITTING - WORKING SOLUTIONS IN CELL TOWER SITTING LAND LOCATIONS

* PLEASE NOTE: YOU CAN READ THE "ABOUT CRACTT" PAGE FOR EVEN MORE REBUTTAL TIPS ON HOW TO FIGHT THE CELLTOWER/MONOTOWER IN YOUR AREA

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www.getthecelloutofhere.com - Working Solutions!

By Jane Celltower

How do you issue an appeal against a proposed cell tower going up within residential property? Go to your city, county, or local government zoning and building department and ask to fill out an appeal request against the building of the proposed cell phone tower. There is usually a cost to file the appeal, with a very small window of opportunity by which to do so. In my Georgia county the appeal process had to be done in 30 days. Of course, I was never notified, thereby I was not granted my Constitutional right to due process. However, if you have been notified of a proposed siting of a cell phone tower, "time" is of the essence by which you can appeal and state your case before your city or county commissioners, leaders, or zoning board. Getting the appeal process completed is your first order of business.

Next on your agenda, you will need to get a copy of the proposed cell tower's complete legal file (prepare to pay for copies by check, or cash), from your city, county, local government zoning, planning, and/or building department. Note the facts, and refute those facts, with your first hand, documented research. You have to prove the cell tower is not needed, that you have excellent cell phone coverage already, with 911 emergency assist always available. You have to prove the cell phone company can co-locate on an existing cell tower, if they desire to expand. Because there is "no gap" in coverage in your area. You have to show the cell phone company is out to make a commercial investment, with commercial interests. The cell tower being a commercial investment, does not hold the safety and interests of your residential subdivision or your family at heart. You can also prove, according to your local area real estate services, that cell tower's lower property values, due to the asthetic nature of cell towers, and the public's "perception" of health hazards. Notice the word usage "perception," of health hazards. In the United States, a cell tower's EMF and RF emissions health hazard, "cannot" be used in the refusal of a proposed cell tower siting, as stated in the Telecommunications Act- 1996, Section 704. But the public perception of health risks, is another story. Because the public thinks there are health hazards, many will refuse to purchase a home near a cell phone tower. If be the case, dangerous access roads are also problematic and a safety issue for many homeowners. These dangerous access roads also limit your homes resale values, as they provide an open opportunity for criminal activity.

Another important key in the appeal process is to find any discrepancies in the cell phone companies written request to the city, and the city's written legal terms and conditions, per the city or county codes for the siting of cell phone towers or masts. As noted above, you have to get the entire file copied (part of the Freedom of Information Act), in order to know the facts. These facts often hold the "hidden" key to your legal argument. You can read additional tips/rebuttals on how to fight the cell phone tower / monotower that is not needed to serve the American people on the "About Cractt" page of this website. In fact, every page of this website will provide additional insight tips, education, and help as you develop your legal cell tower sitting rebuttal and case.

Get to know section 704 of the 1996 Telecommunications Act (you can find it online), and you will learn what the cell phone wireless market base much of their case upon. Review Gendale's community effort against T-Mobile by watching "getthecelloutofhere" youtube videos, and review their website : www.getthecelloutofhere.com for additional help tips. Also note wildlife issues (if you live close to a water way), as cell tower's are death to thousands upon thousands of migrating birds. Each proposed cell tower brings additional problems, according to your residential area. Know what those problems are, and present your appeal case, refuting the cell tower siting in your residential neighborhood with facts. Google and search online to learn more about cell tower location sitings in your local area, and state, and search for cell phone towers located in your area (link provided below). Some states have a model celltower siting policy, as did the state of Georgia, which is posted on the Jane Celltower website. You can reference your state zoning siting policy, comparing the states siting policy, to your local siting codes, with differences noted. Safety, security, privacy, and public welfare, should be a top priority. Double check your facts and references, and go to your area AT&T, T-Mobile, Metro PCS, Sprint store, etc...and see where and how many cell tower's are up and running in your area. Bottom line, "do your homework, learn, read, and research." We at Cractt hope to offer you educational insight, into the local cell phone tower appeal process.

YOU CAN SEARCH FOR CELL PHONE TOWERS WITHIN YOUR AREA WITH THE FOLLOWING HELP LINKS:

[HTTP://WWW.ANTENNASearch.COM/SITESTART.ASP](http://www.antennasearch.com/sitestart.asp)

T-MOBILE'S SEARCH CELL PHONE TOWER LINK:

[HTTP://TMOBILETOWERS.COM](http://tmobiletowers.com)

Attorney Kirk R Wines (Medina County Winning Cell Tower Case), writes, "Every effort needs to be made to work with the industry, and to oppose it where necessary, in order to require the industry to develop an infrastructure which does not necessarily impact property values or the quality of life. ...prepare to go to legislature. Ask them to allow these facilities on all state rights-of-way. Try to keep track of innovactive providers. You can call 1 800 Unisite for a company that will install a tower on city property co-locate all of the wireless providers in one location and share rent with you for the space."

CELL TOWER CAUSES DEATH TO MIGRATING BIRDS NEAR WATERWAYS - PROTECT HISTORICAL DISTRICTS AND WILDLIFE

In relation to cell tower's causing death to migrating birds in path to waterways, Jane Grant provides excellent educational zoning advice, "Brevard County, Florida recently passed a model ordinance for bird-friendly siting and construction of communication towers incorporating many guidelines. In our area such matters of planning and zoning are the concern of the local municipalities. Individual municipalities can help achieve better protection of migratory birds by being aware of the USFWS guidelines when considering applications for new communication towers, or by passing ordinances that include the measures advised in the guidelines as Breward County has done."

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DANGERS OF LIVING NEAR CELL PHONE TOWERS RAISED

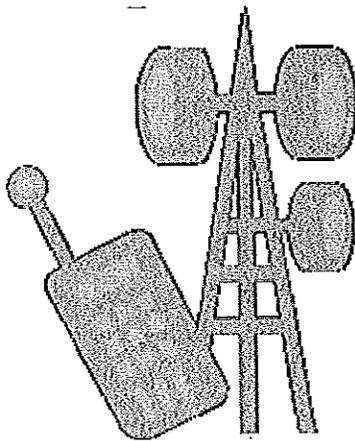
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November 2008 Articles

La Mesa Council holds hearing Nov. 5 on proposal to erect cell phone tower in Lake Murray area

By Miriam Raftery



When Mom asked me to look into possible health hazards posed by cell phone panel antennas that a church in her neighborhood wants to put up, I expected to find reassuring facts to allay Mom's concerns. Instead, I found deeply disturbing data that makes me wonder why the public is not being informed about health risks—and why our government seems intent on covering up troubling truths.

Cell phone companies and the U.S. Food and Drug Administration assert that cell phone towers don't pose health risks to the public. Some studies support this assertion, but other studies suggest just the opposite.

Harvard-trained Dr. Andrew Weil at the University of Arizona's medical center recently observed, "In January 2008, the National Research Council (NRC), an arm of the National Academy of Sciences and the National Academy of Engineering, issued a report saying that we simply don't know enough about the potential health risks of long-term exposure to RF energy from cell phones themselves, cell towers, television towers, and other components of our communications system. The scientists who prepared the report emphasized, in particular, the unknown risks to the health of children, pregnant women, and fetuses as well as of workers whose jobs entail high exposure to RF (radiofrequency) energy....Because so much of cell phone technology is new and evolving, we don't have data on the consequences of 10, 20 or 30 years worth of exposure to the RF energy they emit," Weil concluded. The report called for long-term safety studies on all wireless devices including cell phones, computers, and cell phone towers.

A 2006 report issued by the World Health Organization (WHO) offered some reassurance and found no scientific evidence that radiofrequency signals from cell towers cause adverse health effects. The report noted that up to five times more of the RF signals from FM radio and television (than from cell towers) are absorbed by the body with no known adverse effects on health in the more than 50 years that radio and TV broadcast stations have been operating.

But an Australian study found that children living near TV and FM broadcast towers, which emit similar radiation to cell towers, developed leukemia at three times the rate of children living over seven miles away.

If you live within a quarter mile of a cell phone antenna or tower, you may be at risk of serious harm to your health, according to a German study cited at www.EMF-Health.com, a site devoted to exposing hazards associated with electromagnetic frequencies from cell phone towers and other sources.

Cancer rates more than tripled among people living within 400 meters of cell phone towers or antennas, a German study found. Those within 100 meters were exposed to radiation at 100 times normal levels. An Israeli study found risk of cancer quadrupled among people living within 350 meters (1,148 feet) of a cell phone transmitter—and seven out of eight cancer victims were women. Both studies focused only on people who had lived at the same address for many years.

Other studies have found that levels of radiation emitted from cell phone towers can damage cell tissues and DNA, causing miscarriage, suppressing immune function, and causing other health problems.

Astoundingly, the federal government does not allow rejection of a cell phone tower based on health risks, according to a 2005 article. A Google search found no evidence that this situation has changed.

Yet over 1.9 million cell phone towers and antennae have been approved nationwide without federal studies to assure safety of those living nearby.

How many cell phone towers and antennas are in your neighborhood? Find out at www.antennasearch.com. I plugged in my address on Mt. Helix, hardly an urban stronghold, and was astounded to discover that there are 96 cell phone towers, 286 antennas and 2 proposals for new towers within four miles of my home!

So how about Mom's neighborhood, where an Evangelical church insists a new tower is needed? Mom gets perfectly fine cell phone reception, and so do the neighbors she's spoken with—not surprising since there are already 113 towers and 335 antennas within a four-mile radius.

Churches, schools, fire stations, and other buildings are increasingly erecting cell phone towers or antennas because cell phone companies are willing to pay rental fees of hundreds or even thousands of dollars a month—welcome infusions for cash-strapped budgets. But at what cost to the public's health? There are young children in Mom's neighborhood, less than one block from the proposed cell phone antenna site.

In Sweden, the government requires interventions to protect the public from electromagnetic frequencies. Why isn't the U.S. government paying attention to this potential risk to public safety?

If you wish to share your views on the T-Mobile proposed cell phone tower at 5777 Lake Murray Blvd. (near Marengo Avenue), the La Mesa City Council will hold a public meeting on Wednesday, November 5th at 7 p.m. in Council Chambers at the La Mesa City Hall, 8130 Allison Ave., La Mesa.





• **Antenna Sites - (Wilderness Dr, Pagosa Springs, CO 81147)**

Antennas

 <p>Single Antenna * Small (below 100ft) stand alone antenna on top of buildings, poles, etc.</p>	 <p>Multiple Antennas * Multiple antennas sharing a high tower structure.</p>
---	---

Antenna Search Results



Alert! 40 Antennas found within 4.00 miles of Wilderness Dr, Pagosa Springs, CO 81147.



Info! The NEAREST Antenna is .68 miles away and is owned by Radio Resource Inc..

Site Type	Site Num	Antenna Owner	Height	Dist
	Multiple	(1) <u>Colorado Hi Tek Inc</u>	NA	3.25 miles
		<u>Colorado Hi Tek Inc</u>	NA	3.25 miles
	(2)	<u>Selectpath, Inc.</u>	NA	3.80 miles
		<u>Cssi</u>	39 feet	3.80 miles
		<u>Centurytel Of Colorado, Inc.</u>	26 feet	3.80 miles
	(3)	<u>Pagosa Fire Protection District</u>	30 feet	1.35 miles
		<u>Pagosa Fire Protection District</u>	NA	1.35 miles
		<u>Archuleta, County Of</u>	20 feet	1.35 miles
		<u>Archuleta, County Of</u>	NA	1.35 miles
	(4)	<u>Mobile Radio Communications Service, Inc.</u>	81 feet	2.17 miles
		<u>A & M Construction & Excavation</u>	79 feet	2.17 miles
	(5)	<u>Pagosa Fire Protection District</u>	NA	2.81 miles
		<u>Skywerx Industries, Llc</u>	60 feet	2.84 miles
	(6)	<u>Centurytel Of Colorado, Inc.</u>	50 feet	1.46 miles
		<u>Gogo Llc</u>	50 feet	1.46 miles
		<u>Gogo Llc</u>	50 feet	1.46 miles

†	Single	(7)	<u>Pagosa Water & Sanitation District</u>	NA	.68 miles
		(8)	<u>Sara Enterprises, Inc.</u>	NA	.81 miles
		(9)	<u>Mesa Propane Inc</u>	79 feet	1.06 miles
		(10)	<u>Pagosa Lake Property Owners Assoc</u>	20 feet	1.22 miles
		(11)	<u>Fairfield Resorts</u>	30 feet	1.92 miles
		(12)	<u>Sivers, Bob</u>	NA	2.33 miles
		(13)	<u>Pagosa Water & Sanitation District</u>	NA	2.84 miles
		(14)	<u>Fairfield Pagosa</u>	NA	2.90 miles
		(15)	<u>Archuleta, County Of</u>	33 feet	3.12 miles
		(16)	<u>Archuleta, County Of</u>	50 feet	3.22 miles
		(17)	<u>Red Cedar Gathering Company</u>	59 feet	3.25 miles
		(18)	<u>Archuleta, County Of</u>	23 feet	3.32 miles
		(19)	<u>Colorado Dream Homes</u>	23 feet	3.98 miles
		(20)	<u>Centurytel Of Colorado Inc</u>	50 feet	1.42 miles
		(21)	<u>Skywerx Industries, Llc</u>	30 feet	1.69 miles
		(22)	<u>Skywerx Industries, Llc</u>	45 feet	2.29 miles
		(23)	<u>Skywerx Industries, Llc</u>	60 feet	2.45 miles
		(24)	<u>Skywerx Industries, Llc</u>	30 feet	2.69 miles
		(25)	<u>Cap Cable</u>	30 feet	2.74 miles
		(26)	<u>Pagosa Area Water And Sanitation District</u>	110 feet	2.86 miles
		(27)	<u>Skywerx Industries, Llc</u>	40 feet	2.87 miles
		(28)	<u>Skywerx Industries, Llc</u>	50 feet	2.92 miles
		(29)	<u>Lin Of New Mexico, Llc</u>	60 feet	3.43 miles
		(30)	<u>Skywerx Industries, Llc</u>	35 feet	3.61 miles

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Location

A publication of the Pagosa Lakes Property Owners Association

Pagosa Lakes NEWS



A good neighbor increases the value of your property

—Czech Proverb

Volume XXVIII

Recognizing Wetlands

An Informational Pamphlet

What is a Wetland?

The US Army Corps of Engineers(Corps) and the US Environmental Protection Agency define wetlands as follows:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands are areas that are covered by water or have waterlogged soils for long periods during the growing season. Plants growing in wetlands are capable of living in saturated soil conditions for at least part of the growing season.

Wetlands such as swamps and marshes are often obvious, but some wetlands are not easily recognized, often because they are dry during part of the year or "they just don't look very wet" from the roadside.

Some of these wetland types include, but are not limited to, many bottomland forests, pocosins, pine savannahs, bogs, wet meadows, potholes, and wet tundra. The information presented here usually will enable you to determine whether you might have a wetland. If you intend to place dredged or fill material in a wetland or in an area that might be a wetland, contact the local Corps District Office for assistance in determining if a permit is required.

Why is it necessary to consider whether an area is a wetland?

Section 404 of the Clean Water Act requires that anyone interested in depositing dredged or fill material into "waters of the United States, *including wetlands,*" must receive authorization for such activities. The Corps has been assigned responsibility for administering the Section 404 permitting process. Activities in wetlands for which permits may be required include, but are not limited to:

- Placement of fill material.
- Ditching activities when the excavated material is sidecast.
- Levee and dike construction.
- Mechanized land clearing.
- Land leveling.
- Most road construction.
- Dam construction.

The final determination of whether an area is a wetland and whether the activity requires a permit must be made by the appropriate Corps District Office.

How can wetlands be recognized?

The Corps uses three characteristics of wetlands when making wetland determinations: **vegetation, soil, and hydrology**. Unless an area has been altered or is a rare natural situation, wetland indicators of all three characteristics must be present during some portion of the growing season for an area to be a wetland. Each characteristic is discussed below.

However, there are some general situations in which an area has a strong probability of being a wetland. If any of the following situations occur, you should ask the local Corps office to determine whether the area is a wetland:

- Area occurs in a floodplain or otherwise has low spots in which water stands at or above the soil surface during the growing season. **Caution: *Most wetlands lack both standing water and waterlogged soils during at least part of the growing season.***
- Area has plant communities that commonly occur in areas having standing water for part of the growing season (e.g., cypress-gum swamps, cordgrass marshes, cattail marshes, bulrush and tule marshes, and sphagnum bogs).
- Area has soils that are called peats or mucks.
- Area is periodically flooded by tides, even if only by strong, wind-driven, or spring tides.

Many wetlands can be readily identified by the general situation stated above. For the boundary of these areas and numerous other wetlands, however, it is unclear whether these situations occur.

In such cases, it is necessary to carefully examine the area for wetland indicators of the three major characteristics of wetlands: vegetation, soil, and hydrology. Wetland indicators of these characteristics, which may indicate that the area is a wetland, are described on the following pages.

Vegetation indicators

Nearly 5,000 plant types in the United States may occur in wetlands. These plants, known as ***hydrophytic vegetation***, are listed in regional publications of the US Fish and Wildlife Service.

However, you can usually determine if wetland vegetation is present by knowing a relatively few plant types that commonly occur in your area. For example, cattails, bulrushes, cordgrass, sphagnum moss, bald cypress, willows, mangroves, sedges, rushes, arrowheads, and water plantains usually occur in wetlands.

Other indicators of plants growing in wetlands include trees having shallow root systems, swollen trunks (e.g., bald cypress, tupelo gum), or roots found growing from the plant stem or trunk above the soil surface. Several Corps offices have published pictorial guides of representative wetland plant types.

If you cannot determine whether the plant types in your area are those that commonly occur in wetlands, ask the local Corps District Office or a local botanist for assistance.

Soil indicators

There are approximately 2,000 named soils in the United States that may occur in wetlands. Such soils, called *hydric soils*, have characteristics that indicate they were developed in conditions where soil oxygen is limited by the presence of saturated soil for long periods during the growing season. If the soil in your area is listed as hydric by the US Natural Resource Conservation Service (NRCS), the area might be a wetland.

If the name of the soil in your area is not known, an examination of the soil can determine the presence of any hydric soil indicators, including:

- Soil consists predominantly of decomposed plant material (peats or mucks).
- Soil has a thick layer of decomposing plant material on the surface.
- Soil has a bluish gray or gray color below the surface, or the major color of the soil at this depth is dark (brownish black or black) and dull.
- Soil has the odor of rotten eggs.
- Soil is sandy and has a layer of decomposing plant material at the soil surface.
- Soil is sandy and has dark stains or dark streaks of organic material in the upper layer below the soil surface. These streaks are decomposed plant material attached to the soil particles. When soil from these streaks is rubbed between the fingers, a dark stain is left on the fingers.

Hydrology indicators

Wetland hydrology refers to the presence of water at or above the soil surface for a sufficient period of the year to significantly influence the plant types and soils that occur in the area. Although the most reliable evidence of wetland hydrology may be provided by gaging station or groundwater well data, such information is limited for most areas and, when available, requires analysis by trained individuals. Thus, most hydrologic indicators are those that can be observed during field inspection. Most do not reveal either the frequency, timing, or duration of flooding or the soil saturation.

However, the following indicators provide some evidence of the periodic presence of flooding or soil saturation:

- Standing or flowing water is observed on the area during the growing season.
- Soil is waterlogged during the growing season.
- Water marks are present on trees or other erect object. Such marks indicate that water periodically covers the area to the depth shown on the objects.
- Drift lines, which are small piles of debris oriented in the direction of water movement through an area, are present. These often occur along contours and represent the approximate extent of flooding in an area.
- Debris is lodged in trees or piled against other object by water.
- Thin layers of sediments are deposited on leaves or other objects. Sometimes these become consolidated with small plant parts to form discernible crust on the soil surface.

Wetland determination

One or more indicators of wetland vegetation, hydric soil, and wetland hydrology must be present for an area to be a wetland. If you observe definite indicators of any of the three characteristics, you should seek assistance from either the local Corps District Office or someone who is an expert at making wetland determinations.

This brochure is not intended to be used to make a final wetland determination or delineation; it is intend, however, to provide some general information concerning wetlands identification.

What to do if your area has wetlands that you propose to alter?

Contact the Corps District Office that has responsibility for the Section 404 permitting process in your area. This office will assist you in defining the boundary of any wetlands on your property, and will provide instructions for applying for a Section 404 permit, if necessary.

Webmail

thagerty@centurylink.net

Wetland Maps

From : Kara A SPK Hellige <Kara.A.Hellige@usace.army.mil>

Fri, Feb 05, 2016 11:14 AM

Subject : Wetland Maps

To : thagerty@centurylink.net

This first two links are for two different wetland maps. For the first one click to open wetland mapper and zoom into the area in question. Make sure you have the wetlands layer checked. Please keep in mind these tools only provide you with an indicator that a wetland may be present. However, the lack of a wetland polygon doesn't necessarily mean that there isn't a wetland present.

* <http://www.fws.gov/wetlands/Data/Mapper.html>

* <http://csurams.maps.arcgis.com/apps/webappviewer/index.html?id=a8e43760cb934a5084e89e46922580cc>

This third link will bring you to the brochure I suggested entitled Recognizing Wetlands
http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/Wetlands/rw_bro.pdf

Please let me know if you have any questions.

Kara Hellige
 US Army Corps of Engineers
 Chief, Durango Regulatory Office
 Sacramento District
 1970 E 3rd Ave, #109
 Durango, Colorado 81301
 970-259-1604 (office)
 970-317-5152 (cell)
 Customer Service Hours: 9:00am to 3:00 pm

Please provide us with your feedback by filling out a customer survey at
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

For more information about our program, you can visit our website at
<http://www.spk.usace.army.mil/Missions/Regulatory.aspx>

Other Resources :

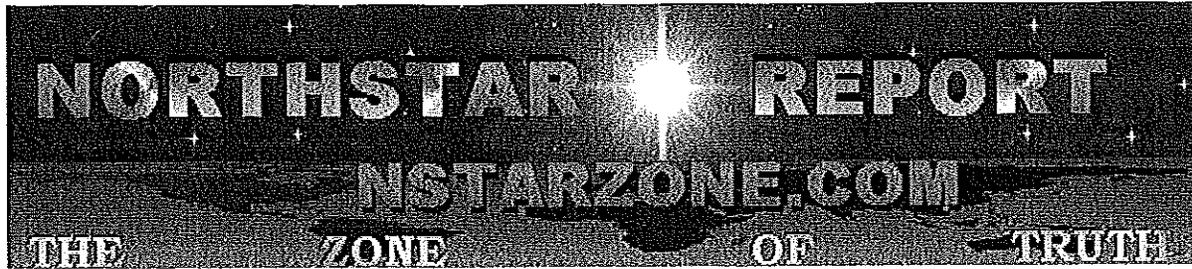
*Division of Water Resources / Water Resource Division
 (behind City Market) 970-2931
 CO State Govt.*

*Harry Lynch - PCOA - person who would put in for
 permit - did he do that?*

Living Near

Towers

Noises etc.



HOME MEDICINE MESSAGES ABOUT WEBRADIO SPIRITUAL FHU OBAMA SURVIVAL GUNS
US



THE TRUTH ABOUT CELL TOWERS

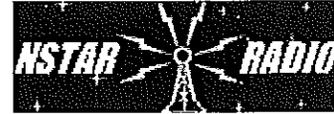
Cell Towers are popping up in everyone's backyard these days. And most of us fail to realize the dangers involved in having these monsters looming over our neighborhoods or even strategically placed atop our schools, churches or apartment buildings. Having a mobile phone - and the risks of using one - is an individual choice. What is NOT an individual choice is whether a mobile phone tower - with all of it's health risks - is placed in your neighborhood.

A 2004 German government study found that people living within 1300 feet of cell towers had **THREE TIMES** the normal cancer risk. A French medical study of people living within 1,000 feet of cell towers documented an unusually high level of complaints of extreme fatigue, memory loss, headaches, sleep disorders, depression, skin problems, hearing loss and cardiovascular problems. The Indian government has banned mobile phone towers in school and hospital premises and directed cellular firms to take permission from residents welfare associations before setting up base stations in residential areas, in efforts to limit the harmful effects of electromagnetic radiation exposure.



* For the location of cell tower antennas in your neighborhood Click Here *

A resolution by the International Association of Fire Fighters (IAFF) opposed commercial cell towers on fire stations after a medical study showed increased cancer, brain and nerve problems for irradiated personnel. There is an undertone to the arguments on the side for cell towers of "If you can't see or smell or taste anything wrong, what's the problem?" The fact of the matter is that unless you have a geiger counter, you don't know how much radiation is present. If you don't have a gaussmeter, you cannot measure electromagnetic fields, so the intangibility of of the damage is enough for the ignorant masses to pretend they don't exist, at least until they get cancer.



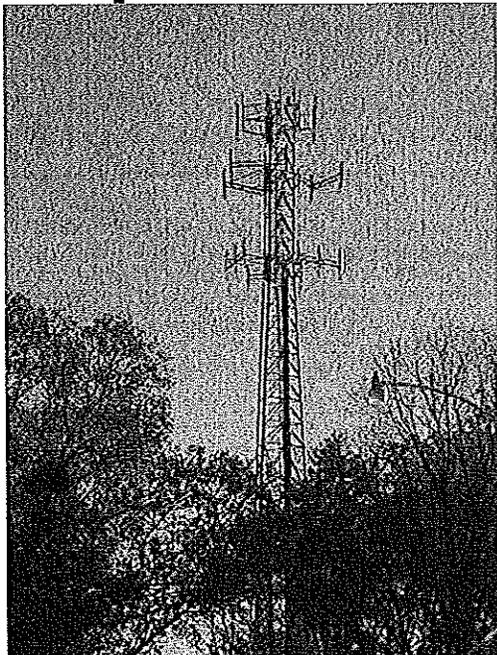
We are dealing with the issue of pure greed on the part of these wireless companies. They care NOTHING about the dangerous health effects on people living near these towers of doom. Telecom providers are not required by law to consider health effects in their siting proposals thanks to our sellout traitorous politicians. The Telecom Act of 1996 prevents local planning authorities from prohibiting cell tower construction on the basis of health considerations. Thanks to this corrupt unconstitutional federal law, city planners are obligated to rubber stamp whatever facilities wireless providers say they need for 'essential'

services. Do we need to sacrifice our health for the convenience of cell phone users, and for the billion dollar corporations that get rich at our expense?

Despite all of this, you still have SOME rights concerning the placement of these towers, such as finding the owners of the property on which these towers are located, and letting them and everyone concerned know that you oppose what they are doing, and explaining why. Get to know what these towers look like, and the chances are you won't have to look very far to find one. And don't let that funny looking tree fool you, its actually a poorly disguised cell tower. Those tubular objects on the side of your apartment building or office near the roof? That strange looking smokestack recently placed on top of your building? More cell towers. Microwave radiation from cell towers can pass easily through walls, windows and roofs.

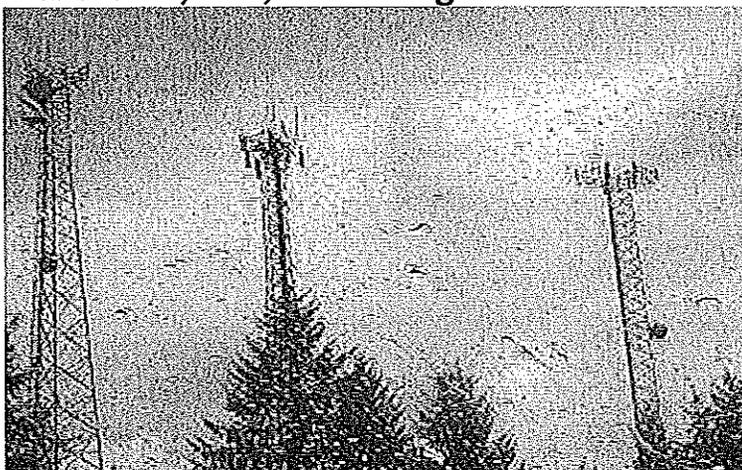
Let's think about it, if these carriers say there is no danger from these towers, then why would they assemble a tower in less than 2 hours, and then run like a thief in the night? Why would they try to hide them? The way we see it the "get in - get out - and hide" method limits exposure to the public eye, thus creating less publicity for these unsightly and dangerous menaces surrounding us. Time and time again the stories unfold with the same dire circumstances, someone is diagnosed with leukemia, and someone is left pondering the idea as to whether there are any other people in the area diagnosed with the same condition. And with a little investigation, they discover multiple cases of leukemia and cancer in the surrounding area. And all within a mile of one of these cellular towers or a power substation. Educate others on the dangers of cellular towers, and what they can do to prevent them from becoming a part of their backyard, affecting their health, and their way of life!

Wi-Fi systems essentially take small versions of cell phone masts and puts them into the home and classroom - they emit much the same kind of radiation. Though virtually no research has been carried out, campaigners and scientists expect them to cause similar ill-effects from the radiation. We are all now living in a soup of electromagnetic radiation one billion times stronger than the natural fields which our living cells were designed for. This could cause a medical catastrophe in the near future.



Apart from the devastating health effects of cell towers, the day is now approaching in which government mind control technologies will be directed at you, your neighbors, and your loved ones. Every single day, equipment is being erected and installed in this country with the hidden purpose of exerting mind control over the entire population. Everywhere in this country, ELF/microwave transmission (cell phone) towers are being erected. The antennae usually look like four slightly curved vertical plates about 2 to 4 feet in length and located in either 3 or 4 quadrants around the tower, roof, or chimney. Just look around and you'll see them. And you'll also notice more of them going up once you begin to pay attention. No one is saying anything, but you're expected to presume that they're for cell phones.

Do you really think that we need that much 'cell phone' transmission capability? Hardly. These mind control technologies have been in place for a long time. It's not an accident that the frequency band chosen for cell phone use just happens to match the second order waves that Wilhelm Reich discovered in the late 1940's to effect thought transmission and allow the mind to be manipulated without the victim realizing it. Reich worked on this project secretly for the CIA for over 5 years, from 1947-1952, until he realized who the CIA was planning to use the mind control on - the American people. He was outraged that he was deceived and used for such a devious motive and swore never to cooperate with the CIA ,NSA, or FDA again.



Reich was murdered in Federal prison in 1957, just a few weeks before he was due to be released, having been in prison for 2 years on a false, trumped up charge of contempt of court. The mind control effects of these transmission frequencies can vary from bringing on sedation, nausea, or emotional and mental confusion. Behind the proliferation of cell phones being hyped upon us, despite their health dangers, there is a hidden motive. And with the rapid proliferation of ELF transmission towers, that motive is abundantly clear. Mass mind control of the population, and the destruction of our health in the process. These microwave emissions from phone masts may become the biggest singular cause of human suffering, and possible premature death, in the years to come.

*** For help in fighting the placement of cell towers near your home Click Here ***



E-Mail: NORTHSTARZONE@YAHOO.COM

HOME MEDICINE MESSAGES ABOUT US LISTEN SPIRITUAL FHU OBAMA SURVIVAL GUNS

"And these signs will follow those who believe: In My name they will cast out demons; they will speak with new tongues; they will take up serpents; and if they drink anything deadly, it will by no means hurt them; they will lay hands on the sick, and they will recover." - Jesus; Mark 16: 17-18

00020742



UPS STORE 5807 <ups5807@gmail.com>

Please print out and copy - LAWYERS ANSWERING QUESTIONS ABOUT CELL TOWERS

1 message

Vatic Master <prophit0@gmail.com>
To: UPS5807 <UPS5807@gmail.com>

Mon, Feb 8, 2016 at 1:18 PM

Questions & Answers

<http://www.anticelltowerlawyers.com/questions-answers/>

Below is a list of the most common questions which both individuals and zoning boards often have about Cell Towers. To get answers, simply click on the links. For studies and information regarding the potential adverse health effects caused by Cell Towers, you can also go to the Links section of this website.

[+] What is the Telecommunications Act of 1996?

[+] Do property owners have a right to oppose the approval of Cell Tower applications?

[+] Can local Zoning Boards legally deny applications to install Cell Towers?

[+] What is the shot clock?

[+] Do Cell Towers Ever Collapse?

[+] Aren't Cell Towers Just as Safe as Telephone Poles?

[+] Does the installation of a Cell Tower reduce the values of nearby properties?

[+] Isn't the FCC Protecting Us?

[+] Do Cell Towers Cause Cancer or other Illnesses?

[+] What is the Telecommunications Act of 1996?

The Telecommunications Act of 1996 is a law which stripped all States and local governments of their power to consider the potential adverse health impacts of RF radiation from Cell Towers and Cell Antennas, when a wireless company files any type of zoning application seeking to install them.

As hand-crafted by those lobbying for the wireless industry, Section 704 of the Act provides:

"No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

The reference to *"the Commission's regulations"* refers to the FCC, and denotes that, local governments can't even discuss, much less consider, adverse health impacts, so as long as the Cell Towers/Cell Antennas are compliant with FCC regulations.

Of course, those same proponents of the wireless industry also succeeded in making sure that such FCC regulations for Cell Towers and Cell Antennas, are virtually non-existent.

By way of example, the majority of Cell Towers in residential areas generally range from 100 to 170 feet in height, and the FCC exempts from registration requirements all towers under 200 feet. This means that the FCC doesn't even know where the Cell Towers are, much less what levels of RF radiation they are emitting.

Similarly lacking in protection, are the FCC's safety limitations for the public's exposure to RF radiation from Cell Towers and Cell Antennas.

Allegedly influenced by the wireless industry, the FCC proceeded to deem as "safe", levels of RF radiation which are 10 to 5,000 times higher than the maximum levels deemed as safe by most other countries.

To learn about same, and about what the FCC is "really doing" in terms of "regulating" Cell Towers and Cell Antennas, go to the Government Related Info & Links section of this website.

Do property owners have a right to oppose the approval of Cell Tower

applications?

Absolutely. Aside from your rights, under state law, to be heard at public hearings, you also have a right to submit opposition to Cell Tower applications, under the 1st Amendment to the United States Constitution, which guarantees your right to petition government for the redress of grievances.

Under this guarantee, you have a U.S. Constitutional right to be heard before town boards, planning boards and zoning boards, and to make submissions to oppose any Cell Tower application pending before any such local boards.

In exercising such state and federal rights, you have the right to fight against sustaining a loss to the value of your property as a result of the installation of a Cell Tower in close proximity to your property.

You can exercise these rights to protect yourself, your family, friends and neighbors against the dangers of Cell Tower collapse, and to fight against having the installation of a Cell Tower which would adversely affect the character or aesthetics of your neighborhood.

You have the right to assert all factual grounds upon which a respective application should be denied, and all legal grounds upon which a respective Cell Tower application should be denied, or in some cases, must be denied as a matter of law.

To exercise such rights, of course, you will need to recognize both the factual and legal grounds upon which to challenge a Cell Tower application, and the manner in which to assert such challenges.

Where such rights have been exercised effectively, individuals and civic associations have defeated carrier's efforts to install one or more Cell Towers near their respective homes or businesses.

They have even forced a carrier to tear down a Cell Tower, despite the fact that construction of the Tower was already 75% complete, with its foundation installed to completion, and the first 50 feet of the 100 foot tower already having been installed.

Can local Zoning Boards legally deny applications to install Cell Towers?

Of course. There is a moderately wide range of legally valid basis upon which a local zoning board, planning board or town board may deny,

and in fact, may be legally compelled to deny, an application for the installation of a Cell Tower.

What is critical to their decision is that:

- (a) they cannot base a denial upon the potential adverse health impact of the RF emissions from the Cell Tower, because that would run afoul of the Telecommunications Act of 1996,
- (b) the denial of such an application must be based upon a legally recognizable basis, and
- (c) they must create a record which clearly sets forth that the denial was premised upon the legally recognizable basis, and the evidentiary grounds which lead them to reach their decision.

If a board fails to meet any of the above three criteria when it denies a wireless company's Cell Tower application, the Town should recognize the possibility of being sued in federal court by the respective wireless company, in a lawsuit within which the wireless company will seek to obtain a federal Court order directing the Town to permit the Cell Tower to be installed.

[See also *What is the shot clock?* below for further details]

What is the shot clock?

The "shot clock" is the newest weapon available to the wireless companies, courtesy of the FCC.

The FCC now requires all local zoning authorities to decide Cell Tower applications within 150 days for new towers, and 90 days for co-location.

The FCC imposed this requirement on both the States and all local governments under FCC ruling 09-99, issued on November 18, 2009.

In addition to imposing this new time constraint, the FCC further ruled that wireless companies can sue local governments in court if they fail to render a decision within the deadlines which the FCC has imposed upon them.

+] Do Cell Towers Ever Collapse?

Yes, more often than one would expect.

Like Smart Cars, Cell Towers are built to be economically sensible rather than being built to be as safe as possible. Moreover, the blinding pace of Cell Tower installations across the Country makes "quality control" over the manufacturing and installation processes virtually impossible.

As such, they present a very real danger of collapse, and the potential to cause harm such as property damage, and personal injury or death to anyone who might be unlucky enough to be near a 10 to 19 story Cell Tower when it fails.¹

Unlike telephone poles, which consist of one solid piece of wood, Cell Towers are constructed of multiple individual components, the failure of one or more of which can cause a complete structural failure, and concomitant collapse.

Some of the most common areas and elements of failure which result in the collapse of Cell Towers are baseplates, flanges, joints, bolts and guy wires.

In some cases, Cell Towers have caught fire. With a simple visit to YouTube, you can watch multiple videos of a Cell Tower burning as it collapsed to the ground. Even their foundations have the capacity to fail.

For these reasons, it is imperative that local zoning authorities adopt and require strict compliance with setback requirements necessary to protect both local citizens and the public from the danger of collapse that Cell Towers present.

¹ Most Cell Towers installed near residential areas range from 100 to 199 feet in height.

[See also Cell Tower Failures]

Aren't Cell Towers Just as Safe as Telephone Poles?

No. Cell Towers and Telephone Poles (Utility Poles) are at opposite ends of the safety spectrum.

There are two critical differences which make telephone poles exponentially safer than Cell Towers, in terms of the danger of collapse. They are lateral support, and single-element construction.

The most common cause of telephone pole failure is car accidents, where a driver slams their car into the base of a telephone pole. When they strike it hard enough, they often snap the pole clean off at its base.

When that occurs, the pole generally does not fall, despite the fact that it has suffered a complete structural failure. The reason that severed telephone poles generally do not fall, is because they are held up by all of the telephone poles around them, to which they remain tethered by all of the power and communications lines which are attached to them.

By contrast, standard Cell Towers ranging from 100 to 170 feet in height generally have zero lateral support. As such, when they fail, there is absolutely nothing which can stop them from crashing down upon whatever or whomever happens to be near them.

In addition, unlike a Cell Tower which consists of an assemblage of multiple components, each one of which can fail, telephone poles consist of a single solid piece of wood. It is generally devoid of joints, baseplates, connecting bolts, ground-based guy wires or foundations, each of which have been known to fail and cause the collapse of a Cell Tower.

[See also Telephone Pole Failures]

[+] Does the installation of a Cell Tower reduce the values of nearby properties?

Yes. Just find a real estate broker whom you trust, and they will give you the same answer. Or simply ask yourself if you would prefer to purchase a home which has a Cell Tower looming over it, or one which doesn't.

Studies

The Bond and Hue - Proximate Impact Study

The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Cell Tower reduced price by 15% on average.

The Bond and Wang - Transaction Based Market Study

The Bond and Wang study involved the analysis of 4,283 residential

home sales in 4 suburbs between 1984 and 2002. The study reflected that close proximity to a Cell Tower reduced the price between 20.7% and 21%.

The Bond and Beamish - Opinion Survey Study

The Bond and Beamish study involved surveying whether people who lived within 100' of a tower would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only 1%-9%, and 24% said they would reduce their sale price by 10%-19%.

Experts, Courts and News

"As a licensed real estate broker with over 30 years of experience, it is my professional opinion that the installation of a Cellular Tower can significantly reduce the value of neighboring residential properties."

Lawrence Oxman, Licensed Real Estate Broker

United States Court of Appeals for the 11th Circuit upheld a denial of a Cell Tower application based upon testimony of residents and a real estate broker, that the Tower would reduce the values of property which were in close proximity to the Tower.

Phone Masts (Cell Towers) Blight House Sales [Article Link]

Isn't the FCC Protecting Us?

No. To the contrary, the FCC has employed, and continues to employ its power to assist the wireless industry in constructing as many Cell Towers and Cell Antennas as they can, as fast as they can, wherever they want, including atop public schools.

Each time the wireless companies encountered any form of resistance, from anyone, the FCC has come to their aid to issue regulatory decision after decision, to obliterate any obstacle the wireless company might face, including, but not limited to local governments and utilities which didn't immediately bow down to the whim of the wireless companies storming into their town or village.

Simultaneously, the FCC has abstained from exercising any meaningful oversight or control over the tens of thousands of Cell Towers which the wireless companies have been installing at a blistering pace.

The fact is that the FCC doesn't even know where all of the Cell Towers are, much less what levels of RF radiation such towers are bombarding upon local populations and schools.

If you want to know what the FCC is actually doing, go to the Government Related Information & Links section of this website.

Read the FCC's decisions, and the statements of the Commission, and you can draw your own conclusions as to whether they are protecting the American public, or the wireless carriers they are supposed to be regulating.

Do Cell Towers Cause Cancer or other Illnesses?

A personalized answer from Andrew J. Campanelli

I am not a scientist, and I do not consider myself an activist. I am just a lawyer.

As a litigator with nearly 20 years of experience in federal and state courts, I was asked to commence a lawsuit against subsidiaries of five of the largest telecommunications companies in the world, to force them to remove more than 50 cell antennas which were situated only 50 feet from an elementary school in New York.

After a New York City television station aired a news segment about the case, I began receiving e-mails, reports, and expert studies from around the world, regarding the adverse health impacts caused by RF emissions from Cell Towers.

Having read voluminous pages of such documents, reviewed case studies, and spoken to, and read the reports of, numerous research scientists, I have been personally constrained to come to four specific conclusions.

- First, that continued exposure to the RF radiation from Cell Towers can cause adverse health impacts such as cancer and leukemia, among others.
- Second, that the segment of the population which is most susceptible to the dangers of such adverse health impacts, are children.
- Third, unlike when a person voluntarily exposes themselves to RF emissions by temporarily using their cell phone, when a Cell Tower

is placed near a school, students are involuntarily exposed to continuous and prolonged RF emissions for up to eight hours per day, five days per week, for the entire school year.

- Fourth, for the reasons set forth above, the United States should join the other Countries, around the world, who have already banned, or are in the process of banning, the installation of any Cell Towers within 1,500 feet of schools. I arrived at my conclusions after reviewing:
 - Numerous case studies and articles detailing cancer clusters around Cell Towers
[See Cancer & Leukemia News Links]
 - Multiple expert studies regarding the adverse health impacts of RF emissions
[See Expert Studies Links]
 - Multiple news reports confirming how many Countries, other than the U.S., have banned or are moving to ban the installation of Cell Towers near schools
[See School News Links]

[See also My Call Into the Cell Tower Battle]

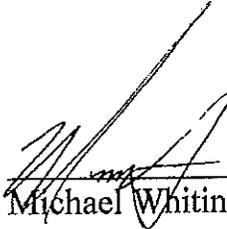


①

ARCHULETA COUNTY, COLORADO

**ARCHULETA COUNTY COMMISSIONER DISTRICT #3
OATH OF OFFICE**

I, **Michael Whiting**, do solemnly affirm, that I will support the
Constitution of the United States and the Constitution of the State of
Colorado and that I will faithfully perform the duties of the office of
Archuleta County Commissioner District #3 to the best of my skill and
ability.

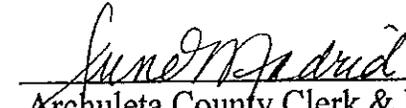


Michael Whiting

State of Colorado)
)ss
County of Archuleta)

Subscribed and sworn to before me this 20th day of January, 2015 by
Michael Whiting who did personally appear before me and received the
above oath.

My Commission expires:
With Office



Archuleta County Clerk & Recorder
June Madrid

John: June Madrid



UPS STORE 5807 <ups5807@gmail.com>

Please copy and print out one extra one , thanks. Lawyers on our legal rights

1 message

Vatic Master <prophit0@gmail.com>
To: UPS5807 <UPS5807@gmail.com>

Mon, Feb 8, 2016 at 12:45 PM

Campanelli & Associates, P.C.**(516) 746-1600**<http://www.anticelltowerlawyers.com/know-your-rights/local-governments.html>**Site Navigation[Skip]**

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Local Governments

Notwithstanding all of the posturing and puffery of their attorneys, when wireless companies file local applications seeking to install Cell Towers or Cell Antennas, local governments remain vested with both the power, and the obligation, to enact and enforce local zoning laws in such a manner as to protect their citizens.

That power encompasses the ability to enact and enforce all ordinances rationally related to protecting their citizens and their communities from virtually any potential adverse impacts which the installations of Cell Towers or Cell Antennas might create, other than the potential adverse health impact of the RF emissions which would emanate from such towers or antennas.

It also includes both the power and the obligation to accept and take into consideration, objections from their citizens and nearby property owners, and the power to deny wireless company's applications where

there is a legitimate and legally recognizable basis for such a denial.

At Campanelli & Associates, P.C., we offer experienced representation to local governments which are desirous of invoking their powers to protect their citizens, and the public, from the potential adverse effects of Cell Towers and/or Cell Antennas, through the enactment and enforcement of local zoning ordinances.

As a seasoned litigator with nearly 20 years of experience, our principal, Andrew J. Campanelli leads our team in offering experienced legal representation to local governments across the nation.

Lead by him, our legal team offers drafting guidance to local governments which are seeking assistance in enacting zoning ordinances which govern the installation of Cell Towers and Cell Antennas, to ensure the protection of their citizens and the general public.

We also offer legal defense to local governments nationwide, in the event they are sued by a wireless company, as a result of

- (a) having denied an application to install one or more Cell Towers or antennas, or
- (b) having failed to render a determination prior to the deadline imposed by the FCC's "shot clock" [See our **Q&A Section** for details], or
- (c) because of the local government having enacted local regulations or ordinances which govern or restrict the installation of Cell Towers or Cell Antennas.

Whether it involved a single case, or where a local government has asked him to assume the prosecution of over 1,400 new cases simultaneously, Mr. Campanelli has answered the challenge, with remarkable results.¹

In 2002, the County of Nassau in New York retained Mr. Campanelli to assume the prosecution of over 1,400 pending civil forfeiture actions which had been commenced under a local DWI seizure program. In his first year of handling the County's cases while simultaneously maintaining his existing litigation practice, Mr. Campanelli disposed of over 1,000 of the County's civil cases, with a 99% success rate.

In disposing of over 1,000 of the County's cases within the first year of

the firm having been retained by the County, Mr. Campanelli increased the rate of disposition of the County's civil cases by one thousand five hundred percent (1,500%). [See Graph]

Simultaneously, Mr. Campanelli increased the revenues being generated by the County's civil forfeiture program by one thousand eight hundred percent(1,800%). [See Graph]

¹ [Prior results do not guarantee a similar outcome]

<<Prev | =List= | Next>>

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Alternative

Sites



Janet Monks <monks.js@gmail.com>

Pagosa Springs Cell Tower Location

1 message

cathybankston@gmail.com <cathybankston@gmail.com>

Fri, Feb 12, 2016 at 5:03 PM

To: shererj@bv.com

Cc: Janet Monks <monks.js@gmail.com>, Matt Carnahan <matt.carnahan@oldcastle-materials.com>

Dear Jeff,

Thank you for taking the time to speak with me regarding the proposed Verizon cell tower in Pagosa Springs, Colorado.

I stated in our conversation that, as a long time property owner in Pagosa Lakes, I am opposed to placing a tower in the open spaces; but, as a cell phone user, I do appreciate having the convenience and service. I am sympathetic to, and agree with, the concerns of the Pagosa Lakes residents who wish to protect the wildlife habitat, natural beauty, recreational spaces and property values of their neighborhood.

As a conscientious citizen, I feel it is our duty to be good stewards of land we have been blessed with, keep man made structures and scarring of the natural landscape to a minimum. If at all possible, utilize instead spaces that have already been damaged by industrial use for things such as cell towers.

It is a difficult, but manageable, balance we must maintain in order to have the conveniences we desire, while protecting our natural surroundings.

I own such an "industrial" site in the area that may be a workable location for the tower, and pleasing to the property owners of the area.

It is "hidden" on a hill above the customers Verizon wishes to serve. Please pass the address along to the engineers who study tower sites. I hope this location will be the solution to improved cell service, while protecting the environment and keeping the peace with property owners.

3157 County Road 600
Pagosa Springs, Colorado 81147

Please let me know the results of the property study and thank you for your thoughtful consideration.

Sincerely,
Cathy Bankston
214-274-9612

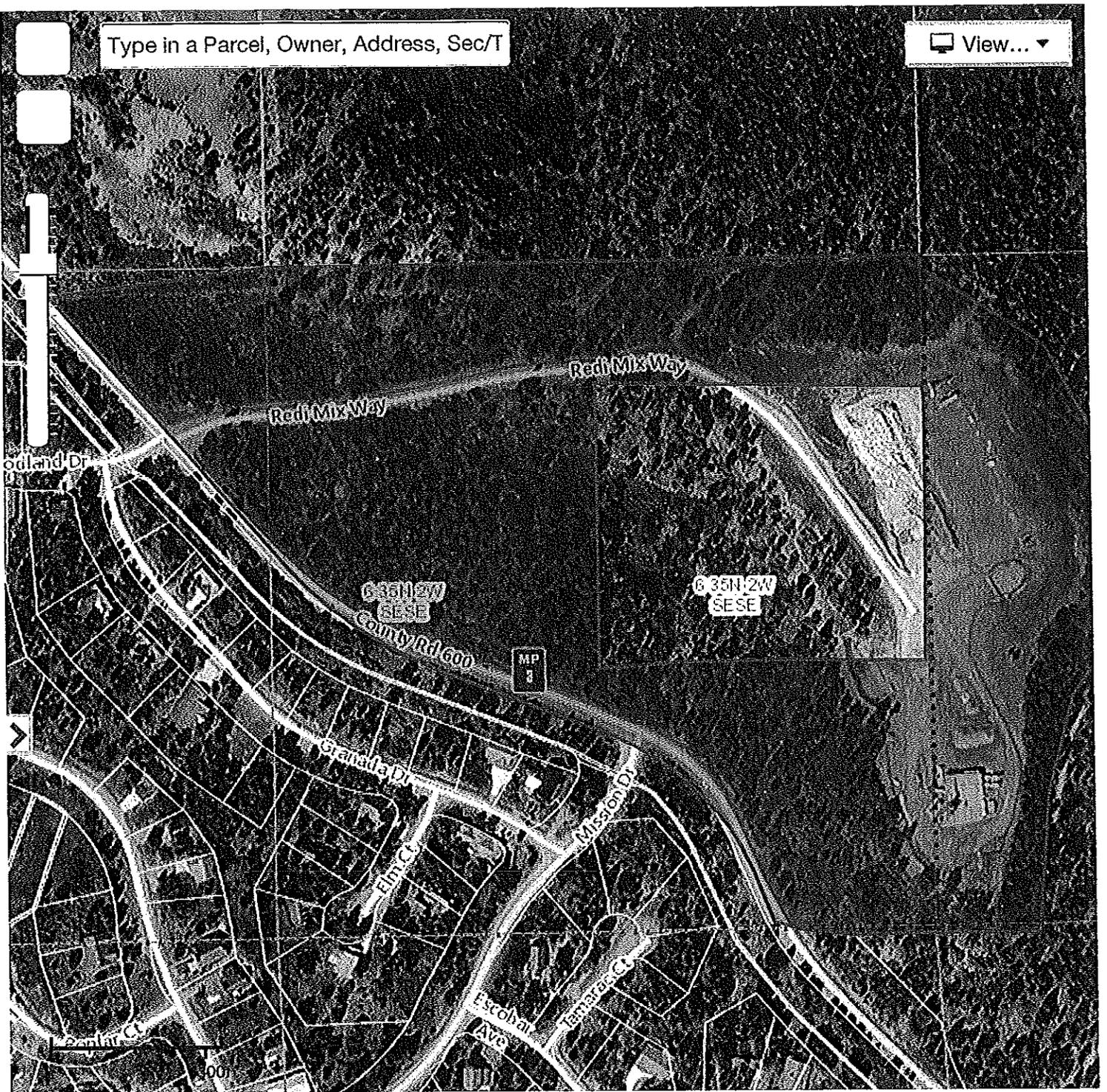
Sent from my iPhone



3157 CR 600
Account # R004707
Parcel # 569 905 300072
8.2 Acres
Zoning- Industrial

Type in a Parcel, Owner, Address, Sec/T

View... ▼



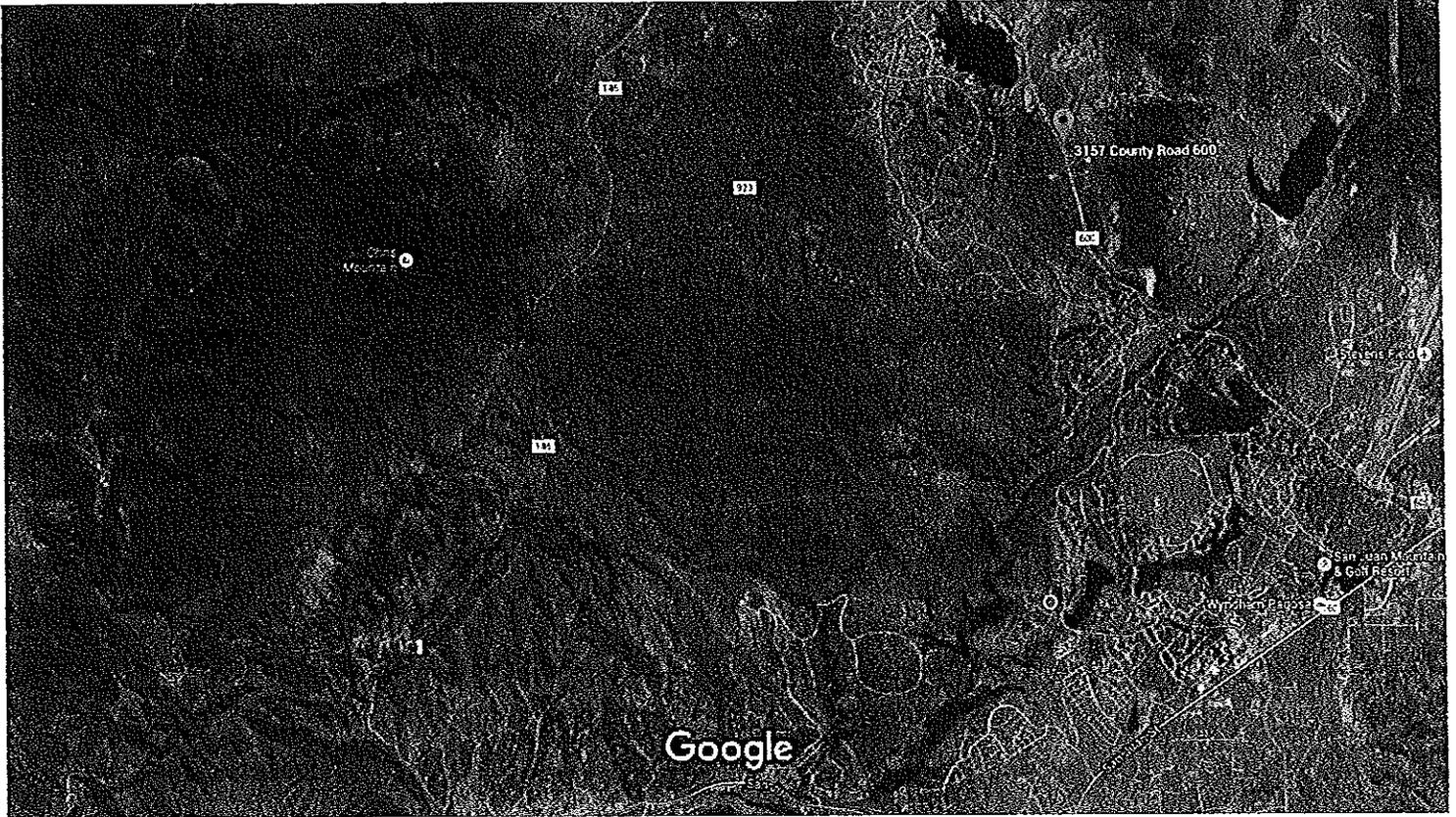
3157 CR 600

Account # W004708

Parcel # 569966400010

28.09 Acres

Zoning- Agricultural



Imagery ©2016 Google, Map data ©2016 Google 2000 ft

3157 Co Rd 600
Pagosa Springs, CO 81147

At this location

Four Corners Materials
Paving Contractor · Co Rd 600





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3157 Co Rd 600
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At this location

Four Corners Materials
Paving Contractor · Co Rd 600

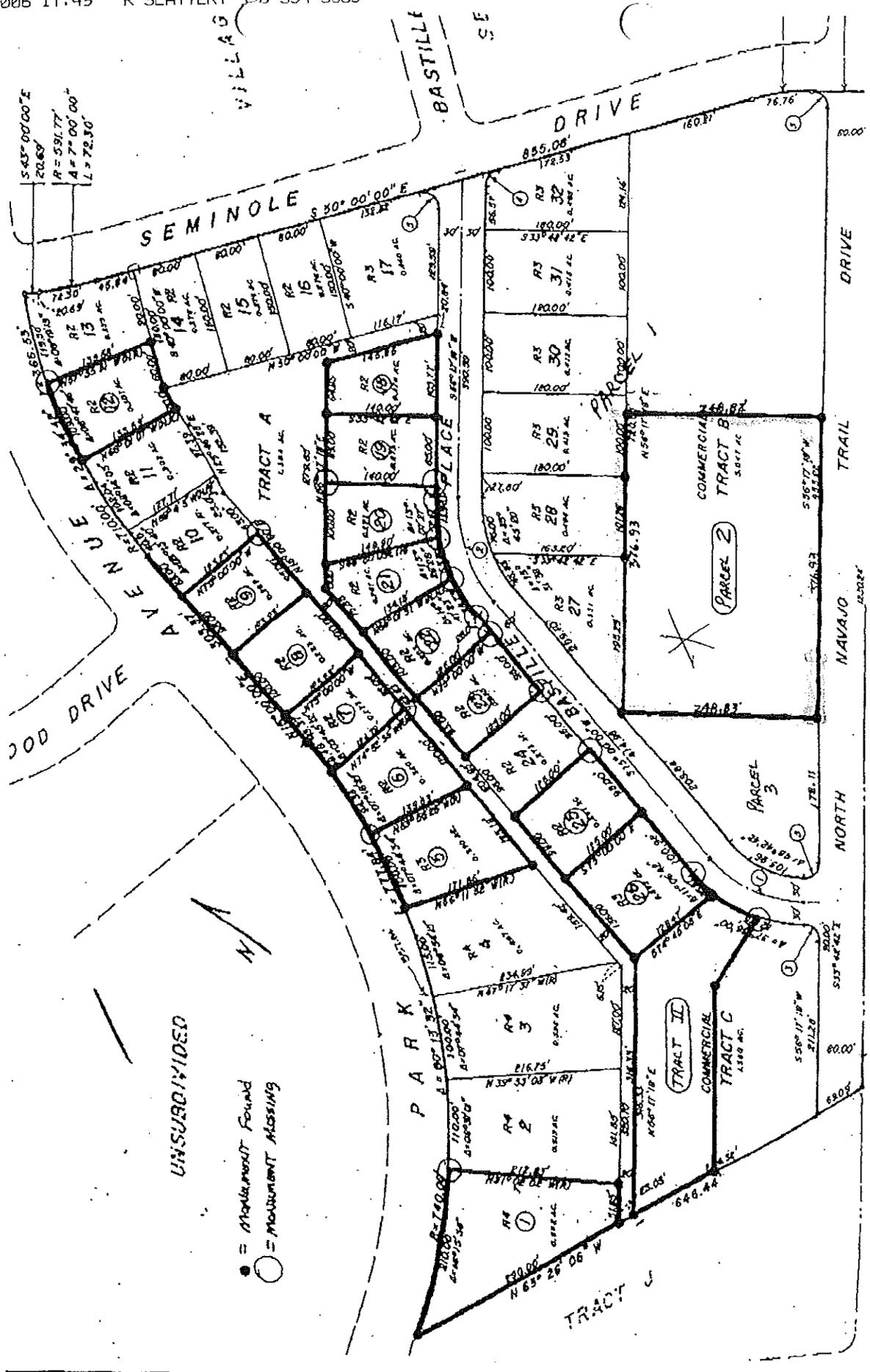


ALTERNATIVE VERIZON TOWER SITE

575 NAVAJO TRAIL DRIVE

- ZONED COMMERCIAL – Attached See Section 3 Zoning Regulations
- 2.15 ACRES - Attached See Site Map
- OFFERED AT \$375,000.00
- PUBLIC UTILITIES – At corner of parcel 1 and parcel 2
PAWS Tap fees paid
- EASY ACCESS - from Frontage Road
- TREED
- NO WETLAND ISSUES

Offered by Galles Properties
Steve Crow – 970.946.2134



515 NAVASO TRAIL DR

3 SECTION 3 – ZONING REGULATIONS

3.1 DISTRICT REGULATIONS

3.1.1 Zoning Map:

3.1.1.1 Zoning Map Adopted

The Board of County Commissioners hereby provides for the adoption of the "Zoning Map of Archuleta County, Colorado," a true and correct copy of which shall be maintained on file in the office of the County Clerk and Recorder.

3.1.1.2 Transition to Zoning Districts

On and after the date of adoption by the Board of County Commissioners of the zoning map described at Section 3.1.1 and any amendment thereto, all real property within the unincorporated area of Archuleta County described in such map or amendment thereto shall be included within the Zoning Districts described at Section 3.1.2., and, in some cases, also within one or more of the Overlay Districts described at Section 3.1.5, all as shown on the Zoning Map of Archuleta County, Colorado.

3.1.1.3 Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of zoning districts to be shown on the official Zoning Map, the following shall apply:

- a. Centerlines of road boundaries shall follow the centerlines of roads, highways, and /or alleys.
- b. Platted lot line boundaries shall follow the platted lot line.
- c. County line boundaries shall follow the County limits.
- d. Railroad line boundaries shall be midway between the main track(s).
- e. Shore line boundaries shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of rivers, streams, canals, ditches, or other bodies of water shall be construed to follow the center lines.

3.1.2 Zoning Districts Established:

The County is divided into the following Zoning Districts to implement the Community Plan and related official plans and the official Zoning District Map, and to serve other purposes of these Regulations:

3.1.2.1 Agricultural/Forestry (AF)

The AF Zoning District is intended to provide for permitted regulation of land uses on federal, state, BIA, lands. The AF district includes the majority of public lands within the county. Land use in the AF district is encouraged to conserve forest resources, protect the natural environment, and preserve uninhabited areas.

3.1.2.2 Agricultural/Ranching (AR)¹

¹ Amended 2006; (Res. 2006-25)

The AR Zoning District is intended to be generally consistent with the Very Low Density Residential land use district in the Community Plan and provide areas where continued agriculture or grazing use is practiced on a large scale. The AR district includes the majority of the rural agricultural land within the county that is in private ownership, with residential density a *maximum of 2 dwellings per lot, parcel or tract. More than 2 dwellings on 35 acres or more may be permitted for active agricultural businesses such as farms and ranching operations, where the associated Land Use Permit has been approved.*² Land use in the AR district is encouraged to provide for the maintenance of agricultural production and preservation of associated life styles, with new residential development encouraged to proceed through the Rural Land Use Preservation subdivision process. Commercial uses are generally limited to those associated with agricultural uses.

3.1.2.3 Agricultural Estate (AE)³

The AE Zoning District is intended to be generally consistent with the Low Density Residential land use district in the Community Plan, and provide areas where continued agriculture or grazing use is practiced on a smaller scale. Residential densities in this district range from two (2) dwellings per five (5) acre lot up to two (2) dwellings per thirty five (35) acre lot. Residential development in the AE district is encouraged to be designed in a way that provides for the preservation and protection of irrigated croplands, range lands, watershed and wildlife habitats. Commercial uses are generally limited to home occupations and those associated with non-intensive agricultural operations.

3.1.2.4 Rural Residential (RR)⁴

The RR Zoning District is intended to be generally consistent with the Medium Density Residential land use district in the Community Plan, and provide for orderly residential development where water and/or sanitary sewer services may not be available. Residential densities in this district range from two (2) dwellings per three (3) acre lot to two (2) dwellings per five (5) acre lot. Three (3) acre development is permitted where either water or sanitary sewer is available; a minimum of five (5) acres is required where both well and septic systems are necessary. Commercial uses are generally limited to home occupations.

3.1.2.5 Residential (R)

The R Zoning District is intended to be generally consistent with the High Density Residential land use district in the Community Plan, where adequate services and facilities are available and such densities do not negatively impact the essential character of the district or adjacent districts. Residential densities in this district range from one (1) dwelling unit per eight thousand (8,000) square foot lot to one (1) dwelling unit per three (3) acre lot. Residential development may be permitted in building configurations of single-family, two-family and multi-family dwellings, and home occupations are allowed. Commercial development other than home

² Amended Dec 2010;(Res. 2010-56)

³ Amended 2006; (Res. 2006-25)

⁴ Amended 2006; (Res. 2006-25)

occupations is generally not permitted unless it is approved in conjunction with a Planned Unit Development or Rural Community Overlay district.

3.1.2.6 Mobile Home Park (MH)

The MH Zoning District is intended to provide residential areas specifically for mobile home parks and mobile homes on individually owned lots. The integration of mobile homes is encouraged in areas where adequate services and facilities are available and such development does not impact the essential character of the district or adjacent districts. Commercial development other than home occupations is generally not permitted unless it is approved in conjunction with a Planned Unit Development.



3.1.2.7 Commercial (C)

The C Zoning District is intended to be generally consistent with the Commercial land use district in the Community Plan, and provide for all types of commercial activities which have functional and economic relationships to the County, including retail, office and personal services. Quality commercial development using design standards is required, while poor site planning that would negatively impact the County's scenic environment and tourism economy is discouraged.

3.1.2.8 Industrial (I)

The I Zoning District is intended to be generally consistent with Industrial Parks land use district in the Community Plan "to set aside possible locations for industrial parks to encourage the development of a more diversified economy". The I Zoning District also allows flexibility for other types of industrial development which are not likely to become a nuisance to surrounding areas. Any impact generating uses are operated primarily within an enclosed building, and outdoor storage areas are concealed from abutting roads and highways and from adjacent residential properties. Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations are confined primarily to the premises of the lot on which an industrial use is located. Non-industrial development is generally not permitted in the Industrial district.

3.1.3 Zoning District Uses:

Table 3 identifies Uses-By-Right and Conditional Uses that may be permitted in each of the zoning districts listed in Section 3.12. Any use not listed shall be considered a prohibited use.

TABLE 3: USES BY ZONING DISTRICT

- R - Use by Right
- C - Conditional Use

Note: Any unlisted use is prohibited. The Director of County Development is authorized to interpret the meaning and scope of the uses listed herein. The Director of County Development's interpretation may be appealed to the Board of County Commissioners.

USE	AF	AR	AE	RR	R	MH	C	I
AGRICULTURAL								
Agricultural Uses	R	R	C					
Commercial Stables or Horse Boarding		R	C					

USE	AF	AR	AE	RR	R	MH	C	I
Farm/Ranch Stand		R	C					
Greenhouse or Plant Nursery		R	C					
Log and Soil Storage	R	R						
Forestry Operation	R	R	R					
Tree Farms	R	R	R					
RESIDENTIAL								
Dwelling, Multi-family					C		C	C ⁵
Dwelling, Single-family Attached				C	R		C	C ⁶
Dwelling, Single-family Detached		R	R	R	R		C	C ⁷
Family Child Care Home		R	R	R	R	R		
Group Home		R	R	R	R			
Home Occupations (*See Section 5.5.5)		R*	R*	R*	R*	R*		
Manufactured Home ⁸		R	R	R	R	R	C	C ⁹
Mobile Home Park (*See Section 5.5.7)						R*		
Mobile Home Subdivision		C				R		
Recreational Vehicle Park (*See Section 5.5.8)		C ¹⁰	C			R*	C	
RV Subdivision						R		
COMMERCIAL								
Adult-Oriented Use							C	
Animal Shelter	C	C	C				C	
Bar or Tavern					C		C	
Bed and Breakfast		C	C	C	C		C	
Car Wash							R	
Child Care Center					C		R	
Clubs and Lodges							R	
Drive-in Use							C	
Entertainment Facilities and Theaters							R	
Equipment Rental and Sales							C	R
Financial Institution							R	
Firewood Related Wood Product Sales	R	R					R	

⁵ Amended May, 2013 (Res. 2013-21)

⁶ Ibid.

⁷ Ibid.

⁸ "Mobile Home" deleted (Res. 2013-21)

⁹ Amended May 2013 (Res. 2013-21)

¹⁰ Amended May, 2013 (Res. 2013-21)

USE	AF	AR	AE	RR	R	MH	C	I
Gasoline Station					C		C ¹¹	
Grocery Store, Large							C	
Grocery Store, Small					C		R	
Health and Athletic Club							R	
Lodging Establishment		C	C ¹²				R	
Medical and Dental Offices and Clinics							R	
Mortuary and Funeral Home							R	
Neighborhood Commercial Center					C			
Office, General							C	R
Office, Professional							R	C
Personal and Business Service Shops					C		R	
Printing and Publishing							C	P
Rental Cabins (3 or fewer)	R	R	C					
Lodging Units, 3 or fewer ¹³	R	R	C				C	
Lodging Units, 4 or more ¹⁴	R	C	C				C	
Restaurant					C		R	
Retail, Convenience Store					C		R	
Retail Establishment, Large							C	
Retail Use (5,000 S.F. to 25,000 S.F)							R	
Shopping Center							C	
Vehicle Minor Repair, Servicing and Maintenance							R	
Veterinary Facilities, Small Animal Clinic		R	C				R	
Veterinary Hospital		C	C				R	
INDUSTRIAL								
Asphalt Batch Plants								C
Building Contractors and Equipment		C					C	R
Concrete or Cement Plants								C
Industrial, Heavy								C
Industrial, Light								R
Junk Yard (*See Section 5.5.6)								C*
Logging Operation	C	C						
Oil and Gas Operation	C	C						C
Recycling Facility							C	R

¹¹ Amended Oct 2006; (Res. 2006-29)

¹² Amended July, 2013; (Res. 2043-42)

¹³ Ibid.

¹⁴ Ibid.

USE	AF	AR	AE	RR	R	MH	C	I
Resource Extraction, Processes and Sales	C	C						C
Sawmill	C	R						R
Truck Stop								C
Vehicle Major Repair, Servicing and Maintenance							C	R
Warehouse, Mini-storage							C	R
Warehouse and Distribution								R
Workshop and Custom Small Industry		R	C				C	R
RECREATIONAL								
<i>Campground</i> ¹⁵		R	C				C	
Dude Ranch or Wilderness Lodging (*See Section 5.5.4)	C*	C*						
Golf Courses and Driving Ranges		C	C	C				
Limited Indoor Recreation Facility							R	
Limited Outdoor Recreation Facility		C					C	
Outdoor Shooting Range		C						
Parks, Greenbelts and Passive Recreation Areas	R	R	R	R	R	R	R	R
Race track		C						
OTHER								
Accessory Uses and Structures (*See Sections 3.2.4 and 3.2.5)	R*							
Airport, Airstrip, Helipad (*See Section 3.1.5.1)	C*	C*	C*	C*				C*
Cemetery	R	R	C	C				
Churches and Religious Institutions	C	R	R	R	C	C	R	R
Building- or structure-mounted CMRS Facilities (*See Section 5.5.3)	R*							
Roof-mounted and freestanding CMRS Facilities (*See Section 5.5.3)	C*							
Electric Power Generation Facilities	C	C	C	C	C	C	C	C
Electric Power Transmission Lines	C	C	C	C	C	C	C	C

¹⁵ Amended August 2011; (Res. 2011-39)

USE	AF	AR	AE	RR	R	MH	C	I
Major Extensions of Existing Sewage Systems	C	C	C	C	C	C	C	C
Major Extensions of Existing Water Systems	C	C	C	C	C	C	C	C
Major New Sewage Systems	C	C	C	C	C	C	C	C
Major New Water Systems	C	C	C	C	C	C	C	C
Meeting Place and Place for Public Assembly	C	R	R	R	C	C	R	R
Mixed-Use Development					C		C	C
Natural Gas Transmission Pipelines	C	C	C	C	C	C	C	C
Outdoor Storage		C					C	R
Parking Lot							C	R
Private School		C	C	C	C	C	C	C
Public School	C	C	C	C	C	C	C	C
Public Use	C	C	C	C	C	C	C	C
Public Utility	C	C	C	C	C	C	C	C
Sanitary Landfills and Solid Waste Transfer Stations	C	C	C	C	C	C	C	C
Temporary Uses (*See Section 3.2.4)	R*							
Transportation Services and Facilities	C	C	C	C	C	C	C	C
Utility Substations	C	C	C	C	C	C	C	C
Water Impoundments	R	R	C	C	C	C	C	C
Water Storage Facilities	C	C	C	C	C	C	C	C

3.1.4 Zoning District Standards

Table 4 lists the height, setback and other zone district standards for each of the zone districts listed in Section 3.1.2.

TABLE 4: ZONE DISTRICT STANDARDS

DIMENSION	AF	AR	AE	RR	R	MH	C	I
Minimum Lot Size	160 acres	35 acres	5 acres	3 acres	8,000 ft ²	2,500ft ²	10,000 ft ²	10,000 ft ²
Minimum Lot Width	500 feet	200 feet	100 feet	80 feet	60 feet	40 feet	100 feet	100 feet
Minimum Front Setback	100 feet	75 feet	25 feet	20 feet	15 feet	10 feet	25 feet	50 feet
Minimum Side Setback	100 feet	25 feet	25 feet	20 feet	15 feet	10 feet	10 feet	25 feet
Minimum Corner Setback (street side)	150 feet	50 feet	50 feet	40 feet	25 feet	25 feet	25 feet	50 feet