



4751 Fox St. Denver, CO 80216

Response to Comments Received

To: El Paso County
Planning and Community
Development

From: Kenneth Trujillo – Agent for T-Mobile – Applicant
4751 Fox St. Denver CO 80216
719-205-9370
Ken@uci2.net

Subject: DN02728A - T-Mobile Temporary Tower

Date: 5/8/2024

Location: S Powers Blvd and Fontaine Blvd

Address: No address assigned at the time of this submission
Latitude: 38.738106° Longitude: -104.682031°

Parcel #: 5500000015

Zoning: A-5 (Agricultural) CAD-O

Valuation: \$40,000.00

Owner: State of Colorado
David Rodenberg – Tower Site Manager - Owner
P 303.866.3454 ext. 3328
1127 Sherman Street Suite 300, Denver, CO 80203
david.rodenberg@state.co.us

PCD File: VA242

Response to Comments:

El Paso County Conservation Dist. Ground Disturbance Comments: To Whom It May Concern, The El Paso County Conservation District (EPCCD) Board of Supervisors recommendations are as follows: Ground Disturbance: If the ground is disturbed, it should be mulched or revegetated within 45 days of disturbance. It is generally important that some type of native grass should be planted for the protection of natural resources, erosion control, native vegetation preservation, sedimentation prevention, habitat protection, stormwater management, and soil health. Please make sure the “native” grasses and plants already in place are in fact native to the area. The EPCCD store inventory generally includes both our Shotgun Native Grass Seed Mix as well as the El Paso Low Grow Grass Seed Mix; these are our recommendations should grass seed need to be implemented. • Our Shotgun Native Grass Seed Mix is formulated specifically for the Pikes Peak Front Range by our NRCS District Conservationist and Rangeland Management partners. It is drought-tolerant and includes: about 20% each of Big Bluestem Native and Wheatgrass, Western Native, and about 10% each of Grama, Sideoats Native, Green Needlegrass Native, Little Bluestem Native, Prairie Sandreed Native, Switchgrass Native, and Yellow Indiangrass Native. • The El Paso

Low Grow Grass Seed Mix is a great drought-tolerant and low-grow grass seed mix designed for the Pikes Peak Front Range; it includes: about 24% Western Wheatgrass, about 20% Blue Grama, Native, about 18% Buffalograss, about 13% Sideoats Grama, about 6% Green Needlegrass, and about 1.5% Sand Dropseed.

Colorado Springs Airport Advisory Commission Response: No ground disturbance is planned for this project. If any ground disturbance does occur we will follow the above guidelines set forth by El Paso County Conservation Dist.

Colorado Springs Airport Advisory Commission Comments: This was presented to the AAC on 4/24/2024 with no objections to the below. This item will be presented to the Airport Advisory Commission on 4/27/2024 with the following comments:

Airport staff recommends no objection with the following conditions:

- Avigation Easement: An avigation easement is requested or provide proof of previous recording (book/page or reception number). Add avigation easement note to plat.
- Accident Potential Zone 2: The proposed residential development is outside the Accident Potential Zone 2 (APZ-2) subzone of the Commercial Airport Overlay District. Commercial and office use are permitted within APZ-2. Residential is prohibited in APZ-2.
- FAA Form 7460-1: Based on elevation data and distance to runway, the applicant will need to file Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration" for any new vertical development at this site, including temporary construction equipment, and provide FAA documentation to the Airport before the commencement of construction activities; FAA's website.

(<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

- FAA Form 7460-1 Frequency Review: The applicant is to file an airspace evaluation case with the FAA for the purposes of a frequency review/analysis and provide confirmation of approval from FAA to Airport prior to the commencement of construction activities; FAA's website (<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>).

Wireless broadband networks in the 3700-3980 MHz bands: FAA Special Airworthiness Information Bulletin (SAIB) regarding Risk of Potential Adverse Effects on Radio Altimeters:

<https://www.federalregister.gov/documents/2023/01/11/2023-00420/airworthiness-directives-transport-and-commuter-category-airplanes>

The following are the instructions on obtaining an Avigation Easement:

1. Refer to your title work and/or the existing plat(s) to see if there is an existing avigation easement.
2. If nothing is existing, the City would prefer that you dedicate the avigation easement via your re/plat. Please ask your Planner or refer to Planning's checklist for that dedication language.
3. If you are not re/platting, and to grant the City a new required avigation easement by separate instrument, please refer to Real Estate Services' website at [coloradosprings.gov/Departments/Real Estate Services](https://coloradosprings.gov/Departments/RealEstateServices), Required Easements, for a current Public Application Form and Instructions regarding the process. For questions, contact Barbara Reinardy, 719-385-5601, or Barbara.Reinardy@coloradosprings.gov.

To submit your paperwork (hand delivery or US Mail): 30 S. Nevada Ave., Ste. 502, Colorado Springs, CO 80903. Please allow 3-4 weeks for processing.

Colorado Springs Airport Advisory Commission Response: UCI2 Construction Services LLC has reached out to Colorado Springs Airport and determined what they need for approval of the project. Colorado Springs Airport is requesting an FAA determination of no hazard via the

7460-1 Filing process. On 4-11-2024, an FAA application was submitted to the FAA under application 2024-ANM-2285-OE. This FAA application is routing in the FAA's system. We will obtain a FAA determination of hazard and no issues are expected. This process is a six week process and we are hoping that this variance of use can be approved with this FAA approval forthcoming. The frequencies we are deploying are no different than the ones currently broadcasting from the water tank. As soon as the FAA determination of no hazard is provided, we will attach it to this application. In speaking with Barbara Reinardy of Colorado Springs Real Estate, we believe this avigation easement can be waived since the land is owned by the State of Colorado. However, at the time of this resubmission we are still pending final confirmation from Colorado Springs Airport. The Letter of Intent for this project has been updated as well with this information.

Colorado Parks and Wildlife Comments: Colorado Parks and Wildlife (CPW) is in receipt of the S. Powers Blvd CMRS Tower Variance of Use project documentation. Based both on the location and type of action being proposed, CPW believes impacts to the wildlife resource to be negligible. We appreciate being given the opportunity to comment. Please feel free to contact District Wildlife Manager Philip Gurule at 719-828-4960 should you have any questions or require additional information.

Colorado Parks and Wildlife Response: No response needed.

PCD Project Manager Comments: Planning has comments on the following documents: - Application Form - Tower Structure Removal Agreement - Letter of Intent - Site Plan Drawing Joe Letke Planner II 719-520-7964

PCD Project Manager Response: All of these documents have been revised per the comments received and reuploaded to EDARP portal for re-review.

- Application Form: This has been revised to show the application is for a Variance of Use and was signed by the landlord David Rodenberg of the Colorado State Land Board.

- Tower Structure Removal Agreement: The Lease for this project has been attached to this resubmission for your review. In addition to the lease we had a letter of authorization from the State of Colorado stating "The Colorado State Land Board authorizes T-Mobile West LLC to enter into a CMRS facility removal agreement with El Paso County and has the right to enter the property to install and remove the tower when it is no longer needed."

- Letter of Intent: The letter of intent had extensive notes and all of these notes were addressed in the updated V2 version of the document.

- Site Plan Drawing: Drawings were updated to add additional information called out in the drawings.

EPC Stormwater Review Comments: Review 1: EPC DPW Stormwater has no comments. Note: The proposed area of disturbance is less than 1 acre, therefore an ESQCP is not required. If the area of disturbance exceeds 1 acre at any time, all work must be stopped and an ESQCP must be obtained in order to resume construction.

EPC Stormwater Review Comments: Acknowledged but no response needed.

PCD Engineering Division Comments: There are no comments relating to drainage or transportation. Reviewed By: Lupe Packman lupepackman@elpasoco.com

PCD Engineering Division Response: No response needed.

Pikes Peak Regional Building Department Comments: Enumerations has no objection to a variance for a temporary cell site. The applicant should contact Enumerations prior to submitting building plans for approval to obtain an address to use for this site. Brent Johnson Enumerations Plans Examiner Pikes Peak Regional Building Department O: 719-327-2888 E: brent@pprbd.org W: pprbd.org

Pikes Peak Regional Building Department Response: These comments are acknowledged and we will be reaching out for an address from enumerations prior to submitting a building permit application to Pikes Peak Regional building dept.

Widefield School District 3 Comments: Per your correspondence dated March 18, 2024, for file number V A242 "S Powers Blvd CMRS Tower Variance of Use", parcel 5500000015, requested by Kenneth Trujillo of UCI Construction Services, described as "the applicant would like to apply for a variance of use allow for a CMRS freestanding tower as a principal use on the A-5 zoned property", located on 320 acres at the northeast corner of South Powers Blvd and Fontaine Blvd. Widefield School District #3 has no objections to the variance request for a temporary tower at this location. If you need to contact me, I can be reached at 719-391-3531 or by email at gishd@wsd3.org
Sincerely, David Gish Chief Operations Officer Widefield School District #3

Widefield School District 3 Response: No response needed.

Security Fire Protection District Comments: The Security Fire District has no objection to this variance in use.

Security Fire Protection District Response: No response needed.

EPC Parks Department Comments: El Paso County Parks and Community Services: The 2022 El Paso County Parks Master Plan shows no impacts to existing or proposed parks, trails, or open space. The proposed Crews Gulch Primary Regional Trail will be located south of the temporary tower site with its alignment located on the north side and in relatively close proximity to Fontaine Boulevard. Should the parent parcel be developed in the future, EPC Parks will request a 25' wide trail easement on the north side of Fontaine Boulevard.

EPC Parks Department Comments: Acknowledged but no response needed.

Colorado Springs Planning & Community Development Comments: City Planning has no issues, but recommends to make sure the Airport is part of the review process.

Colorado Springs Planning & Community Development Response: We are currently working to obtain the requested FAA determination of no hazard letter requested by Colorado Springs Airport. Please see the below response to the Airport's comments.

County Attorney – 1041 Comments:

1. Because Applicant is not the owner of the property, Applicant must provide evidence that it has a) the legal right to enter the property to install and remove a CMRS facility and b) the legal authority to assign such rights of entry and removal to El Paso County. See 2nd Whereas clause of Removal Agreement. Please provide such evidence, such as in the form of a lease.
2. El Paso County only accepts performance bonds from bond or insurance companies authorized to do business in Colorado, not from the owner of the CMRS facility.

County Attorney – 1041 Response:

1. The Lease for this project has been attached to this resubmission for your review. In addition to the lease we had a letter of authorization from the State of Colorado stating “The Colorado State Land Board authorizes T-Mobile West LLC to enter into a CMRS facility removal agreement with El Paso County and has the right to enter the property to install and remove the tower when it is no longer needed.”
2. A performance bond written by Liberty Mutual has been attached to this resubmittal.

PCD Administrative Notice Comments: On 3/19/2024, PCD mailed "Notice of Application" letters to surrounding property owners within a 500-foot range (99 addresses). Copies of the notice, mailing labels, and selected range have been uploaded to the EDARP file. Cost of postage to be billed to the applicant = \$63.36. MB

PCD Administrative Notice Response: We will pay this postage fee but I did not receive an email or invoice for this \$63.36. As soon as an invoice or fee populates on the EDARP system I will pay this right away.

911 Authority - El Paso/Teller County Comments: No action for E911 on this submittal. Thank you.
Justin

911 Authority - El Paso/Teller County Response: No response needed.

Respectfully,

Kenneth Trujillo

Site Acquisitions / Project Manager

4751 Fox St. Denver, CO 80216

719-205-9370 / Ken@uci2.net

