

**From:** [Alicia Villarreal](#)  
**To:** [Ott, Jean](#)  
**Cc:** [David Bortz](#); [Larry Howl](#); [Taber Ward](#)  
**Subject:** Re: Special Use Permit Application Docket # SU-20-0001, Atlas Tower Application to erect Telecommunications Tower at 250 Bristlecone Way  
**Date:** Tuesday, March 10, 2020 8:19:41 AM

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Thank you for this update, Raini! We greatly appreciate your working this into your very busy schedule.

We do have one more important ask--will you please upload our latest communications with you and our government leaders into the public comments record? It is important to keep the public apprised of our community's concerns about this project, given the misinformation the Applicant disseminated in its application and during the meeting it held with our community. Thank you.

Alicia Villarreal

On Tuesday, March 10, 2020, 07:45:51 AM MDT, Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

The most updated public comments were provided to the applicant yesterday, since I did not have time to compile them before that time.

Thanks!

Raini

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**From:** Alicia Villarreal <[avillarrealhb@yahoo.com](mailto:avillarrealhb@yahoo.com)>  
**Sent:** Monday, March 9, 2020 5:37 PM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
**Cc:** David Bortz <[dmbortz@gmail.com](mailto:dmbortz@gmail.com)>; Larry Howl <[laurence.howl@yahoo.com](mailto:laurence.howl@yahoo.com)>; Taber Ward <[taberward@gmail.com](mailto:taberward@gmail.com)>  
**Subject:** Re: Special Use Permit Application Docket # SU-20-0001, Atlas Tower Application to erect Telecommunications Tower at 250 Bristlecone Way

Will you please let us know the date on which you provided the comments filed post Feb 14 to the applicant? Thank you.

On Monday, March 9, 2020, 03:57:29 PM MDT, Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

The docket page is now updated and the most recent comments have been provided to the applicant. For the additional requests below, it is more appropriate to submit a CORA request due to the amount of information to be gathered. Please use the link below.

<https://www.bouldercounty.org/records/colorado-open-records-act/>

Thanks!

Raini

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**From:** Alicia Villarreal <[avillarrealhb@yahoo.com](mailto:avillarrealhb@yahoo.com)>  
**Sent:** Monday, March 9, 2020 11:09 AM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
**Cc:** David Bortz <[dmbortz@gmail.com](mailto:dmbortz@gmail.com)>; Larry Howl <[laurence.howl@yahoo.com](mailto:laurence.howl@yahoo.com)>; Taber Ward <[taberward@gmail.com](mailto:taberward@gmail.com)>  
**Subject:** Re: Special Use Permit Application Docket # SU-20-0001, Atlas Tower Application to erect Telecommunications Tower at 250 Bristlecone Way

Thank you, Raini. We appreciate your response and look forward to our opportunity to meet with you, the Director, Assistant Director and the County's legal counsel.

We would still like to see the remaining public comments to incorporate them into our analysis of this matter. Will you please post them today? I just checked the website and it still only includes public comments submitted prior to Feb 14. Have you provided all public comments to the Applicant? Your correspondence only shows that you provided the Applicant public comments as of February 14th. (See Applicant On Hold Request, dated March 3, 2020).

Also, we would like to have a copy of documents pertaining to the Applicant's Pre-Application Conference (Land Use Code 3-201), as well as all correspondence with the Applicant in connection with this project. Please let us know if you are able to provide these documents voluntarily or whether we need to file a public records request to obtain them. In particular, we are looking for anything that Atlas Tower may claim left it with the misperception that it was entitled to lie (affirmatively or by omission) to the County and the public in its Application. On the opposite side of that coin, we would like to see any affirmative instructions to Atlas Tower that it was required to be truthful (other than the certification clause in the Application). We recognize that the obligation to be truthful is presumed when making representations to our government and when required by law to notify the public, but Atlas Tower's application is so replete with falsehoods on nearly every code and comprehensive plan criteria it was required to address in its Application, that it bears our asking this

question as we seek to understand whether there are any mitigating factors for their behavior.

Kindest regards,

Alicia Villarreal

On Monday, March 9, 2020, 10:36:58 AM MDT, Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Alicia et al.,

We have received your request and will be in touch soon.

Thanks!

Raini

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**From:** Alicia Villarreal <[avillarrealhb@yahoo.com](mailto:avillarrealhb@yahoo.com)>  
**Sent:** Friday, March 6, 2020 2:16 PM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>; Case, Dale <[dcase@bouldercounty.org](mailto:dcase@bouldercounty.org)>; Sanchez, Kimberly <[ksanchez@bouldercounty.org](mailto:ksanchez@bouldercounty.org)>; [mpowers@atlastowers.com](mailto:mpowers@atlastowers.com); [kogle@atlastowers.com](mailto:kogle@atlastowers.com); DM Bortz <[dmbortz@gmail.com](mailto:dmbortz@gmail.com)>  
**Cc:** Larry Howl <[laurence.howl@yahoo.com](mailto:laurence.howl@yahoo.com)>; Taber Ward <[taberward@gmail.com](mailto:taberward@gmail.com)>  
**Subject:** Re: Special Use Permit Application Docket # SU-20-0001, Atlas Tower Application to erect Telecommunications Tower at 250 Bristlecone Way

Ms. Ott, Mr. Case and Ms. Sanchez,

During our meeting, I would like learn what Mike Powers, Director of Legal Affairs for Atlas Tower, conveyed to you further to his communication of February 28, 2020 in which he wrote, "[t]his project took a hard turn in an unexpected direction, and I think it is important that I update you on how that happened." I just downloaded this communication from the County's website, which is embedded in the Applicant's On Hold Request, dated March 3, 2020.

I find Mr. Powers' statement interesting in light of my discussions with Ms. Ogle and her colleague on January 29, 2020, at the close of the community meeting with Atlas

Tower. At that time, I discussed in a fair amount of detail the serious ethical concerns inherent in their Application. I asked her to convey my concerns to the company's legal counsel and also convey that the company should self-report its misconduct to the County. Ms. Ogle did not volunteer that Mr. Powers was legal counsel, though he was standing about 15 feet away from us at the time and I would have spoken with him instead had she told me he was corporate counsel. I will provide further important details about this conversation during our meeting.

If Atlas Tower's counsel recently claimed to be unaware of the misconduct concerns with their Application, this would only add to the seriousness of their corporate misbehavior. Not only would they have learned of the relevant facts when completing their Application, but on January 29th, I specifically urged them to disclose the misconduct themselves. Nothing in the Application-related documents indicates that they did so. I ask that the County consider these additional facts in its analysis of this matter.

Very respectfully,

Alicia Villarreal

On Thursday, March 5, 2020, 06:03:01 PM MST, DM Bortz <[dmbortz@gmail.com](mailto:dmbortz@gmail.com)> wrote:

Dear All:

Please review our attached letter. We ask that you share it on our behalf with the appropriate County Legal Counsel, staff members for the Land Use Planning Commission, and staff members for the Board of County Commissioners, with a cc to us. We gathered these signatures in just a few days and we are confident that many other members of the community would share these same views if asked.

We ask for an opportunity to meet in person with you and the assigned County Legal Counsel once you have had a chance to review our request.

As our letter explains, we view Atlas Tower's misconduct as a serious abuse of the County's special use permitting process, in that they sought to harm us by means of



deceit.

As you know, our Land Use Code states: “[t]he purposes of the County Planning Act shall be considered to be, **without limitation . . . promotion of the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the County . . .**” Section 1-300(B) (emphasis added).

Moreover, Section 1-900, requires that: “A. The following principles **shall be used** in interpreting this Code. (1) The provisions of this Code **shall be regarded** as the **minimum requirements for the protection of the public health, safety and general welfare. This Code shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.**” (Emphasis added).

We believe that the only way for the County to protect our health, safety, prosperity and welfare, all of which Atlas Tower sought to undermine by means of deceit and falsification, **is to dismiss their Application at this time**, as our letter requests.

This is the only fair and just remedy in response to the Applicant’s serious abuse of the special use permitting process, and one that should also serve to deter similar misconduct by others in the future.

We look forward to the opportunity to meet in the near future.

Very respectfully,  
David Bortz  
Larry Howl  
Alicia Villareal  
Taber Ward

March 5, 2020

Boulder County Commissioners  
Boulder County Planning Commissioners  
Dale Case, Director, Community Planning & Permitting  
Kim Sanchez, Deputy Director, Community Planning & Permitting  
Jean Lorraine Ott, Planner II, Community Planning & Permitting  
Ben Pearlman, Boulder County Attorney

Delivered Via Email

RE: Special Use Permit Application Docket # SU-20-0001, Atlas Tower Application to Erect Telecommunications Tower at 250 Bristlecone Way

Dear Honorable Commissioners and Community Planning & Permitting Department:

As neighbors who own homes and property near the proposed site of this cell tower project, we write to ask that Boulder County deny the Application at this time without giving Atlas Tower an opportunity to cure deficiencies in their submittal based on a plethora of false and misleading statements.

The original Atlas Tower application is filled with such an extensive and broad-ranging list of misdirects, omissions, and material misrepresentations that it should give anyone pause. And, it leads to natural skepticism about the legitimacy of the entire document. Moreover, we note that:

1. The misdirects, omissions, and misrepresentations in the Application always favor Atlas Tower;
2. This proposal has been in the works since 2016 according to the landowners, thus Atlas Tower has had more than sufficient time to create an accurate application; and
3. The entirety of Atlas Tower's business model is to build towers, which naturally requires crafting applications to obtain approval for land use and building permits. It is central to the viability of their business.

Thus, it strains credulity in the extreme to believe that the Application deficiencies are innocent or accidental. Therefore, to reward them an opportunity to resubmit their application is to reward bad behavior. Just as importantly, a resubmission of their application will serve no purpose because they simply cannot change that an unacceptable visual impact exists due to the proposed 89' to 109' height of the tower, or that an additional fire hazard exists, or that their certification was untruthful.

It is also important to reflect on the magnitude of several of the deficiencies. The Application:

- Downplays the visual impact numerous times, claiming that an 89' "monopine" would be camouflaged behind the water tank and trees, when in fact the water tank is only 30' above ground level, and the surrounding trees are only 40' high.
- Omits an evidence-based demonstration of coverage need and benefit. As Atlas is a cell tower company, this omission is hugely problematic.

- Includes an Alternative Site Analysis Report which is disingenuous at best, given that the alternative site owners would never allow towers on their properties.
- Falsely claims to have the support of the Boulder Mountain Fire Protection District (BMFPD) and the Pine Brook Hills Homeowners Association.
- Omits any consideration of the increased fire risk due to the tower. This is extremely worrisome as the proposed tower would be in a High-Risk Fire Zone – and located immediately adjacent to the primary evacuation route for dozens of homes that have only two emergency egress routes.

Any one of these deficiencies could be viewed individually as an honest mistake. Taken as a whole, it presents a pattern of deception that is impossible to ignore.

These multiple misrepresentations are in direct conflict with the Certification clause signed by the Applicant on Page 1 of the Application. Here, the applicant assured the veracity of the Application, promising the County and the public that the information submitted is "true and correct" to the best of their knowledge.

Thus, we request that Boulder County deny SU-20-0001 outright and not provide Atlas Tower with the opportunity to remedy the deficiencies in their Application. This is the only justifiable outcome in this egregious case where the Applicant abused the process to harm the public health, safety and general welfare that the Land Use Code exists to protect.

Very respectfully,

	<b><u>Name</u></b>	<b><u>Address</u></b>
1	Francis and Diana Beer	115 Hawk Lane
2	Sara Moore and Lindsay Hale	27 Hawk Lane
3	Phil Friedl and Alicia Villarreal	90 Hawk Lane
4	David Lucas	116 Hawk Lane
5	Larry and Karen Howl	60 Hawk Lane
6	Bob and Rae Polis	382 Alpine Way
7	Jody Nagel and Stephen Donnelly	45 Misty Vale Ct.
8	Ken Goldman and Damaris Andrews	260 Bristlecone Way
9	David Bortz and Vanja Dukic	67 Hawk Lane
10	Tom Noyes and Suzanne Swanson	269 Bristlecone Way
11	Sheldon Becker	1335 Meadow Avenue
12	Julie Phillips	2221 19th Street
13	Knute Holum and Rebecca Rowe	313 Alder Ln.
14	Ben Levi and Aria Seidl	151 Wildcat Ln.
15	David and Lila Tresemer	3464 Sunshine Canyon Dr.
16	Debbie Burns, Admin Director, StarHouse	3476 Sunshine Canyon Dr.
17	Margaret Smith	1321 Balsam Ave Apt 2
18	Marc Pechaitis	22 Nightshade Dr.
19	Eva Marie and Eric Green	160 Bristlecone Way
20	James Churches	351 W. Spring Street
21	Paige Larson	2 Hawk Lane

22	Aaron Hirsh and Veronica Volney	334 Wild Horse Circle
23	Taber Ward and Ashton Phillips	93 Hawk Lane
24	Fred and Anne Wolf	168 Alder Lane
25	Robin Seidner and Cindy McMullen	16 Hawk Lane
26	Melanie Pray	1870 Tansy Place
27	Mike Mullins and Merrin Collins	161 Bristlecone Way
28	Jennefer Sebstad	293 Alpine Way
29	Chase and Tina Fraser	75 Alder Lane
30	Donna Waters	57 Fir Lane
31	Vera and Timothy Dobson	3462 Sunshine Canyon Dr.
32	Juri and Linda Toomre	97 Meadowlook Way & 315 Alder Ln
33	Sandra Shafto and Jeff McClure	3885 Newport Lane
34	Julie Hartman	100 Wildcat Lane
35	Chien Lin	3468 Sunshine Canyon
36	Stephen and Glennis Smith	25 South Cedarbrook Road
37	Kenneth Suslak and Harriet Edelstein	16 Pine Brook Road
38	Sarah Wahlert	25 Alpine Way
39	Pat and Kelly Brown	82 Alpine Way
40	Arthur Levy	159 Alpine Way
41	Nancy Solomon and Dan Pears	66 Timber Lane
42	Michael Montgomery	783 Timber Lane
43	Daniel Wolfson and Louise Haimowitz	880 Locust Avenue
44	Carron Meaney	138 Wildcat Lane
45	Roman and Patricia Hought	296 Alder Lane
46	Connie, Andy and Kendra Minden	1032 Timber Dr.
47	David Bolduc	195 Leonards Rd
48	Kerry Kring and Ellen Dale	945 University Avenue
49	Greg Hampson	420 Alpine Way
50	Nancy Rodriguez and Paul Bunn	98 Anemone Dr.
51	Christopher (Kit) Tennis	470 Fountaintree Lane

cc: Mike Powers  
Katie Ogle  
Atlas Tower 1, LLC

**From:** [Mike DeHart](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Petition regarding SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Wednesday, February 19, 2020 3:44:58 PM  
**Attachments:** [petition\\_signatures\\_jobs\\_20284646\\_20200219223434.pdf](#)  
[petition\\_comments\\_jobs\\_20284646\\_20200219223939.pdf](#)

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On behalf of its 103 signers, I am submitting the following email, petition and attachments to the record regarding SU-20-0001: Atlas Tower Telecommunications Facility Application.

Please enter the petition, signers, and comments into the public record and please take their collective voices into consideration.

The petition language:

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**Protect Boulder County's Pristine Mountain Views**

Nothing is more precious in Boulder than its iconic skyline. Adding towers to that skyline creates a dangerous precedent, and should only be considered after a robust needs analysis and broad community input and discussion. In most cases, the benefits of developing ridgelines are outweighed by the damage to something we all hold dear - our Boulder views. This is reflected in our comprehensive plan and should be upheld.

Petition will be delivered to Boulder County Planners, Planning Commission, and Board of Commissioners.

FIRST DEADLINE IS FEBRUARY 19!

More info and actions to take at [ProtectBoulderViews.org](http://ProtectBoulderViews.org)

Follow us on Twitter & Reddit.

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source: <http://chng.it/WcjfcjnTzP>

The petition signers names and comments are attached.

Thank you for your consideration.



Recipient: Boulder County Government

Letter: Greetings,

Protect Boulder County's Pristine Mountain Views

# Signatures

Name	Location	Date
Protect Boulder Views	Boulder, CO	2020-02-15
Suzanne Swanson	Puerto Vallarta, Mexico	2020-02-15
Mike DeHart	Palisade, CO	2020-02-15
Amir Kadkhodaei	San Francisco, US	2020-02-15
Alicia Villarreal	Boulder, CO	2020-02-15
Alejandro Claros	US	2020-02-15
Barbars Schnoor	Prince Frederick, US	2020-02-15
Taber Ward	Boulder, CO	2020-02-15
Sydney Macy	Boulder, CO	2020-02-15
David Bortz	Boulder, CO	2020-02-15
Susana Muñoz	Madrid, Spain	2020-02-15
Karen Howl	Indianapolis, IN	2020-02-15
Julian Thompson	Mcdonough, US	2020-02-15
Carrie Gleason	Sedalia, US	2020-02-15
JON INWOOD	Brooklyn, NY	2020-02-15
Lauren Howl	Boulder, CO	2020-02-15
Norman DeHart	Denver, CO	2020-02-15
dan pears	Boulder, CO	2020-02-15
Annette Marcantonio	Boulder, CO	2020-02-15
Carolyn Schuham	Denver, CO	2020-02-15

Name	Location	Date
Laurence Howl	Boulder, CO	2020-02-15
Leland Weeden	Phoenix, US	2020-02-15
Patsy Wall	Copperas Cove, US	2020-02-15
Arthur Levy	Boulder, CO	2020-02-15
Janice Zelazo	Boulder, CO	2020-02-15
Paul Shippey	Boulder, CO	2020-02-15
Ashton Phillips	Boulder, CO	2020-02-16
Chip DeHart	Palisade, CO	2020-02-16
Aaron Binder	Jupiter, US	2020-02-16
Sami Stevens	Des Moines, US	2020-02-16
Deborah Dodds	Boulder, CO	2020-02-16
Jacqueline Muller	Boulder, CO	2020-02-16
Nancy Tilly Tilly	Boulder, CO	2020-02-16
Angel Roberts	Conneaut lake, US	2020-02-16
Guadalupe Hernandez	Maryville, US	2020-02-16
Melanie Davis	San Antonio, US	2020-02-16
Richard Kirk	Palm Coast, FL	2020-02-16
susan haeger	Boulder, CO	2020-02-16
Juan Benitez	Boulder, CO	2020-02-16
Hetta Towler	Boulder, CO	2020-02-16
Michele LaPorte	Schaumburg, US	2020-02-16
Mike Smith	Boulder, CO	2020-02-16



Name	Location	Date
Jessie Spencer	Boulder, CO	2020-02-16
Mike Gerra	Boulder, CO	2020-02-16
Michael DeSocio	Boulder, CO	2020-02-16
Kate Null	San Jose, US	2020-02-16
Dora Johnson	Knoxville, US	2020-02-16
Adam Davis	Boulder, CO	2020-02-16
Kimberly Gerra	Boulder, CO	2020-02-16
Yanelque Acevedo	Bronx, US	2020-02-16
Damaris Andrews	Boulder, CO	2020-02-16
Jennifer Wells	Boulder, CO	2020-02-16
Gayle Scott	Boulder, CO	2020-02-16
steffanie cushard	Mitchell, US	2020-02-16
Paul Bradley	Grand Rapids, US	2020-02-16
Logan Black	Saint Cloud, US	2020-02-16
Jacob Rowe	Ankeny, US	2020-02-16
Paul Cohen	Boulder, CO	2020-02-16
Shyla Scheffler	Port Huron, US	2020-02-17
B Bigelow	Boulder, CO	2020-02-17
Jenika Moncada	Red Oak, US	2020-02-17
Vickie Garcia	Mesa, US	2020-02-17
Emily Haus	Palm Harbor, US	2020-02-17
Fred Wolf	Boulder, CO	2020-02-17

Name	Location	Date
Gabriel Bernardino	Thousand Oaks, US	2020-02-17
Julie Foster	Gloversville, US	2020-02-17
Laura Blackburn	Littleton, US	2020-02-17
Patricia Meyenburg	Brighton, US	2020-02-17
emelie griffith	Boulder, CO	2020-02-17
Wade Griffith	Boulder, CO	2020-02-17
Cassidy Johnson	US	2020-02-17
Jill Boldt	Boulder, CO	2020-02-18
Phil Friedl	Boulder, CO	2020-02-18
Rebecca Hunter	Morristown, US	2020-02-18
Aaron Schafer	Newton, US	2020-02-18
anna waclawiak	Lockport, US	2020-02-18
William Miller	New York, US	2020-02-18
Alex Rascon	Clute, US	2020-02-18
Helena Bolduc	Boulder, CO	2020-02-18
Kerry Clendenen	Arvada, CO	2020-02-18
Dani R	New York, US	2020-02-18
Bob Hildreth	Fayetteville, NC	2020-02-19
Taj DeHart	Kuala Lumpur, Malaysia	2020-02-19
Joseph Horwat	Boulder, CO	2020-02-19
Maya Anthony	Denver, CO	2020-02-19
Ben Wilson	Boulder, CO	2020-02-19

Name	Location	Date
Laura Bernabe Miguel	Boulder, CO	2020-02-19
Jennifer Reese	Austin, TX	2020-02-19
Christina Vail	Saratoga Springs, NY	2020-02-19
Michael Montgomery	Boulder, CO	2020-02-19
Margaux Garcia	Los Angeles, CA	2020-02-19
Rachel Gardner	Longmont, CO	2020-02-19
Ashley Gardner	Ballston Spa, NY	2020-02-19
Peggy McCarty	Boulder, CO	2020-02-19



Recipient: Boulder County Government

Letter: Greetings,  
Protect Boulder County's Pristine Mountain Views

# Comments

Name	Location	Date	Comment
dan pears	Boulder, CO	2020-02-15	"Nancy SolomonAll PBH residents should be given an opportunity to be aware of this and to comment on it."
Janice Zelazo	Boulder, CO	2020-02-15	"I don't know enough to give this my approval."
Mike Gerra	Boulder, CO	2020-02-16	"My family and I live in the Boulder County mountains because we love the mountains, the trees, the creeks, the wildlife, the serenity and the view. We do NOT live here because of cell towers!"
Paul Cohen	Boulder, CO	2020-02-16	"I object to the installation of cell towers close to schools and homes."
Wade Griffith	Boulder, CO	2020-02-17	"Moved to Boulder since I enjoy the Open Space and Mountain View's. This is a terrible idea."
Taj DeHart	Kuala Lumpur, Malaysia	2020-02-19	"Boulder needs it's views!"

**From:** [Aaron Elliot Hirsh](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** ADDENDUM: Docket #: SU-20-0001  
**Date:** Tuesday, February 18, 2020 9:44:25 AM

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Dear Raini,

It has recently come to my attention that Atlas tower included our property, at 334 Wild Horse Circle, in their application, showing that it was a less desirable site for technical reasons. The use of our name in the application might have suggested that Atlas had at some point contacted us, and that we had approved of their technical study of our property. This was not the case. No one from Atlas ever contacted us about the installation of a tower on our property. If they had, we certainly would have rejected the proposal, on the grounds set forth in our previous letter to you. Thank you very much.

Aaron Hirsh

Begin forwarded message:

**From:** Aaron Hirsh <[ahirsh@colorado.edu](mailto:ahirsh@colorado.edu)>  
**Subject:** Docket #: SU-20-0001  
**Date:** February 12, 2020 at 4:20:11 PM MST  
**To:** [planner@bouldercounty.org](mailto:planner@bouldercounty.org)

Aaron Hirsh and Veronica Volny

334 Wild Horse Circle

Boulder, CO. 80304

[ahirsh@colorado.edu](mailto:ahirsh@colorado.edu), [vhvolny@gmail.com](mailto:vhvolny@gmail.com)

Jean (Raini) Ott

Boulder County Community Planning & Permitting Department

PO Box 471

Boulder CO 80306

Re: Docket #: SU-20-0001

Dear Ms. Ott,

We are writing to urge you and the Boulder County Commissioners to **reject** Atlas tower's application to construct a telecommunications tower at 250 Bristlecone Way. The tower would rise into beautiful views that are cherished not only by private households in the Pine Brook Hills and Sunshine Canyon neighborhoods, but also by walkers and hikers enjoying several popular, shared routes in the area. These routes include the following popular trails: our private road, which we make available walkers, linking 334 Wild Horse Circle with the Starhouse properties; popular paths on the Starhouse properties themselves; as well as certain sections of the Lion's Lair trail. In our opinion, when the public good of improved cell phone reception in a few foothill areas is weighed against the public good of untainted views across the Boulder foothills to the continental divide, it is the natural scenery that seems by far the more precious, rare, and valuable good to protect.

We have a second concern. A metal tower, rising high above the trees on a ridge-top, is sure to be a probable site for lightning strike, which could ignite a fire. [For more information on the effects of towers on the frequency of cloud-to-ground lightning, please see Kingfield et al. (2017) Antenna structures and cloud-to-ground lightning locations: 1995-2015. Geophysical Research Letters 44: 5203.] As recent experiences around Boulder have shown, strikes can occur without precipitation, and in hot, high-wind conditions. If this were to occur at the edge of a zone that is both forested and relatively dense with homes, the result would be disastrous. It would be a tragic irony if this tower, which has been advertised to the community as a measure taken to increase public safety, were instead to put us all at increased risk of wildfire.

Sincerely,

Aaron Hirsh, Ph.D.

Veronica Volny, Ph.D.

**From:** [Alan Meyers](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower.  
**Date:** Saturday, February 8, 2020 12:27:31 PM

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Greetings,

I've learned of a potential plan for a new communications tower that will be place nearby the Star House. I've always considered the Star House and its property as sacred ground. I feel that such a tower would not be in keeping with nor sensitive to the purity enjoyed by those seeking that sacred expression. It is my great hope that you will head these messages in contrast to the plans laid before you. Please do consider, though you are individuals and potentially only see separation, we are actually one. please seek kindness over personal gain.  
Thank you for the opportunity to voice my opinion.

Blessings,  
Alan D Meyers  
3036383440

Sent from my iPhone



**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](https://twitter.com/LandUsePlanner)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Wednesday, March 11, 2020 6:50:36 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

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PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

February 19, 2020

Sent Via Email To: jott@bouldercounty.org

Ms. Jean (Raini) Ott, CFM AICP, Planner II  
Boulder County Planning & Permitting  
2045 13<sup>th</sup> Street  
Boulder, CO 80302

Re: Docket SU-20-0001: Atlas Tower Telecommunications Facility to be Located at 250  
Bristlecone Way

Dear Ms. Ott:

I write to express my strong opposition to the proposed cell tower project referenced above. I own a home within the 1500' radius of the project and oppose it for two independent sets of reasons: (1) the Application itself raises a troublesome appearance of conflicts of interest; and (2) the detrimental impacts of the cell tower far outweigh the alleged benefits..

### **1. The Conflicts of Interest**

Robert Loveman, one of the "landlords" of Atlas Tower's proposed cell tower site, is an elected member of the Pine Brook Water District and the Boulder Mountain Fire Protect District, both of which Atlas Tower names as supporters of its cell tower project.<sup>1</sup> (See TE 1.03, p. 3 ("Applicant already has support from the local fire districts, water district and HOA community"); 4-602(D)(1), p. 6 ("Atlas Tower is working with the landlords who are actively involved in the HOA, Water District Board and Boulder Mountain Fire District to make sure the local community is aware of the proposed project.")).

It is noteworthy that Atlas Tower chose not to disclose the additional material facts that: (a) Loveman is a publicly elected official on these bodies; and (b) neither public body provided public notice or held public hearings before purportedly undertaking to support this personal financial venture of a board member.<sup>2</sup> Under these circumstances, Atlas Tower and Loveman should have refrained from seeking the support of these bodies without protective measures in place to avoid the appearance of impropriety. The Applicant also should have disclosed this apparent conflict with specificity in the Application. Instead, Atlas Tower chose to bolster the persuasiveness of its Application by touting the support of these public bodies under

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<sup>1</sup> The Applicant similarly touts the support of the Pine Brook Hills Homeowners Association (HOA) while neglecting to disclose that Loveman serves as Treasurer on that board and that no HOA agendas or minutes reflect a discussion of the proposed cell tower project or a board vote to support its cell tower venture.

<sup>2</sup> The Boulder Mountain Fire Protection District (BMFPD) held its first public hearing to consider the cell tower project on February 17, 2020. The Board noted that they had not considered the cell tower project previously, which is consistent with the BMFPD's agendas and minutes. The Applicant's representation to Boulder County that it had previously secured the support of the Fire District is inconsistent with these facts.

circumstances where the public had no notice or opportunity to be heard prior to the Application's filing.

Furthermore, Loveman, who is Chairman of the Board of the Fire District, emailed volunteer firefighters who own homes in the 1500' radius of the project after they received the notice postcard from Boulder County, to enlist their support for his cell tower project. The coercive nature of this act should not be lost on anyone; ethics should have prevented any leader from lobbying for the support of employees or volunteers for a personal financial venture, especially when that same venture would unleash negative impacts on them, including as here, foreseeable extensive financial losses to the value of their homes.<sup>3</sup> The taint of conflicts of interest should warrant outright denial of the Application without consideration of its merits.

Moreover, in light of this questionable conduct, Boulder County should look disapprovingly on the Applicant's numerous misleading claims and material omissions in its Application, which appear deliberately tailored to falsely minimize the proposed cell tower's negative impacts on the surrounding community. Attached and incorporated by references as Exhibit "1," is a table quoting some of the many false and/or misleading statements or material omissions and suggesting the negative inferences Boulder County is justified in drawing therefrom, or additional information it should require of the Applicant in order to evaluate its claims.

Attached and incorporated by reference as Exhibit "2" is a copy of a letter dated February 5, 2020, that 23 neighbors who own 15 impacted properties sent to Atlas Tower and its owners with a courtesy copy to Loveman, among others. I have removed signatories' names on the attached copy, but otherwise it is a true and accurate copy of the letter we sent. In it we express our deep concerns for how this project came about without public discussion and ask that Atlas Tower and its owners reconsider their plan. Neither Atlas Tower nor its owners responded.

These red flags warrant that Boulder County exercise its broad authority to protect the public by conducting a review<sup>4</sup> of these troubling circumstances before considering the Special Use Application on its merits. I raise these ethics concerns because of my deep commitment to the values of honesty, integrity and transparency in government operations. These values led me to dedicate 14 years of my career to public service as federal criminal prosecutor in the Public Corruption & Government Fraud Section of the U.S. Attorney's Office for the Central District of California (Los Angeles), where I also served as a Deputy Chief of that Section. These values have also led me to dedicate my career outside of government to helping companies and

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<sup>3</sup> According to a survey by the National Institute for Science, Law & Policy, cell towers negatively impact interest in real estate . <https://www.businesswire.com/news/home/20140703005726/en/Survey-National-Institute-Science-Law-Public-Policy>. Of 1000 respondents, 94% reported that cell towers and antennas in a neighborhood would impact their interest in a property and the price they would be willing to pay for it. The Study cites a 2006 article in *Appraisal Journal* finding that buyers would pay 20% less for homes in a neighborhood with a cell tower. Indeed, impacted neighbors wrote to the Pine Brook Hills HOA pointing out this foreseeable detrimental impact on property values, stating that none of them would have purchased a home near a cell tower. Exhibit "3" at p. 4.

<sup>4</sup> Should Boulder County wish to consider additional evidence I can provide further documentation.

organizations achieve ethical cultures and thereby mitigate the risk of ethical lapses and violations of law, with a particular focus on anti-corruption and anti-fraud matters.

Public confidence in the integrity of government institutions is eroded when a company is allowed to transact business with a public official for the purpose of their mutual financial gain, then thereafter claim (even if falsely) to also have the support of the public bodies on which the public official presides. The County should not overlook this overarching defect, because it infects the entirety of the Application. The need to protect and promote public confidence in government institutions far outweighs the interests of the Applicant in consummating a business deal that it could and should have pursued in a way that avoided the appearance of impropriety.

## **2. Considering the Application on its Merits--The Detrimental Health, Safety, Welfare & Environmental Impacts Far Outweigh the Claimed Benefits**

My second set of reasons for opposing this project is that it will cause multiple negative impacts to health, safety, welfare and the environment that mitigation measures cannot adequately address. The letters neighbors wrote to the Atlas Tower and the HOA describe some of these negative impacts, which I ask Boulder County to consider as though set forth herein. (See Exhibits “2” and “3,” respectively). The Applicant repeatedly denies the existence of negative impacts arising out of its cell tower project, but these denials are inaccurate at best.

Despite the Applicant’s clear obligation to be truthful in its submission to Boulder County, it includes numerous false or misleading claims and omissions of material facts, many of which are set forth in Exhibit “1.” These material misrepresentation and omissions should lead the County to deny the Application on the ground that no one should seek to profit by submitting false claims to government officials in furtherance of a business opportunity.

The Applicant’s conclusion based on non-existent or thin analysis, that an elected official’s property happens to be the best available site for its cell tower, calls into question the entirety of the Applicant’s analysis of the criteria required for issuance of the permit. This is especially true when the claimed “failed” sites belong to landowners the Applicant did not contact;<sup>5</sup> the Applicant submitted no coverage map for its proposed site, only for the so-called “failed” alternatives; and the Applicant offered no analysis of co-location opportunities at preexisting cell tower sites. In short, the Applicant’s alternative site analysis appears driven by the goal of choosing the site where it found a willing landowner, as opposed to undertaking a good faith effort to find the best site to meet the telecommunications needs of Boulder’s communities.

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<sup>5</sup> During a meeting Atlas Tower held with neighbors on January 29, 2020, a neighbor asked Atlas’ representative, Mike Powers, whether Atlas could study additional alternative sites. Powers responded that this would be difficult because Atlas didn’t hold contracts with other property owners to conduct additional site analyses. I then asked whether Atlas had contracts with the property owners whose sites it did include as alternatives, to which he replied, “no—okay, you got me.” If Atlas’ own procedures or industry standards required a contract to analyze these “failed” sites, this would also call into question the legitimacy of its alternative site analysis and merit further inquiry.

Also troubling is the Applicant's deliberately deceptive and repeated assertion that the project will have no visual impact because its cell tower will be "tucked" behind the adjacent water tank and trees or will blend in with existing trees. The Applicant clearly knows that its cell tower will be over twice as tall as existing trees, yet repeatedly seeks to mislead the County and the public about this important impact:

- (1) "Visual Effect . . . [t]he tower will be surrounded by mature evergreen trees and **tucked next to a large water storage tank**" (p. 2, emphasis added);
- (2) "This is not a unique location as there is already an easement road leading to an existing commercial community water storage tank on the property. **This tank aids in hiding the tower facility from any neighbors**" (p. 3, emphasis added);
- (3) "[t]he facility location, adjacent to an existing water storage tank, is ideal for several reasons. It is the highest point on a ridge . . . surrounded by mature trees and **buffered by a large water storage tank**. The chosen design of a mono-pine aids in the **camouflaging by blending in the tower with the surrounding evergreen trees**" (p. 4, emphasis added);
- (4) "[t]his proposed facility will be located next to an existing water storage tank. The tower will be designed as a mono-pine to resemble a pine tree **in order to blend in with the surrounding mature evergreen trees** thus mitigating any **undue visual impacts** of the facility" (p. 5, emphasis added);
- (5) "[p]roposed landscaping and screening will not be necessary due [sic] disguise of the tower as a fake pine tree or 'mono-pine.' And **the water storage tank further shields the tower from possibly being seen from the neighbors' driveway [sic]**. The tower will be set back from the main road **and not visible.**" (p. 7, emphasis added).

Atlas Tower is in the cell towers industry and therefore can reasonably be presumed to have specialized knowledge about relative heights of objects near its cell tower sites. Together with its Application it submitted a scaled drawing of its site plan and conducted site visits. It therefore knows that it is physically impossible for the water tank to hide its cell tower from view when the water tank is approximately 30' tall<sup>6</sup> (which the Applicant deliberately omits in its scaled depiction); the tree canopy varies up to about 40' tall (which the Applicant also deliberately omits in its scaled depiction), and the cell tower will be 89' tall, given that the fake pine tree disguise will also house its lightning rod. (Applicant Tower Elevation, Sheet Z-3).

The Lovemans thereafter perpetuated these misrepresentations about visual impact in emails to neighbors. On January 20, 2020, Robert Loveman emailed "Fellow BMFPD members in upper Pine Brook," writing, in part, "The tower needs to be tall . . . [i]t will be designed to look like a pine tree. It will be located by the big water tank on our property. **If you can't see the Bristlecone water tank, you most likely won't see the tower / tree. The only people who are likely to see it will be those who can see the water tank, mostly at a great distance from the mountains to the west.**" (Emphasis added). On January 24, 2020, Gail Loveman emailed Pine

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<sup>6</sup> At the community meeting with Atlas Tower, the water district manager opined that the water tank is about 30' high.

Brook Hills neighbors within the 1500' radius, stating in part, **"The tower will be out of sight line for most people. Those few who might be able to see it will only see the top of a tall pine-tree looking structure."** (Emphasis added). The landlords should have become aware of the true potential visual impact over the multi-year course of their dealings with Atlas Tower: "We have been talking with Atlas Tower, the owner and builder of the proposed tower, about this for about four years," Gail Loveman admitted in her email of January 24.

In truth, the Applicant well knows that its proposed cell tower will be obtrusive, not hidden or "most likely" hidden, due to its relative height, from multiple vantage points including the windows, decks and yards of homes situated to capture majestic mountain views; roads in Pine Brook Hills, Sunshine Canyon and other surrounding communities where the public enjoys scenic vistas overlooking the foothills; numerous iconic hiking trails around Boulder with views of the foothills or Continental Divide; and neighboring grounds at The StarHouse, where walkers use the many trails to enjoy contemplative walks in a natural setting.

In making the many misleading statements about the expected visual impact of their proposed project, the Applicant and landlords were well aware that visual impact is a material factor Boulder County must consider in deciding whether to approve or deny its Application. They also should have known that visual impact would be of utmost concern to neighbors as they weighed the impact on their own lives. The gravity of their actions should not be overlooked when the Applicant and landlords stand to gain financially on the one hand, and the impacted neighbors stand to lose financially and otherwise on the other. Under these circumstances, the Applicant's false minimization of impacts justifies denial of the Application without more.

Analysis of other factors also shows overwhelming detriments. The cell tower project is entirely inconsistent with the natural character of the surrounding environment. Pine Brook Hills' Covenants require new structures "to be in harmony with the natural terrain and character of the neighborhood" which the cell tower is not. (See Exhibit "3" p. 3, quoting PBH Covenant Article 3.1, publicly available on the PBH HOA website). Over 30 neighbors who own 18 homes in the nearby vicinity wrote to the HOA Board on January 27, 2020, to express serious concerns, which concerns I ask Boulder County to incorporate by reference into its analysis of impacts. Neighbors wrote, in part:

We are property owners in Upper Pine Brook Hills who chose to buy homes in this special community specifically to enjoy its vast natural beauty and serenity. The existence of legally binding covenants to protect the unique and special character of our neighborhood was an important factor in our decision to make this our home. For many of us, our home is our most valuable asset. (Exh "3" p. 1)

. . .

A cell tower venture is incompatible with our residential community. . . . We will suffer emotional stress, health risks and significant financial harm should this [cell tower] be allowed. Id.

. . .

There is no viable reason to locate the cell tower at this site in order to achieve the benefits such a tower could provide to PBH. Id.

. . .

We are also extremely concerned about the tower company's ability to increase the tower's height without further community input and the precedent this application may set for other harmful changes to our community. Other reasonably foreseeable risks include the potential for the FAA to require a 24/7 flashing red warning light on top of the tower for low flying aircraft, such as fire-fighting aircraft. Neither the applicant nor Boulder County can predict the FAA's action; nor would they or we be in a position to object. Id. at 3.

. . .

The cell tower is a clear detriment to our properties in several [respects that would result in a dangerous, unhealthy or hazardous condition and an unsightly condition] and will surely harm the value of our properties by making them less desirable to buyers. To be blunt, who would buy a home next to a cell tower or a home with a tower right in the middle of a view of the Continental Divide? None of us would have done so and our HOA must vigorously protect us from this unnecessary and hugely detrimental impact. Id. at 3-4.

These serious detrimental impacts to the character of the existing surroundings and to homeowners themselves far outweigh the unsubstantiated claim of added cell coverage. A legitimate study of alternative sites is sure to yield better solutions that reduce negative impacts.

The Applicant also ignores other impacts, while asserting there are "no real safety or health concerns associated with the tower," (Application para 9, p. 5; para 12, p.6). Wildfire is already the biggest threat in the area. The Applicant fails to discuss the added fire and safety risks associated with placing a lightning-attracting<sup>7</sup> cell tower at the edge of one (1) only two (2) emergency evacuation roads for dozens of homes. Attached as Exhibit "4" is a copy of the Emergency Evacuation Map for Pine Brook Hills available on the BMFPD website. At the center, left portion of the map, I note the cell tower's proposed location. As the map depicts, it this location is immediately adjacent to the **primary evacuation route** for Upper Pine Brook Hills. Residents on Hawk Lane, many of whom are elderly, have only one means of egress from that dead end road, which is toward, not away from, the cell tower's proposed location. The area is also prone to high, dry winds. Clearly, a wind-driven fire at the cell tower's location, whether caused by a lightning strike or mechanical failure, could be disastrous for a mountain community with limited evacuation routes to begin and elderly residents who would require extra time to escape. This is a "real" safety risk to people who live in the area.

The Applicant also fails to consider possible damage to the community water tank associated with its construction and operation activities. Homeowners, who fund the Water District,

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<sup>7</sup> I expect that neighbors who have the technical expertise to explain the peer-reviewed published research pertaining to lightning strikes will address this point further.



shouldn't be left to pay for damages arising out of the Applicant's activities and the Applicant should be required to indemnify the community against that risk.

Given that the Applicant has shown itself unworthy of being entrusted with the important task of conducting a full and fair analysis of safety risks, Boulder County should require the completion of a robust risk analysis by a qualified third party expert that will take into account the unique mountain setting, which the Applicant proposes to burden with a structure that adds more risk. Alternatively, on the facts already before it, Boulder County should find that adding risk to this already wildfire prone area with very limited means of evacuation, is unacceptable. Finally, the Applicant has not shown that a barren location or uninhabited location that would not present these same risks is unavailable to it and it should be required to conduct that analysis.

While Boulder County cannot deny a cell tower application on the basis of negative health impacts, it shouldn't close its eyes to the legitimate fears of neighbors who will be exposed to currently lawful amounts of Electromagnetic Fields (EMFs) by virtue of living in close proximity to the tower. Even assuming the regulations adequately account for health concerns, the fear and stress is nonetheless real and constitutes a legitimate concern. No family should be uprooted from their home because of the health concerns over this still developing body of science. The 31 neighbors who wrote to the PBH HOA noted impacts on peace of mind, including added emotional stress, and that "[they] are especially worried about the health impacts on pregnant women and children who live nearby." (Exhibit "3" p. 1). These are real concerns for impacted neighbors, contrary to the Applicant's assertion that none exist.

Finally, the Applicant also overlooks the real risk to home values that neighbors cite in our letters to Atlas Tower and the PBH HOA. (See Exhibits "2" and "3"). Neighbors state that they would not have purchased a home next to a cell tower, or with a cell tower in the middle of the view of the Continental Divide, and the County should not ignore the unquestionable impact of Applicant's project on the character of the neighborhood that drew homeowners to choose a home that requires a several minute drive up winding foothill roads to reach. For that extra effort, homeowners sought to enjoy priceless views of our majestic mountains and living in a natural and serene setting. Applicant's proposed cell tower will destroy the character of the surroundings that drew people to the area. The negative impact on home values, which directly impacts the welfare of the community, is clearly foreseeable. For many homeowners, their home is their most valuable asset and they should not be caused to suffer a loss to home values without careful and deliberate consideration of all viable alternatives.

Should Boulder County decide that denial outright is not justified on the basis of the serious ethical concerns discussed above, then it should carefully scrutinize all of the Applicant's material misrepresentations and omissions. The vast number of misrepresentations, which cannot be the result of innocent mistake, should constitute a separate grounds for denial without granting an opportunity to cure deficiencies. Alternatively, should the County choose to grant the Applicant an opportunity to cure the numerous defects in its Application, then I hope it will also renew the notice process to affected property owners to give the public a fair

opportunity to review and respond to any revised submissions, and broaden the public notice requirement to nearby neighborhoods that will also suffer negative impacts.

Perhaps the Applicant will be willing to table consideration of this problematic Application to allow stakeholders in the foothills communities to undertake a comprehensive study of the area's telecommunication, including emergency communications needs. Neighbors proposed this reasonable plan in their letter to Atlas Tower and its owners:

We strongly agree with our [Fire Chief] that creating redundancy in our emergency communications system is an important safety feature our community should diligently pursue. To that end, we favor establishment of a broad community tasks force comprised of telecommunications experts, foothills fire districts communications experts and members of the foothills communities, to develop a comprehensive plan to address our collective emergency communications needs.

(Exhibit "2" p. 2). To date, Atlas Tower has not responded. BMFPD, on the other hand, expressed support for the idea during its board meeting of February 17, 2020 and encouraged neighbors to diligently proceed with organizing the effort. Collaboration among multiple stakeholders will lead to the best solutions for the telecommunications and emergency communications needs of the foothills communities, and neighbors stand ready to collaborate with Boulder County to make this happen.

Very respectfully,

Alicia Villarreal  
90 Hawk Lane  
Boulder, CO 80304

CHART OF FALSE OR MISLEADING STATEMENTS AND MATERIAL OMISSIONS  
EXHIBIT "1"

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
(O) "This request is made in an effort to bring quality voice and data services to an area lacking reliable coverage." Supplementary Narrative – "Linden" p. 1	Applicant submits no scientific analysis to support its claims that (1) reliable coverage is lacking in the area and (2) its proposed cell tower will resolve, or help minimize the issue, to the extent it exists.	Homes in the area have access to high speed internet and wi-fi calling. It is therefore misleading to claim without evidentiary support that the area "lacks reliable coverage." Applicant should be required to substantiate this claim with evidentiary support.
(O) "[t]he capacity of the closest infrastructure is reaching its limit." <u>Id.</u> at 1.	Applicant offers no evidence or analysis to support this claim.	If nearby infrastructure exists, the County should require that Applicant analyze its potential use as an alternative site for increased cell coverage.
(O) "Current emergency and fire telecommunications are extremely difficult in this area both above and west of the City of Boulder." <u>Id.</u> at 1.	Applicant offers no evidence to support this assertion. Even if Applicant correctly identifies the problem, which it likely does, Applicant offers no technical data or analysis to support a conclusion that a cell tower at THIS particular location constitutes an objectively reasonable solution or even a partial solution for the problem.	The County should require a scientific analysis of the area's telecommunications needs by bringing together a broad set stakeholders, including technical experts and emergency responders, to collaborate on finding the best solutions. One-off cell tower financial ventures is not the best approach to solving a broad impact public policy issue.
<u>Visual Effect</u> (M) "The surrounding area is mostly forestry land with sparsely located residential homes." <u>Id.</u> at 2.	Applicant well knows that the area is surrounding by nearly 400 homes on primarily one-acre lots. This stretches the definition of "sparse" beyond its reasonable meaning. On the other hand, misleading a reader to believe the area is sparsely inhabited benefits Applicant.	Calling the area "mostly forestry land" and describing its homes as "sparsely located" is an attempt to mislead the County about the true nature and character of the residential neighborhood and minimize the fact that Applicant's financial venture will negatively impact the hundreds of families who live nearby.

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
<p><u>Visual Effect</u> (M)“The tower will be surrounded by mature evergreen trees and tucked next to a large water storage tank.” <u>Id.</u> at 2.</p>	<p>Applicant’s use of the word “tucked” is an attempt to mislead. Dictionary.com defines “tuck” as “to put into a small, close, or concealing place.” Applicant well knows that it is physically impossible to conceal its 89’ tower behind a 30’ water tank or a 40’ tree canopy of “mature evergreen trees.” Applicant also is well aware that the cell tower’s location atop a ridgeline will be visible from numerous from roads and iconic trails that overlook the foothills and have vistas of the Continental Divide, as well as from homes</p>	<p>Applicant seeks to falsely minimize the visual impact of its proposed project. As further support of this inference, the County should weigh the Applicant’s deliberate omission of the surrounding tree height and water tank height on its scale drawing of the cell tower site in Application, page Z-3. When combined with the numerous other minimizations of visual impact, these facts establish a clear attempt to mislead the County about a material fact it must weigh in evaluating Applicant’s proposal: “visual effect.”</p>
<p><u>Expected Noise Levels</u> (M) “Telecommunications facilities are essentially silent . . . [t]he decibel level [of diesel-powered generators] is similar to a noisy dishwasher and will be undetectable a few hundred feet from the facility parcel.” <u>Id.</u> at 2.</p>	<p>Applicant well knows that generators are generally far louder than dishwashers and that sounds carry in the forest. Indeed, one of the conditions that Loveman requires of visitors who receive permission to walk on the private portion of Bristlecone Way is: “NOISE. No shouting on this property. Not even loud conversations on still days. It’s astonishing how your voices carry to other residences.”</p>	<p>Thus, Applicant is well aware that the machine-made noise from this project will carry to nearby homes, disturbing the peaceful and quiet enjoyment of decks and yards. It can also be expected to carry to the adjacent StarHouse grounds, where it will disturb visitors seeking to enjoy contemplative walks.</p>
<p><u>Compatibility with Surrounding Area:</u> (F/M/O)“This proposal will be compatible with the surrounding forestry zoned and mountainous terrain as</p>	<p>Applicant omits a true and accurate description of the “surrounding area,” which is more accurately described as a single-family zoned neighborhood consisting of</p>	<p>Applicant’s failure to truthfully acknowledge and disclose clearly foreseeable negative impacts of its project constitutes an attempt to mislead Boulder</p>

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
<p>the facility shall be disguised as a fake pine tree or ‘mono-pine’ . . . . <u>Id.</u> at 3</p>	<p>approximately 400 homes on primarily one-acre lots.</p>	<p>County about this material factor it must weigh in its evaluation of Applicant’s proposal.</p> <p>A truthful submission should have disclosed the foreseeable negative impacts, including visual impacts on the broader community, as well as on the homes in the immediate vicinity.</p>
<p>(F/M)“This is not a unique location as there is already an easement road leading to an existing commercial community water storage tank on the property. This tank aids in hiding the tower facility from any neighbors.” <u>Id.</u> at 3</p>	<p>While the Applicant’s representation of an existing easement road and community water tank is accurate, it’s claim that the water tank will hide the cell tower is false and intended to mislead. The repetition of this lie throughout the Application is a serious matter, because it is intended to mislead the public, not just Boulder County. The County notified property owners within 1500’ of the existence of the Application and where to find relevant materials on the County’s website. Applicant knew when it submitted its Application that the public would rely on its representations to evaluate how the project might impact them. Applicant’s failure to truthfully describe the material facts denies not just the County, but the public,</p>	<p>Applicant’s failure to truthfully disclose the true nature and uses of the surrounding area appears to be a deliberate attempt to mislead by withholding material facts that Boulder County must consider under the Land Use Code, including the size, height and massing of structures, changes to the natural topography, the unique location and environment of the proposed use, scenic vistas and activities, and the characteristics of nearby neighborhoods. Applicant’s omission of the impact on scenic vistas is particularly egregious, when many homeowners chose their homes to enjoy the natural scenic vistas and ridgelines the cell tower will permanently mar. The harm to scenic vistas will affect a broad swath of Boulder, by dotting a currently pristine</p>

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
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	of the material information it needs to evaluate the impacts of the project on their lives.	ridgeline with a man-made obstruction between Boulder and the Continental Divide.
(O) TE 1.01 “Applicant acknowledges and accepts this requirement.” <u>Id.</u> at 3	Applicant omits a description of the true nature of the “surrounding land uses” and a discussion of “safety from hazards” required in the Boulder County Comprehensive Plan.	Applicant’s failure to disclose the known fire safety hazards associated with cell towers is an egregious omission when the proposed location is a foothill community where fire risk is the biggest threat. Applicant relies the existence of the community water tank as a shield throughout its application but does not also acknowledge that by virtue of the water tank’s close proximity to Applicant’s construction and operations site, this vital community asset’s safety also faces some risk. Applicant makes no mention of any efforts to indemnify the Pine Brook Water District from losses should Applicant’s activities damage the community’s water infrastructure, part of which is shown on the site plan. Boulder County should require the Applicant to take proactive measures to protect the community’s water infrastructure and also indemnify the Water District against potential losses arising out of its activities, so that homeowners are not left holding the bag.

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
<p>(M/O) TE 1.02 “After reviewing multiple options, all but one was denied. . . . Of the top three potential sites, neither of the two denied locations helped minimize the need for additional towers in a close proximity. Please see attached ‘Alternative Site Analysis Report’ for details.” <u>Id.</u> at 3</p>	<p>Applicant included as a so-called alternative a property whose owner it did not contact and who would not have consented to Applicant’s proposal to erect a cell tower. <i>See</i>, David Tresemer letter to County submitted February 13, 2020 8:32:31 PM. Inclusion of this site calls into question the credibility of the analysis when the claimed alternative was not a true alternative, but appears to have been chosen deliberately to establish a “fail.” Applicant’s use of the phrase “[o]f the top three potential sites,” directly implies that Applicant studies other sites. Boulder County should inquire of Applicant whether any other studies, in fact, exist. Finally, Applicant offers no evidence in support of its implied assertion that its proposed project “help[s] minimize the need for additional towers in a close proximity.” Applicant failed to submit a coverage map for its proposed site, having submitted them only for its so-called “failed” sites, which calls into question the reliability of its analysis.</p>	<p>Applicant fails to meet its obligation “of providing information that can assist in the review of the proposal and a consideration of alternative sites and alternative designs that may be more acceptable to Boulder County.” Boulder County should draw a negative inference from Applicant’s failure to include a legitimate alternative site analysis, which it appears to have circumvented in favor preselecting as a winning site the location where it found a willing landowner. This process makes a mockery of the code’s requirement to undertake a good faith attempt at finding alternative sites and designs that the County may find more acceptable to meet the community’s telecommunications needs. The Applicant has not met its burden to submit an objective analysis of alternatives.</p> <p>Presumably, the Applicant will ultimately provide the missing “heat map” depicting coverage of its proposed cell tower. Should the County find that the Applicant grossly overstated its claimed benefits, the County should count this fact as another deliberate</p>

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
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		misstatement to government authorities made for the purpose of financial gain.
(M/O) TE 1.03 “This facility would be able to serve the needs of governments, businesses, and citizens of Boulder County while minimizing any visual impacts with a mono-pine tower design.”	TE 1.03 requires Boulder County to accommodate adequate regional and community telecommunications facilities “while avoiding, where possible, or minimizing any negative impacts . . . .” Applicant discusses only the visual impact, which it deliberately minimizes throughout its Application. Applicant fails to address the numerous other negative impacts its proposed cell tower foreseeably creates for the community. Moreover, Applicant fails to offer any scientific analysis to support its claimed benefits to “governments, businesses, and citizens of Boulder County.” Applicant holds the burden to support these claims with credible and reliable technical evidence.	Telecommunications shortcomings present an important public policy issue that merits scientific analysis and broad community input. The County should be loath to pursue a piecemeal approach to solving this broad impact issue by leaving these important decisions, by default, to financial transactions between cell tower companies and individual landowners. The shortcomings in this Application show the risks inherent in leaving these important decisions to the whims of private transactions.
(O) TE 1.03 “Applicant already has support from the local fire districts, water district and HOA community.” <u>Id.</u> at 3.	Applicant should have, but failed to disclose to the County and the public in its Application, the additional highly material fact that the landowner serves an elected official on the local fire district, water district, and is the elected Treasurer of the Board of the HOA.	The County should require the Applicant to publicly disclose all communications with these bodies, due to the appearance of a conflict of interest inherent in a board member’s personal financial interest. A review of public records shows that these bodies provided no public notice and held no



FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
		<p>hearings on the cell tower project prior to the Applicant's filing when it represented, in writing, that it had secured their support. The public deserves to know the details of how the Applicant was able to obtain the support of these bodies without public notice and hearings. My own requests for information have met with limited disclosures, and only the County is in a position to require that full public disclosures are made to protect the integrity of the overall process.</p>
<p>(M/O) TE 1.05 "The facility location, adjacent to an existing water storage tank, is ideal for several reasons. It is . . . buffered by a large water storage tank. The chosen design of a mono-pine aid in camouflaging by blending in the tower with the surrounding evergreen trees." <u>Id.</u> at 4.</p>	<p>Once again, Applicant's failure to disclose the material facts needed for the reader to place these representations in context reveal a deliberate intent to mislead. A different picture emerges when other material facts are added, that is, that the water storage tank is shorter than surrounding trees and the cell tower will be over two times taller than the existing natural trees.</p>	<p>Applicant's failure to disclose these highly material facts in its narrative and its elevations drawing constitutes a deliberate attempt to mislead Boulder County and the public about the true nature of its proposal. Many readers would be duped into believing this repeated misleading assertion.</p>
<p>(O) TE 1.06 "Applicant acknowledges, accepts this requirement, and will make all efforts to encourage colocation on this telecommunications facility." <u>Id.</u> at 4.</p>	<p>TE 1.06 states "Consolidation of multiple telecommunications facilities onto common towers, when feasible and not otherwise detrimental, shall be strongly encouraged by Boulder County." The Applicant offers no analysis of</p>	<p>Boulder County should require a legitimate analysis of consolidation opportunities, before impacting a virgin ridgeline with a new cell tower or series of cell towers. The County is in a far better position to evaluate the</p>

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
	colocation opportunities at preexisting sites.	County's needs than a cell tower company who has shown itself to be less than forthright in its Application. Boulder County should therefore consider commissioning a study by experts who can analyze this complex public policy issue and offer viable, comprehensive solutions.
(O) TE 1.07 "There are currently no existing buildings on the property that are tall enough to provide the coverage needed to the nearby community and forested area, thus locating the facility on [sic] existing building is not feasible." <u>Id.</u> at 4.	TE 1.07 provides, "when feasible, telecommunications facilities shall be located adjacent to, on or incorporated into existing or proposed buildings or other structures." Applicant correctly states that there are no such buildings on this particular parcel, but Applicant fails to discuss nearby possible buildings, such as those at Betasso Water Treatment Plant or sites that have preexisting towers that may be compatible with its proposed cell tower.	Applicant's limitation of its scope of analysis to its own proposed site, as opposed to the entire vicinity it proposes to serve, is a serious deficiency in its submission. Boulder County should require the Applicant to submit the information it needs to conduct a fair analysis of each criteria set forth in the code, so that it may reach an informed decision.
(M) TE 1.08 "Applicant has made all efforts to make sure any visual impact of the proposed facility is greatly mitigated to the nearby community through the site location and tower design." <u>Id.</u> at 4.	TE 1.08 requires that "a comprehensive approach shall be taken for evaluating potential [telecommunications] sites in Boulder County with a view to minimizing the number of sites required and any adverse impacts." On its face, the criteria requires an analysis of preexisting sites and adverse impacts, which	The County should draw negative inferences from Applicant's failure to analyze the required criteria and its deliberate minimization of negative impacts on the community. While the Applicant should have truthfully disclosed impacts, it instead left it to neighbors to educate themselves about its project and alert

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
	Applicant has failed to fully consider or disclose.	the County to the obvious negative impacts. The County should hold this omission, together with the misleading and repeated representations in the Application, against the Applicant. No business should attempt to win governmental approval by submitting false, misleading or incomplete representations about material facts necessary for public officials to carry out their duties on behalf of the public.
(O) 4. “The proposed site location will not result in an over-intensive use of land or excessive depletion of the natural resources. The location is nearby an existing water storage tank on the property.” <u>Id.</u> at 4.	The Code requires an analysis of “the effect on significant natural areas,” “the disturbance of plant and animal habitat, and wildlife migration corridors,” among other factors. Applicant fails to address any of these criteria in an area where wildlife abounds.	Applicant offers no foundational facts to show that it has the technical expertise to opine on these impacts. If Applicant lacks the technical expertise to conduct this analysis, Boulder County should require an independent study by a qualified expert to render an opinion on the impacts on flora and fauna that abound in the vicinity.
(M) 8. “This proposed facility will be located next to an existing water storage tank. The tower will be designed as a mono-pine to resemble a pine tree in order to blend in with the surrounding mature evergreen trees thus mitigating any undue visual impacts of the facility.” <u>Id.</u> at 5.	Again, Applicant’s implication that the water storage tank and surrounding trees will hide the cell tower is an attempt to mislead Boulder County and the public. Applicant has denied both audiences the facts they need to give due consideration to the visual and other negative impacts of its proposed cell tower.	The County should draw negative inferences from the Applicant’s failure to disclose these material facts, as the disclosure prevents the County from reaching a fully informed decision about the impacts of Applicant’s proposed project.

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
<p>(M/O) 9. “There are no real safety or health concerns associated with the tower, as all materials are designed to meet all required safety, impact and engineering standards.” <u>Id.</u> at 5.</p>	<p>Applicant’s failure to acknowledge community concerns around cell towers is disingenuous. While the County may not base a denial on health, nothing requires the County to ignore them either. Moreover, being in the cell tower business, Applicant should be well aware that cell towers sometimes fail, collapse and ignite fires by virtue of its operations in that industry. Applicant’s failure to acknowledge any risks with its activities whatsoever merits a negative inference.</p>	<p>Fire risk and powerful winds are a safety concern for foothill communities. Applicant’s failure to acknowledge that cell towers attract lightning and can cause fires is a serious oversight. Neighbors with technical backgrounds have cited peer-reviewed, published studies to Boulder County to establish these facts.</p> <p>Applicant should be required to truthfully disclose risks associated with adding a cell tower in close proximity to homes in a mountain community, especially when the cell tower site is immediately adjacent to one of only two emergency egress roads for residents nearest the site. Indeed, one of those streets is a dead-end road, with the only egress being toward, not away from, the cell tower site. Boulder County should carefully weigh these safety factors, and require Applicant to explain why it chose to omit these important factors from its analysis.</p>
<p>(M) 10. “The tower . . . will reduce inefficient use of energy by providing faster emergency response time, better communication between family members and</p>	<p>Applicant offers no evidence to support its contention that family members lack sufficient means of communication, or that residents are unable to work</p>	<p>Challenges with telecommunications coverage undoubtedly exist in the foothills. And the Applicant should be required to substantiate the</p>

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
aid in facilitating remote working thereby reducing unnecessary car travel.” <u>Id.</u> at 5.	from home. Residents already have access to cell coverage and work from home, so it is curious that Applicant would imply this is a problem it needs to fix without offering any evidence to support its bald assertions.	<p>extent of the problem and show how its proposed solution, versus viable alternative sites and technologies, will address these challenges.</p> <p>Given the many misleading representations in its Application, Boulder County should require that Applicant submit verifiable information to support each criteria required under the Code.</p>
(M/O) 12. “This facility will not result in unreasonable risk of harm to people or property as there are no real safety or health concerns associated with the tower.” <u>Id.</u> at 6.	<p>See response to 9, above.</p> <p>Applicant fails to acknowledge fire safety risks, the fact that this location is at one of only two emergency egress sites for Upper Pine Brook Hills, or risks to the community water tank, which is immediately adjacent to its proposed building site.</p>	Boulder County should require Applicant to retain an expert to conduct a legitimate risk analysis, taking into account the concerns of the community. The Applicant’s failure to disclose obvious risks shows that it lacks the ability to complete this crucial part of the analysis required under the Code.
(M) 4-602(D)(1) “Atlas Tower is working with the landlords who are actively involved in the HOA, Water District Board and Boulder Mountain Fire District to make sure the local community is aware of the proposed project.” <u>Id.</u> at 6.	Applicant should be required to disclose evidence to substantiate this claim about its efforts to make the community aware of the proposed project, as it appears to be another statement intended to mislead the County about the facts.	
(O) 4-602((D)(2)(b) “This tower is proposed in a location that is severely lacking in coverage. There is not an existing tower	Applicant offers no evidentiary support for these assertions, or the implied assertion that its proposed	The community will benefit from a robust, scientific analysis of telecommunications problems and solutions.

FALSE/MISLEADING/OMISSION	THE PROBLEM WITH IT	REASONABLE INFERENCE OR FURTHER STUDY REQUIRED
<p>in the area that covers the desired terrain.” <u>Id.</u> at 7.</p>	<p>cell tower constitutes a viable solution.</p>	<p>Neighbors proposed to Atlas Tower that it join with the community in a broad study to find the best solutions. “We favor establishment of a broad community task force comprised of telecommunications experts, foothills fire districts communications experts and members of the foothills communities, to develop a comprehensive plan to address our collective emergency communications needs,” neighbors wrote to Atlas with no response from Atlas. Boulder County should ask Atlas Tower to explain why it did not respond to this reasonable proposal from neighbors.</p>

## EXHIBIT “3” LETTER FROM 31 NEIGHBORS TO PBH HOA

January 27, 2020

Pine Brook Hills Home Owners Association  
1907 Linden Dr.  
Boulder, CO 80304

Delivered by Email

Dear Pine Brook Hills HOA Board Members:

We are property owners in Upper Pine Brook Hills who chose to buy homes in this special community specifically to enjoy its vast natural beauty and serenity. The existence of legally binding covenants to protect the unique and special character of our neighborhood was an important factor in our decision to make this our home. For many of us, our home is our most valuable asset. We’ve invested vast resources to live here, in reliance on the protections afforded by the terms and conditions of the 2010 Pine Brook Hills Covenants. As our “official and legal representative” under the Covenants, we now ask that the HOA protect our quality of life, well-being and property values by taking good faith, timely and meaningful steps to prevent Bob and Gail Loveman from erecting a cell tower adjacent to our homes. If the HOA needs to retain counsel to carry out its duty to enforce the Covenants, then we ask that it do so without delay, due to the short timeline involved.

A cell tower venture is incompatible with our residential community. The detrimental impacts on our health, welfare, peace of mind, character of our neighborhood and property values far outweigh any potential benefits to the Lovemans, the cell tower company or PBH. Most of us have already lost sleep over the prospect of this project and we are dismayed by how it was sprung on us via a postcard from the County, rather than through announcements and open discussions by the HOA, and without PBH community input. We will suffer emotional stress, health risks and significant financial harm should this be allowed. We are especially worried about the health impacts on pregnant women and children who live nearby.

There is no viable reason to locate the cell tower at this site in order to achieve the benefits such a tower could provide to PBH. The Covenants are a version of *The Golden Rule* and we call upon the HOA and our neighbors in PBH to apply it. We should also be considerate of our good neighbors at The StarHouse, whose property includes numerous outdoor sacred sites where prayer and meditation are practiced in nature, and which is immediately adjacent to this project. The tower will be visible from those sites.

We acknowledge and sincerely appreciate the Lovemans’ extraordinary volunteerism in our community. It is difficult to reconcile their longstanding community spirit and contributions with this tower project and the notable lack of communication and opportunities for participation in the decision-making process surrounding it. Indeed, the Boulder County Land Use Department Publication on Special Use Review encourages property owners to “meet with

## EXHIBIT “3” LETTER FROM 31 NEIGHBORS TO PBH HOA

their neighbors to discuss a Special Use proposal prior to making application. This often fosters an understanding of the needs of all parties prior to the hearing process, reducing the potential for conflict and allowing for changes in the proposal in response to those needs.” We are confused by the Lovemans’ choice to skip this important step of engaging with even the most impacted neighbors.

Perhaps the Lovemans felt this was unnecessary because their 35-acre parcel falls outside the boundaries of the HOA and is arguably not subject to its Covenants. But even if the HOA lacks jurisdiction over the Lovemans’ parcel specifically, it unquestionably must enforce our Covenants for the benefit of PBH homeowners. Boulder County sent the application to the PBH/ARC for review because this project will clearly impact PBH residents. Our HOA must now exercise its best efforts to protect us, including by submitting a written opposition to the Special Use Review Application with Boulder County. It should not be lost on the HOA that a Special Use Review is required for this project because the proposed use is not allowed by current zoning code for the property. That fact, in and of itself, merits careful attention in this process.

We submit that any fair, objective and rigorous analysis of this proposed project will show that the burdens far outweigh the claimed benefits to the community.

### PBH COVENANTS

The Preamble of our Covenants establish that the founders agreed and “desire[d] to subject improvements made or to be made to the properties to these protective covenants, restrictions, reservations and obligations.” The founders declared their “desire that these covenants and restrictions **inure to the benefit of each and every lot** for which they are herein adopted” and that “the lot owners of any lot from any unit approving these revised covenants may enforce these covenants and restrictions.” The Covenants are “agreed to be for the **protection of the value of the properties and for the benefit of any person having any right, title or interest in the properties.**” (Emphasis added).

Article 2.7 establishes that the Homeowner’s Association, “Pine Brook Hills, Inc., a not-for-profit corporation, **is the official and legal representative** of the owners of those Units 1-7 of Pine Brook Hills adopting these amended covenants . . . .” (Emphasis added). As our “official and legal representative,” we insist that the HOA protect us from the serious detrimental impacts of the proposed cell tower project on our homes and community.

Article 3.1 (a) requires that no part of the real property shall be occupied or used for other than residential purposes . . . except for the purposes of fire prevention or supplying of utility services to the community.” First, all our properties already have utilities, including the convenience of cell phone use. Second, we believe that a scientific analysis of the Lovemans’ application to erect the cell tower will show that it will primarily provide cell coverage outside of PBH, not within PBH. Third, alternative sites would better achieve the stated goal of increasing cell phone coverage for reverse 911 purposes within PBH and surrounding mountain



### EXHIBIT “3” LETTER FROM 31 NEIGHBORS TO PBH HOA

communities. Related to this third point, the experience of the Camp Fire in California shows the grave risks and devastating consequences of relying upon cell towers and cell phones for emergency communications during a fire. That reliance led to deadly consequences and residents shouldn’t be encouraged to believe that cell phone coverage will be effective during a fire danger. See, *Camp Fire created a black hole of communication. In disasters, our high-tech communities are reduced to 1940s-era responses.*

<https://www.mercurynews.com/2018/12/16/camp-fire-created-a-black-hole-of-communication/>

Landlines are more reliable and as part of this cell tower discussion, residents should be truthfully informed about the risks of reliance on cell phones in the event of a forest fire. Hence, any benefits of the proposed cell tower would be marginal and are far outweighed by the negative impacts and risks to homeowners stated herein.

Article 3.1(e) requires that “[e]ach owner shall be encouraged to locate any structure on a lot in such a manner **as to be in harmony with the natural terrain and character of the neighborhood.**” (Emphasis added). The proposed cell tower will be prominently and clearly visible from multiple vantage points in PBH and a large number of the iconic trails around Boulder. It will disrupt the ridgeline view between PBH and the Continental Divide, and between Boulder and the Continental Divide. Yet, the application misleadingly claims that the tower will be “tucked” behind the water tank, which is physically impossible when the cell tower is over twice as tall as the surrounding trees and the water tank is shorter than the trees. The cell tower company also claims to have analyzed a second PBH neighbor’s property as an alternative site, but that neighbor was unaware of any such analysis. The application contains material omissions as well, such as the failure to include a map showing the cell coverage of the proposed cell tower. The applicant only included maps for the “failed” sites. The HOA must therefore carefully scrutinize the veracity of each of the claims in the application when considering it.

We are also extremely concerned about the tower company’s ability to increase the tower’s height without further community input and the precedent this application may set for other harmful changes to our community. Other reasonably foreseeable risks include the potential for the FAA to require a 24/7 flashing red warning light on top of the tower for low flying aircraft, such as fire-fighting aircraft. Neither the applicant nor Boulder County can predict the FAA’s action; nor would they or we be in a position to object.

Article 3.4 “No Detriment to Other Lots and Residents” states “(a) [t]he owners of each lot shall at all times maintain said lot and the improvements thereon in such condition so that the lot and improvements thereon **are not detrimental to all other Lots.**” [Emphasis added]. 3.4(b) prohibits any detrimental impact that “**is a dangerous, unhealthy or hazardous condition . . . [and] unsightly condition[s].**” [Emphasis added]. The cell tower is a clear detriment to our properties in several of these respects and will surely harm the value of our properties by making them less desirable to buyers.

### EXHIBIT "3" LETTER FROM 31 NEIGHBORS TO PBH HOA

To be blunt, who would buy a home next to a cell tower or a home with a tower right in the middle of a view of the Continental Divide? None of us would have done so and our HOA must vigorously protect us from this unnecessary and hugely detrimental impact.

Article 5.3 establishes that all lot owners accept title "subject to each and all restrictions, conditions, covenants and agreements," that are "intended and imposed for the **direct, mutual and reciprocal benefit of each and all of the lots and subsequent owners thereof . . . and reciprocal rights and obligations . . .**" In other words, we are all legally entitled to the protections of the Covenants.

The PBH HOA Covenant Enforcement Process explains that the Purpose of the Covenant Enforcement Process is "[t]o cultivate a **strong, sustainable, vibrant, and attractive community** and to **enhance the quality of life and well-being of the residents of Pine Brook Hills.**" (Emphasis added). It also states that, "[t]he **PBH Covenants provide for the health, safety, welfare, quality of life, and quality of environment that residents come to expect from their community. The Enforcement Process, while used rarely, helps to maintain property values and protect residents.**" [Emphasis added]. Finally, it states that "[c]omplaints should be made to the HOA President."

We formally request that the HOA take the steps necessary to effectuate the Covenants and Procedures that are designed to protect us from the overwhelmingly negative impacts of the proposed cell tower on our health, safety, welfare, quality of life, and quality of environment, as required in the PBH governing documents. If the Lovemans assert that they are not subject to the PBH Covenants, then the HOA must decline to hear their arguments at all. The HOA cannot elevate the interests of a non-PBH homeowner above those of homeowners who are bound by, and beneficiaries of, the Covenants.

Please address all correspondence to Taber Ward, [taberward@gmail.com](mailto:taberward@gmail.com).

Sincerely,

EXHIBIT "2" LETTER TO ATLAS TOWER AND ITS OWNERS FROM 23 NEIGHBORS

February 5, 2020

Via Certified Mail

Randi and Nathan Foster  
3718 Spring Valley Rd  
Boulder, CO 80304

Via Certified Mail and Email to Project Manager Katie Ogle at [kogle@atlastowers.com](mailto:kogle@atlastowers.com) and  
Director of Legal Affairs Michael Powers at [mpowers@atlastower.com](mailto:mpowers@atlastower.com)

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

Re: Special Use Application SU-20-0001 to Build Telecommunications Facility & Tower at 250  
Bristlecone Way, Boulder, CO 80304 (Pine Brook Hills community)

Dear Mr. and Mrs. Foster and Atlas Tower companies:

We write to appeal to you as our neighbors. This past Wednesday, Mike Powers, representing Atlas Tower, told us at the community meeting that Atlas is a family owned company and that you are our neighbors who live at the bottom of the hill on Linden. We ask that you consider the impact your proposed project has had on us, since the moment we opened our mailboxes to see the postcard from Boulder County. We have all lost sleep and are experiencing intense stress and anxiety over the many negative ramifications your proposed project means for our health and safety, the natural beauty of our surroundings and our property values. **As your neighbors, we ask that you please reconsider your plan and not inflict this harm on us.**

The question and answer session elevated our concerns beyond those the Application itself raised in our minds. We believe that a fair conclusion to be drawn from what we now know about this project is that it was pursued without sufficient consideration of vital information.

The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads us to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. Our Fire Chief told us during the Q&A session that he supported this project, just as he would any project that adds redundancy into emergency communications, but that he could not say that THIS cell tower at THIS location is the best way to achieve the goal of improved emergency communications. We support our Chief and our firefighters, several of whom live immediately adjacent to this proposed cell tower project, and we agree with the Chief that our community should strive to create redundancy in our emergency communications by considering all available options. That is clearly in our community's best interest. We ask that you and Atlas collaborate with our community and all of the surrounding fire districts to undertake a rigorous scientific analysis of alternatives, so that we may achieve the best possible outcome. Our Fire Chief expressed his willingness to look at all possibilities in an effort to decide what is best, and we hope that you and Atlas will be, too.

## EXHIBIT "2" LETTER TO ATLAS TOWER AND ITS OWNERS FROM 23 NEIGHBORS

We also feel the need to share our concerns about how this project came about without full and fair disclosure to nearby homeowners, let alone our broader Pine Brook Hills community. Powers told us that in 2016, he met with our Water District manager and the Lovemans and those discussions ultimately led to Atlas' contract to build the proposed cell tower on the Lovemans' property.

Our Water District is a public body funded by taxpayer dollars and user fees. Bob Loveman is an elected official on the Water District Board. He is also Chairman of the Fire Protection District Board, another elected position within a publicly-funded entity. Neither of these Districts held public hearings on this project and we believe that they neglected to give due consideration to the appearance of conflicts of interest. It is axiomatic that no board member should benefit personally from his or her position of trust within an organization.

This circumstance, coupled with the general lack of community engagement and dialogue before undertaking a project that would foreseeably deliver serious negative impacts on parts of the community, even while improving cell phone coverage for others, perplexes us and gives us serious pause. We sincerely believe that this appearance of impropriety could and should have been avoided. Atlas has told Boulder County that the Water District and Fire District support its Application, but Atlas did not disclose that Bob Loveman is an elected member of those bodies. We ask that you ask yourselves: would Atlas have taken these very same actions with a Boulder City Councilperson? With a Boulder County Commissioner? We think not.

Powers said that this project would be Atlas' first tower in Boulder County. We don't want the negative publicity this appearance of impropriety would surely unleash on our beloved Pine Brook Hills and we urge you to consider its impact on your business' reputation as well. This taint should give you pause, as it does us, and be sufficient grounds to withdraw this problematic Application.

We strongly agree with our Chief that creating redundancy in our emergency communications system is an important safety feature our community should diligently pursue. To that end, we favor establishment of a broad community task force comprised of telecommunications experts, foothills fire districts communications experts and members of the foothills communities, to develop a comprehensive plan to address our collective emergency communications needs. Atlas and other industry experts would add value to those discussions and we would like to see you and Atlas engage with our community in this way, in lieu of pursuing this controversial project without the deeper analysis we believe the issue merits.

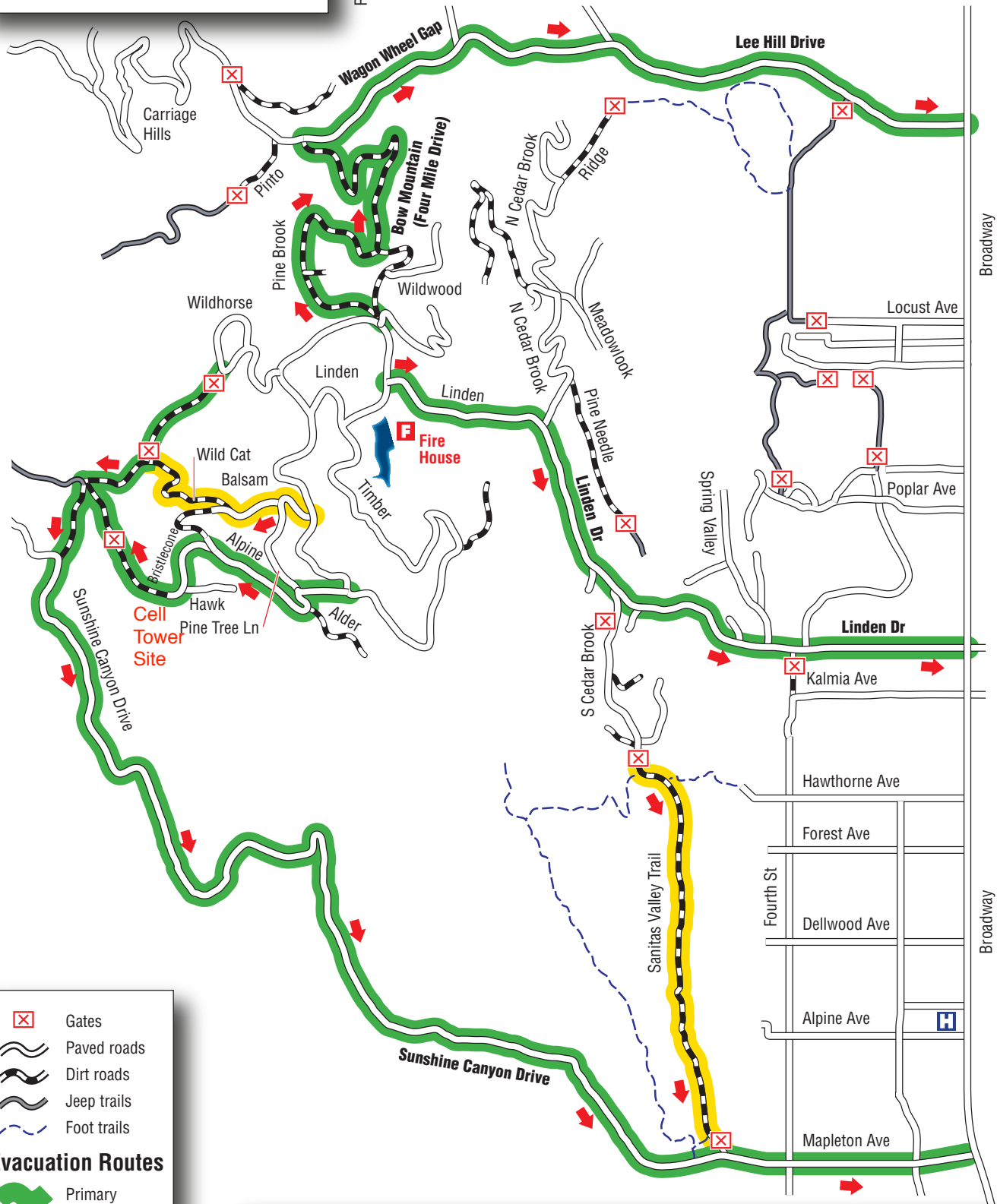
You may communicate with our group through our point of contact, Ms. Taber Ward at [taberward@gmail.com](mailto:taberward@gmail.com). We look forward to receiving your prompt response.

Sincerely,

Cc     Bob and Gail Loveman (via email to [rl Loveman47@gmail.com](mailto:rl Loveman47@gmail.com))  
         Chief John Benson, Boulder Mountain Fire Protection District (via email to [chief@bouldermountainfire.org](mailto:chief@bouldermountainfire.org))  
         Robert De Haas, Pine Brook Water District (via email to [bob@pinebrookwater.com](mailto:bob@pinebrookwater.com))

**Pine Brook Hills:  
Evacuation Routes**

Revised 09/09



- Gates
- Paved roads
- Dirt roads
- Jeep trails
- Foot trails

**Evacuation Routes**

- Primary
- Secondary



**From:** [Debbie Burns](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001  
**Date:** Tuesday, February 11, 2020 2:51:23 PM

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To: Boulder County Planning Department, [planner@bouldercounty.org](mailto:planner@bouldercounty.org)

Re: Docket # SU-20-0001: Atlas Tower

From: All Seasons Chalice Administrative Director, Debbie Burns

All Seasons Chalice Church (ASC) is the administrative arm of the StarHouse property at 3476 Sunshine Canyon Drive. StarHouse was completed in 1990, when operating as a church was a use-by-right in Forestry District. Because of others who abused this right, Church use for all of the Forestry District was taken away by the County some years later. For a time, StarHouse and ASC was treated as “legal, non-conforming,” as we existed prior to the zoning change, yet no longer had a category. Beginning in 2007, ASC asked to sort this out with the County. The consequence was in 2008 that the property was put into “Use of Community Significance,” thus recognizing the positive impacts that the StarHouse property has had on the Boulder-area community.

**Stance:** The Board of Directors of ASC has met, and has voted to oppose the erection of the proposed tower.

## **Bases of our objection**

### **1. Health**

There are well designed studies showing the deleterious effects of electromagnetic radiation exposure. The people who attend StarHouse activities are very sensitive to pollution of all kinds, including EMF hypersensitivity (which is, again, supported by scientific studies). People come for the benefits of immersion in Nature. It appears the federal government deems the modern studies unimportant, and has crippled the ability of local government to review this data. Nonetheless, we feel effects on health must be mentioned as an objection. And where it affects us is in point #2...

### **2. Perception**

Of great importance for us is perception of being in a safe and healthy environment. ASC/StarHouse survives by memberships and donations. Members and donors seek the nesting in nature that StarHouse provides. A poll of our members and donors has demonstrated very clearly that the sight of a tower looming 50’ over the treeline to the south of StarHouse, observable from every point on the StarHouse property, is deeply disturbing. We are very concerned that these members and donors will cease their support.

Why do businesses hide telecommunications equipment? Why add green plastic to make a steel tower look like a pine tree? To fool people into not noticing. Thus perceptions are part of the plan of this tower, to encourage people to not notice. This plan isn’t working—as the structure literally towers over the surrounding trees, and makes the fake-pine attempt into an insult.

Perceptions are fundamental to our ability to operate a “use of community significance” on this property.

### **3. Safety**

ASC/StarHouse has cooperated with the two local fire departments (Sunshine Fire District and, in Pine Brook Hills, the Boulder Mountain Fire Authority). The main emergency egress for

Pine Brook Hills residents to the west goes through the StarHouse property, and was the only entrance/exit for all of Pine Brook Hills (PBH) during the 2013 floods. We received immense support from Pine Brook Hills to repair that egress road in 2013, showing its importance to the PBH community. Before then and since then, we pay for upkeep of that egress road to County standards.

The flat meadows near the Retreat Cabin have been declared emergency helicopter landing sites, as well as parking for fire-fighting equipment, and were used in combating the Sunshine Canyon fires on two occasions, including the fires of 2010.

At our expense, we created what has come to be known as the StarHouse Firebreak, which has been extended by both fire departments. Thus we completely support safety for our community.

Because of the proximity of an emergency landing area (a Landing Zone (LZ) on the fire department list), the proposed cell tower will likely be required to have a light at the top, perhaps a red light, perhaps a blinking light. This visual intrusion, especially at night when we hold many of our events, erodes further the perceptions of sweet nature that is fundamental to our church activity.

#### **4. Alternatives**

There are other possible tower sites, as well as methods for increasing communications between agencies and people, that we feel have not been fully explored. Other neighbors have discovered several such sites, and all better.

#### **5. Retreat Cabin**

The Retreat Cabin on the ASC/StarHouse property, built in 1988, is used for spiritual retreats. It is off-grid. It has a solar system that is clicked off at night. People who stay there report feeling the absence of electricity as calming and relaxing, supporting the success of their spiritual quest. The Retreat Cabin is 1,000 feet from the proposed tower. The tower's nonstop EMF radiation would severely undermine the potency of this spiritual retreat location.

Thank you for allowing public voice and considering our concerns.

We ask that these comments become part of the public record, noting that many other responses may not have known to ask to be included, and should be referenced in the future.

In Gratitude,  
Debbie Burns  
Administrative Director  
303-245-8452

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Saturday, February 15, 2020 5:47:16 PM

---

Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Anne Bliss

EMAIL: [anne.bliss@gmail.com](mailto:anne.bliss@gmail.com)

ZIPCODE: 80303

PUBLIC RECORD:

- Please include my comments in the public record.

-----

We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.



**From:** [acg47@aol.com](mailto:acg47@aol.com)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #: SU-20-0001: Atlas Tower  
**Date:** Wednesday, February 19, 2020 7:28:45 AM

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RE: Docket #: SU-20-0001: Atlas Tower

**I STRONGLY OPPOSE** the proposed cell site in Pine Brook Hills

I am a 40 year resident of Pine Brook Hills and live at 7,000 feet above sea level. From my home I can see Denver, Longmont, and have unobstructed view to the north and east. I have been a ham radio operator for more than 50 years with extensive experience in radio communications. There are existing antenna farms on nearby Lee Hill that could provide Pine Brook Hills residents with better cell phone coverage without the addition of a 85 foot tower in our neighborhood.

More importantly, the health effects on those living near a cell tower are well documented globally. I urge the Boulder County Planning Commission to read the below documented research below about the health effects of radiation from a cell site especially children living close to the proposed cell tower. The Atlas Tower representative at the recent neighborhood meeting was not able to answer of the 5G cell technology would be added to the tower in the future. The International Association of Fire Fighters(IAFF) has gone on record opposing cell tower being place on fire stations due to health effects.

Research links:

<https://mdsafetech.files.wordpress.com/2019/09/iaff-cell-tower-resolution-health-and-safety-fact-sheets-copy.pdf>

<https://drive.google.com/file/d/19CbWmdGTnnW1iZ9pxlxq1ssAdYl3Eur3/view>

<https://ecfsapi.fcc.gov/file/7022117660.pdf>

<https://ehtrust.org/science/cell-towers-and-cell-antennae/compilation-of-research-studies-on-cell-tower-radiation-and-health/>

Please add this communication to the record.

Thank you,

Arthur Levy  
159 Alpine Way  
303.443.8801

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Wednesday, February 19, 2020 4:25:46 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose the erecting the 89 to 109 foot (where the tallest tree in the area is 40 feet) cell tower that is proposed to be built at the top of Pine Brook Hills neighborhood. The tower would be located within one of (if not the) densest mountain community in the Boulder front range. It would be visible from the sacred Star House property, many of the houses in Pine Brook Hills, and many of the hiking trails off of Sunshine. The tower is a visual deterrent and a financial deterrent to many home owners in the nearby mountain community it will "service" it is also located close to an emergency helicopter landing zone.

I have been to many of the public hearings and don't understand the reasons why the tower is being considered. At one, that Atlas tower said it was not a financially winner for the tower company. The local fire station said it is unlikely that they will receive coverage at the fire station and has come out publicly against the tower. The neighborhood around the tower strongly oppose it and from what I know the Star House organization also does too. For these previously mentioned reasons this project should not go forward.

NAME: Ashton Phillips

EMAIL: [ashtongreyphillips@gmail.com](mailto:ashtongreyphillips@gmail.com)

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [aureliatara@aol.com](mailto:aureliatara@aol.com)  
**To:** [#LandUsePlanner](#)  
**Cc:** [ascpr@thestarhouse.org](mailto:ascpr@thestarhouse.org)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Saturday, February 15, 2020 8:00:36 PM

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Dear Boulder County Planning Committee,

My husband and I have been alerted to the fact that a tower is being planned for construction near the sacred site of Star House. We are hoping you will reconsider constructing such a tower.

For some time now our world has been bombarded with technologies that are causing serious health damage to sentient being on our planet, not just humans but all sentient life. Studies increasingly show the shocking disconnect in brain structures when exposed to so many EMF technologies and our world is now very addicted to these technologies, thinking it is the only way of communicating. We humans are increasingly becoming more and more disconnected from our earth mother and our biology and our survival is intimately connected to being in harmony with our biology which emanates from the earth herself.

Over many years, although living quite a distance away from this beautiful and intentional land, Al and I have enjoyed participating and presenting in the sacred geometrical structure we call Star House. At one sound event, I had the experience of feeling the vastness of the universe as Star House and all physical structures seemed to disappear momentarily.

I truly believe the planet is much bigger than human design but I also believe that if humans want to continue to live and consciously grow on the planet, then we have to once again be in harmony with her evolutionary intent.

Thank you for your attention.

Peace blessings,  
Rev. Barbara J. Taylor  
6763 S. Ash Way  
Centennial, CO 80122

From: [Ben Levi](#)  
To: [#LandUsePlanner](#)  
Subject: Docket #SU-20-0001: Atlas Tower  
Date: Tuesday, February 18, 2020 6:14:49 PM

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To: Boulder County Community Planning & Permitting Dept., PO Box 471,  
Boulder CO 80306

[planner@bouldercounty.org](mailto:planner@bouldercounty.org)

Re: Docket #SU-20-0001: Atlas Tower

I am writing to oppose the Atlas tower permit, and would like my comments included in the public record.

## NEPA

I will be referencing the [NEPA review done by Trileaf Corp.](#) On pg. 39 Trileaf writes:

“The surrounding habitat within a 0.5-mile radius of the proposed site consists predominantly of undeveloped forest with scattered residences.” I would point out that Atlas Tower provided addresses of almost 100 residences within 1,500 feet (0.28 miles) of the proposed tower site... there are likely a few hundred more residences within 0.5 miles... this is clearly not “scattered”.

There is clear evidence showing that construction of the tower will be a huge source of controversy on environmental grounds in the local community. It will create an EMF field close to the antennas (<100 feet) that few living beings will be able to adapt to. A full NEPA environmental review must be done on the site to uncover all of the potential environmental hazards it will create, including destroying the nesting grounds for millions of beneficial insects such as ladybugs that have been coming to that hill to breed every summer for decades. A full NEPA review would also uncover the negative impacts of the tower on human health, psychologically as well as physically, for the vulnerable populations living nearby, including pregnant women, children, the sick, and EMF-sensitive, and the significant issues around fire dangers (see below).

## Fire

The most dangerous natural disaster we face in our wildland corridor is fire. I chose to remain in my self-sufficient home on the western edge of Pine Brook Hills next to StarHouse during the Four Mile Canyon fire and saw how it was stopped less than a mile to the west of StarHouse by our amazing fire fighters. I could imagine them realizing that they were the last resort, having to draw an actual “line in the hills”; that if the fire crossed that line and got into Pine Brook Hills, that there’d be nothing stopping it, all the way into Boulder. It’s a very scary thought to think about a fire starting in PBH because of a lightning strike or equipment malfunction to the

proposed tower. The County needs to ensure that if the tower application is approved (which I am against) that it MUST have a tested and capable fire suppression system to put out any fires that may spontaneously occur, and which would be catastrophic for the County as well as the City of Boulder.

## High Winds

Given the typical maximum winds on that ridge topping 140+ mph, I am concerned that such a high tower would be subject to severe wind gusts that could not only damage the tower, but could also lead to equipment damage and fire.

## Visual Impact

The proposed 89' monopine tower site will stick up at least 45'-55' above the treeline, which averages 35'-40' high all around the site. This will make it the tallest object on the horizon and therefore will be visible in lots of places around the neighborhood, from individual homes' views of the divide, to StarHouse visitors seeing it prominently to the south, 1,500' away. The antennas within the monopine structure will certainly be seen, no matter how many "branches" are stuck on it to try to mask them. Even though my home is not in direct sight of the proposed tower, I support all my neighbors who do not want the tower in their view; I know I would certainly not.

Because the proposed monopine structure sticks up 40'-50' above the ridgeline, it is not compatible with the surrounding natural landscape and will be seen as an obvious un-natural object from Betasso Park, Bald Mountain Scenic Area and from roadways designated as View Protection Corridors in the Boulder County Comprehensive Plan. And the fact that Atlas can return to the County to extend the height of the tower another 20' without public comment is further proof that the County should reject this tower in its proposed location.

## FAA - light?

The FAA has been advised about the tower application by Atlas, who never told the FAA that 1,100 feet away from the tower near the StarHouse parking lot is a designated emergency landing area (after the flood a few years ago). We also get quite a bit of air traffic flying overhead (unfortunately)... gliders, helicopters, and planes. I am afraid that the FAA will insist on having a light on top of the tower, which would destroy the beauty and serenity of our community, as I hope you will agree, and therefore the tower application should be denied simply on those grounds.

## Health dangers to those living nearby

People definitely suffer from living close to cell towers (certainly the [Internal Association of Fire Fighters](#) thinks so, as they have demanded no cell towers be erected on or near any fire stations because of adverse effects on their health). We have volunteer fire fighters living very close to the proposed tower site and I fear for their health, as well as fellow Pine Brook community members and their families, the FCC's unreasonable EMF exposure guidelines notwithstanding. Everyone knows

those guidelines were created 30 years ago and science (and technology) has advanced a lot in that time. No one wants to live close to a cell tower, and since this tower is not critical to the community, there is no need to expose people to potentially harmful health impacts.

### **Unhealthy impact on ASC**

I am a supporter of StarHouse, zoned of community significance, ever since building my home next to it in 2000. I do daily walks past it, and imagine with chagrin an 89' high tower rising 50' above the treeline to the south. I walk past the Retreat Cabin thinking that it would no longer be able to offer a place of respite from the EMF energies of modern civilization, as it is now. All Seasons Chalice has always had a difficult time supporting StarHouse financially, and erecting the tower may lead to ASC's and StarHouse's demise, which would be very sad for the County and the thousands of people it serves yearly.

### **Argument against the cell tower improving communications in an emergency**

I am concerned that the 12-hour battery/diesel generator backup system will be totally inadequate to serve the community in the event of a disaster such as what we've experienced in the past decade with fires and floods. In any emergency (fire, flood, etc.) that results in evacuations, one of the first things Xcel Energy does is cut off power to the community for safety reasons, and any significant disaster will certainly last at least 24 hours, if not many days. Thus the cell tower would be unable to function after backup power is depleted, rendering it useless... not to mention the internet backbone (hard-wired) to the tower, which would also be off-line due to lack of electricity. A much more cost-effective, and much less invasive, means of augmenting communications during an emergency would be mobile cell towers which can be placed strategically and just as easily supported with backup fuel, etc.

Dependency on cellular service for emergency notifications to the public has proven to be ineffective and in many cases counter-productive, in that it fosters a false sense of security on an inherently unreliable mode of communication. It is far better to promote other more reliable means of communication, such as land line telephones, pagers, WiFi calling, etc.

### **Adverse Impact From Snow**

Science is clear that adverse weather impacts the effectiveness of cell towers. Recent snow storms would have covered the proposed cell tower in a foot or more of snow and ice all around it, reducing its effectiveness radically (as well as additional snow load the tower must support). This snow and ice could easily stay on the tower for weeks if the weather stays cloudy and cold, which is not uncommon in our winters. I believe Atlas Tower has no plan to maintain the viability of the tower in these kinds of weather conditions, and if they do, then I would like to see it.

Respectfully submitted,

Ben Levi

151 Wildcat Lane

Boulder, CO 80304

**From:** [Bill Stahl](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** re: Docket #SU-20-0001: Atlas Tower  
**Date:** Monday, February 10, 2020 10:51:22 AM

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I write to strenuously object to the new tower proposal. I live very close to the site, on the south/Sunshine Canyon side, and it will be just more junk in the view, cluttering the landscape, adding the suburbanization of a still-lovely neighborhood. Please reject the application!

--

Thanks,  
Bill Stahl



**From:** [Bob](#)  
**To:** [Ott, Jean](#)  
**Subject:** Special Use Review SU-20-0001  
**Date:** Friday, February 7, 2020 3:10:48 PM

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I understand that you are a referral agency for the Special Use Review Application SU-20-0001 to the Boulder County Planning Dept. For the record, I am a concerned resident of Pine Brook Hills which is most definitely affected by this proposal.

The eighty some foot tall monopine cell tower will be nothing more than a thinly veiled structure in tree clothing, as it stands almost twice as tall all all nearby natural growth.

This is not only contrary to our aesthetic sensibilities, which may well involve diminished value to many of us, but also, an affront to Boulder County's implementation of Policy 1.02.01 of the Open Space Element which states in part..."the County shall avoid, minimize or mitigate impacts on views from view protection corridors..."

I suppose minimizing the impact of this unnecessary tower would be to cut its height in half, but I imagine that would reduce much of the functional assets the cell tower is claimed to have.

Thus, it seems to me, your only honest option is to avoid approval of this unnecessary eyesore.

Thank you  
Bob Polis

Sent from [Mail](#) for Windows 10

**From:** [Bob](#)  
**To:** [Ott, Jean](#)  
**Subject:** RE: Fwd: Cell Tower Meeting Wed Jan 29 7 PM 1905 Linden  
**Date:** Tuesday, January 28, 2020 2:04:48 PM

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Hi and thank you for your response.

I meant it to go to you as well. The monopole tower is a thinly veiled attempt to be 'hidden' when it will be the only 85 foot structure standing that tall amongst real trees that are less than half that size. That's pretty horrific.

Our views in Pine Brook are pretty astounding and to have this obvious eyesore is a blatant affront to our aesthetic beauty and I'm certain you can appreciate that.

Not only that, there are MANY safety concerns and your and the approval of the BCC could be exposing you and us to liability no one anticipated, including for diminished value.

I've seen nothing showing demonstrably how any benefits of the tower outweigh the negatives and unknowns. Nor has there been any convincing argument stating that this is the only possible location for this eyesore.

There must come a time when profits (to the cell phone carriers, tower owners, Lovemans etc) come second to sound thinking and erring on the side of safety concerns, because, by the time health hazards have been detected on the unborn, pregnant, children and elderly, the profits will have been made while the affected individuals and public are left to pay the consequences..

Thanks again for taking the time to hear some of our concerns.

Bob

Sent from [Mail](#) for Windows 10

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**From:** [Ott, Jean](#)  
**Sent:** Tuesday, January 28, 2020 12:46 PM  
**To:** [Bob](#)  
**Subject:** RE: Fwd: Cell Tower Meeting Wed Jan 29 7 PM 1905 Linden

Hi Bob,

We received the email chain below, but it was unclear if this was informational only or if this was meant to be a comment on the proposal. I will add it to the public record for consideration by staff, the Planning Commission, and the Board of County Commissioners if it is the latter. Let me know and please feel free to contact me directly with any comments or questions regarding docket SU-20-0001 Atlas Tower.

Thanks!

Raini

**Jean Lorraine Ott, AICP, CFM**

Planner II | Development Review Team

720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

Boulder County Community Planning & Permitting

2045 13<sup>th</sup> Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)

303.441.3930 | P.O. Box 471 | Boulder, CO 80306

*Formerly Land Use and Transportation – [We've become a new department!](#)*

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**From:** Bob <r.polis@comcast.net>

**Sent:** Monday, January 27, 2020 8:28 AM

**To:** iampedaling@gmail.com

**Cc:** p\_friedl@yahoo.com; sylvia9952@yahoo.com; dmbortz@gmail.com; madamedumond@gmail.com; david@accentproperties.net; darnallbeer@mac.com; WmeGreen@gmail.com; karenhvz@gmail.com; joshua9@gmail.com; veradobson@gmail.com; davidtresemer@gmail.com; tanglewicz@mac.com; sunnydayuk@yahoo.com; mbcronshaw@gmail.com; boldt45@gmail.com; ben@dialogue.org; Aaron.Hirsh@colorado.edu; hotsybdr@aol.com; taberward@gmail.com; khowl59@yahoo.com; robin@copydiva.com; paige.larson@comcast.net; blcollier@earthlink.net; tominboulder@gmail.com; Kennyg716@comcast.net; matthew@bolitho.us; gbjohnso@gmail.com; j-garrard@msn.com; lynnkimball5@gmail.com; landon@landonf.org; cbjensen@seqnet.net; rrweatherill@icloud.com; margaret@margaretdixon.com; gmonroy34@gmail.com; pkingsmith@comcast.net; Cherilynn.Cathey@colorado.edu; jsebstad@gmail.com; acg47@aol.com; mjhjah@gmail.com; rumitcu@outlook.com; param645@yahoo.com; m.v.mullins@gmail.com; gloveman@ameritech.net; raegp@comcast.net

**Subject:** RE: Fwd: Cell Tower Meeting Wed Jan 29 7 PM 1905 Linden

Hi

Seems like that would result in the same problems but for different people.

Bob

Sent from [Mail](#) for Windows 10

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**From:** [Jan Mitchell](#)

**Sent:** Sunday, January 26, 2020 9:01 PM

**To:** [Bob](#)

**Cc:** [p\\_friedl@yahoo.com](mailto:p_friedl@yahoo.com); [sylvia9952@yahoo.com](mailto:sylvia9952@yahoo.com); [dmbortz@gmail.com](mailto:dmbortz@gmail.com); [madamedumond@gmail.com](mailto:madamedumond@gmail.com); [david@accentproperties.net](mailto:david@accentproperties.net); [darnallbeer@mac.com](mailto:darnallbeer@mac.com); [WmeGreen@gmail.com](mailto:WmeGreen@gmail.com); [karenhvz@gmail.com](mailto:karenhvz@gmail.com); [joshua9@gmail.com](mailto:joshua9@gmail.com); [veradobson@gmail.com](mailto:veradobson@gmail.com); [davidtresemer@gmail.com](mailto:davidtresemer@gmail.com); [tanglewicz@mac.com](mailto:tanglewicz@mac.com); [sunnydayuk@yahoo.com](mailto:sunnydayuk@yahoo.com); [mbcronshaw@gmail.com](mailto:mbcronshaw@gmail.com); [boldt45@gmail.com](mailto:boldt45@gmail.com); [ben@dialogue.org](mailto:ben@dialogue.org); [Aaron.Hirsh@colorado.edu](mailto:Aaron.Hirsh@colorado.edu);

[hotsybdr@aol.com](mailto:hotsybdr@aol.com); [taberward@gmail.com](mailto:taberward@gmail.com); [khowl59@yahoo.com](mailto:khowl59@yahoo.com); [robin@copydiva.com](mailto:robin@copydiva.com);  
[paige.larson@comcast.net](mailto:paige.larson@comcast.net); [blcollier@earthlink.net](mailto:blcollier@earthlink.net); [tominboulder@gmail.com](mailto:tominboulder@gmail.com);  
[Kennyg716@comcast.net](mailto:Kennyg716@comcast.net); [matthew@bolitho.us](mailto:matthew@bolitho.us); [gbjohnso@gmail.com](mailto:gbjohnso@gmail.com); [j-garrard@msn.com](mailto:j-garrard@msn.com);  
[lynnkimball5@gmail.com](mailto:lynnkimball5@gmail.com); [landon@landonf.org](mailto:landon@landonf.org); [cbjensen@seqnet.net](mailto:cbjensen@seqnet.net); [rrweatherill@icloud.com](mailto:rrweatherill@icloud.com);  
[margaret@margaretdixon.com](mailto:margaret@margaretdixon.com); [gmonroy34@gmail.com](mailto:gmonroy34@gmail.com); [pkingsmith@comcast.net](mailto:pkingsmith@comcast.net);  
[Cherilynn.Cathey@colorado.edu](mailto:Cherilynn.Cathey@colorado.edu); [jsebstad@gmail.com](mailto:jsebstad@gmail.com); [acg47@aol.com](mailto:acg47@aol.com); [mjhjah@gmail.com](mailto:mjhjah@gmail.com);  
[rumitcu@outlook.com](mailto:rumitcu@outlook.com); [param645@yahoo.com](mailto:param645@yahoo.com); [m.v.mullins@gmail.com](mailto:m.v.mullins@gmail.com); [gloveman@ameritech.net](mailto:gloveman@ameritech.net);  
[raegp@comcast.net](mailto:raegp@comcast.net)

**Subject:** Re: Fwd: Cell Tower Meeting Wed Jan 29 7 PM 1905 Linden

I am wondering if this would cause less problems if the tower is built on the property that Bob and Gail actually live on rather than a property that is far away and near others who aren't as keen to have it near them. Jan

On Sun, Jan 26, 2020 at 6:02 PM Bob <[r.polis@comcast.net](mailto:r.polis@comcast.net)> wrote:

**SORRY IF THIS HAS BEEN RECEIVED TWICE – MY NEW EMAIL PROGRAM REPORTED THAT IT WAS NOT YET SENT.**

Hi all

Actually, I believe this is a Special Use that needs neighbor approval, or at least input, before the Boulder County Planning Commission and then the Board of County Commissioners can/will approve/disapprove the matter.

Calling this an "informational meeting" seems a bit disingenuous though, when only ATLAS TOWER (the party seeking to build the six story (85-foot) monopine telecommunications tower) will be presenting, and, no doubt, they will have pat 'answers' for everything (including no doubt, claims that we need it for our safety).

By the way, I believe a monopine tower is just a cell tower disguised as a tree, and I understand there will be enough 'branches' on this tower for up to four wireless providers.

More to the point though, to be truly informative, there has to be information flowing from all sides, not just from one interested party with a vested interest in convincing its audience. Rentals from the hundreds to thousands of dollars per month seem somewhat typical, but it's not important and I'm all for someone making a profit.

However, since the Loveman's claim they will be donating any funds they receive from this venture, perhaps they will see fit to donate it to the PBH fire department or for other reserves local residents can dip into should health problems arise.

If it were up to me though, I'd mandate that the tower owners, lessors and lessees indemnify all Pine Brook residents against ill effects, if any, arising from the cell towers.

The article attached to the announcement talks about cancer, but there is nothing about the apparent lack of knowledge concerning damage to cells, tissues and DNA. In addition, there are many articles that still have concern about cancer from cell towers.

I am not advocating either way, other than having a broader spectrum of information flow from this meeting. Otherwise, candidly, it just lends itself to being skewed opinion.

For informational purposes it seems there are already two structural towers within two miles of our house and some 16 antenna.

Bob Polis

Hi Mike,

That's a good question. Looking forward to hearing the answer!

Phil Friedl

On Jan 24, 2020, at 6:18 PM, Mike Mullins <[m.v.mullins@gmail.com](mailto:m.v.mullins@gmail.com)> wrote:

Howdy team!

Gail and Bob, appreciative of all of the communication you've offered to the area!

Hypothetically if the neighbors within the radius would oppose it, would you pull the project from consideration?

Just wondering if the goal of this meeting is strictly educational, or is the path forward up for discussion (go/no-go on the tower build/install)?

Mike Mullins  
161 Bristlecone  
[m.v.mullins@gmail.com](mailto:m.v.mullins@gmail.com)

On Fri, Jan 24, 2020 at 2:26 PM Gail Loveman <[gloveman@ameritech.net](mailto:gloveman@ameritech.net)> wrote:  
Not for this meeting. We want to give the people whom the county notified plenty of opportunity to ask their questions.

Gail

Sent from my iPhone  
Gail Loveman

On Jan 24, 2020, at 12:33 PM, Philip Friedl <[p\\_friedl@yahoo.com](mailto:p_friedl@yahoo.com)> wrote:

Gail,

This tower impacts the views and raises health and safety concerns for other PBH residents who did not receive the notice. Are you inviting these residents separately in another email?

Phil Friedl

Sent from my iPhone

On Jan 24, 2020, at 10:32 AM, Gail J. Loveman <[gloveman@ameritech.net](mailto:gloveman@ameritech.net)> wrote:

Dear Neighbors,

We plan on holding a community meeting next Wed 7 pm at 1905 Linden (Station 1) to answer questions about the proposed cell tower to be built at 250 Bristlecone Way.

The meeting will be moderated and will be limited to 90 minutes. Atlas Tower will be there to answer your questions about the tower.

You, as one of the households who are within 1500 ft of the proposed tower, are invited to the meeting.

-----

Please note several things about the invitation list ...

--The circle of properties within 1500 ft results in an interesting list of households to which the county sent the postcards. Don't be surprised if you got the postcard and your next door neighbor did not.

--We are inviting residents of PBH who got the postcards to this meeting. We have not invited some households in Sunshine Canyon - Poorman and Model T, etc. to our west. This is meant to be a PBH community meeting.

--The list we were able to get from the county website about our application has addresses that are the addresses of record at the county for the lots within 1500 ft. Some of those addresses, for example are in CA. We'll try to figure out which lots those addresses represent and get the invitation to people who live in PBH but have a different address of record. We want to get this invitation out soon. That sleuthing project will take some time, so people who live in the 1500 ft radius will hopefully get invited once we figure that out.

The punch line to that is we are trying to reach people in PBH in the radius, but it is not a simple project, and this list will not be perfect.

-----

To set the stage for the meeting....

Here is why Bob and I decided to go forward with this.

We are allowing the tower to be built on our property because we believe it will make a substantial improvement in communications ability both for our Fire District and for Districts to the west of us. We are doing this for the safety benefits for the neighborhood. That is our overwhelming concern.

We took these items into consideration

-- The American Cancer Society says " Some people have expressed concern that living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time, there is very little evidence to support this idea. In theory, there are some important points that would argue against cellular phone towers being able to cause cancer."

[http://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html?sitearea=PED&fbclid=IwAR0VjE\\_RRAz91TWlTGyFGnMPBD9r7Ufuje8XkPbjT3ij1Xr7egvQK30vkcE](http://www.cancer.org/cancer/cancer-causes/radiation-exposure/cellular-phone-towers.html?sitearea=PED&fbclid=IwAR0VjE_RRAz91TWlTGyFGnMPBD9r7Ufuje8XkPbjT3ij1Xr7egvQK30vkcE)

-- The tower will be out of sight line for most people. Those few who might be able to see it will only see the top of a tall pine-tree looking structure.

--The tower doesn't make noise (except there is a generator, in case of an extended power failure, which would generate noise described as the sound of a dishwasher.)

-- Any utility or power cables running to the site from existing supply lines will be underground.

We will be paid a rent, but it is not a substantial amount in our situation. We are definitely not in this for the money. Our plan is to donate these funds to charity.

We have been talking with Atlas Tower, the owner and builder of the proposed tower, about this for about four years. Bob and I have been quite open about these discussions and the

possibility of a Tower. We have talked about it in meetings - Fire Department, HOA, Bristlecone Lane gatherings. We have also talked about it in many casual settings. For those of you for whom this is a surprise, we apologize. We tried to be very open and let people know this was in the works.

Bob and Gail

Sent from [Mail](#) for Windows 10

--

["It is much easier to show compassion to animals. They are never wicked"](#)  
[Haile Selassie \(Emperor of Ethiopia\)](#)

<https://www.yuacommunitylibrary.org/>



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Cathy Shoenfeld - SU 20-0001  
**Date:** Thursday, February 13, 2020 5:49:44 PM

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Boulder County Property Address : 250 Bristlecone Way

If your comments are regarding a specific docket, please enter the docket number: SU 20-0001

Name: Cathy Shoenfeld

Email Address: cathyshoenfeld@yahoo.com

Please enter your question or comment: I have questions and concerns about the Atlas Tower project that I hope will be clarified in this process.

- \* Will the tower will be built on a ridge line? The paperwork indicates it is the highest point on the ridge. Is that the top of the tower or is it being build on the ridge and extending 85' beyond that. My understanding is that the County does not allow building on ridge lines so as to preserve the quality of our views.
- \* The tower is described as about 85' tall which while it may be comparable to the height of some of the trees in the area and should be hidden from view I have to wonder what would the view look like if the forest were to be destroyed/damaged by fires, beetle kill or some other tragic event. This would be an eyesore for a long time.
- \* It is described as being "tucked next to a large water storage tank". The tower is still almost 3 times the height of that tank (rough estimation) and well beyond the limits for building heights in the county.
- \* How will the construction of the tower and the 2500 square foot facility at the base of tower affect the surrounding community in terms of construction traffic, noise, access, etc.
- \* What facilities (ie. restrooms) will be provided for the workers during construction and during their visits throughout the year.
- \* This tower and its adjoining facility does not fit in with the "characteristics of the nearby development and neighborhoods" as part of the review criteria.
- \* Will blasting be required/needed to get through the bedrock? 6,400 square feet of land will be disturbed.
- \* Power frequently goes out in this area. How will the generator be powered?

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Tuesday, February 18, 2020 12:11:30 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

-----

TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I would like to voice my objection of adding this tower. Thank you.

NAME: chien lin

EMAIL: [linchien11@gmail.com](mailto:linchien11@gmail.com)

ZIPCODE: 80302

PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [Cindy McMullen](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Pinebrook Hills proposed cell tower  
**Date:** Thursday, February 13, 2020 8:16:46 PM

---

Dear Community Planning and Permitting Department,

This is in reference to Docker # SU-20-0001: Atlas Tower Telecommunications Facility

As a resident of upper Pinebrook Hills for 7 years, I'm adamantly opposed to the 89-foot cell tower planned to be erected in the midst of my neighborhood. **I would like to go on record as being opposed to the construction of this tower in its proposed location.**

The obvious issue is the visual pollution of such an intrusive structure in such a natural environment. A more concerning issue is the increased risk of wildfires sparked by cloud-to-ground lightening strikes on the tower and surrounding trees. Several homes in my old neighborhood in Nederland were burned to the ground in the 2018 forest fire, fueled by dead and diseased trees. Living in the forest, as many of us do in upper Pinebrook Hills, in close proximity to the proposed cell tower, puts us all at greater risk for wildfire.

There also appears to be a conflict of interest where Atlas Tower has contracted to build the tower on the property of a Pinebrook Hills HOA board member, who is also an elected official for the Pinebrook fire and water departments. These contract negotiations apparently took place without consulting any residents, including myself, who were only recently notified via Boulder County's "Special Use Review Notification".

Regards,

Cindy McMullen

16 Hawk Ln, Boulder CO 80304

**From:** [Daniela Papi](#)  
**To:** [#LandUsePlanner](#); [ascpr@thestarhouse.org](mailto:ascpr@thestarhouse.org)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Saturday, February 8, 2020 1:17:58 PM

---

Hello Boulder planning committee -

As a resident of Boulder, I'm concerned about the proposed construction of Atlas Tower.

I've been a fan of the work of Star House for some time, and have enjoyed my visits to the surrounding beautiful natural and spiritual areas. I'm concerned about the proposed tower for both its potential negative health and environmental impacts and also for the destruction of the pristine aesthetic.

I ask that you consider other alternatives and preserve the spiritual and natural beauty of this world renowned learning and retreat center.

Many thanks,  
Daniela Papi  
5000 Butte St  
Lot 61  
Boulder, CO  
80301

David Bortz  
Vanja Dukic  
67 Hawk Ln  
Boulder, CO 80304

February 19, 2020

Community Planning & Permitting  
PO Box 471  
Boulder, CO 80306

Dear Sir or Madam:

This letter is in response to a request for comments concerning the proposed cell tower at 250 Bristlecone Way (Docket SU 20-0001).

First and foremost, **we are completely opposed to this tower**. There is no aspect of this tower that we support and urge staff to reject it outright both because of the potential impact of the tower as well as Atlas Tower's blatantly deficient application.

We are opposed to it for the following reasons:

1. Impact on ridgeline view

**The tower will protrude ~50 feet above the treeline directly in our view of Sugarloaf mountain.**

The tower is WSW of our house at 67 Hawk Ln. Our house is at an elevation of 6,929ft and the proposed tower would be 1,297ft away at an elevation of 6,968ft. Given that our view of the tower will be unimpeded from our second floor deck, our ridgeline view to the west will be polluted by a cell tower. Below is the image from our deck depicting the approximate location and height of the tower. Note the visible snow on the ground to compare with the tree height (~40').



This corruption of the ridgeline view toward the Continental Divide is completely at odds with the Boulder County Comprehensive Plan.

## 2. Impact on property values

A cursory google search reveals a wealth of information supporting the fact that cell towers lower the property values of nearby homes. Even the National Association of Realtors has a page attesting to this fact:

<https://magazine.realtor/daily-news/2014/07/25/cell-towers-antennas-problematic-for-buyers>

both in terms of a survey of potential home buyers and a GPS-based analysis in a peer-reviewed academic journal publication. In particular, the book by Bond, Sims, & Dent<sup>1</sup> collects together previously published work, which reports an **up to 20% depreciation in home values** subsequent to the installation of a cell tower in a neighborhood.

## 3. Wildfire risk

It is well known that the nonionizing radiation emitted by cell towers damages trees nearby the tower<sup>2</sup>. It is also well-known that towers attract lightning not only to themselves but also to the surrounding area<sup>3</sup>. Given that the tower will be in the middle of a forest, and given that damaged and injured trees are

<sup>1</sup>S. Bond, S. Sims, & P. Dent, "Towers, Turbines and Transmission Lines: Impacts on Property Value," Wiley, 2013.

<sup>2</sup>Waldmann-Selsam, Balmori-de la Puente, Breunig, & Balmori, "Radiofrequency radiation injures trees around mobile phone base stations", Science of The Total Environment, Volume 572, 1 December 2016, Pages 554-569.

<sup>3</sup>Kingfield, Calhoun, & de Beurs, "Antenna structures and cloud-to-ground lightning location: 1995–2015", Geophysical Research Letters, Volume 44, Issue 10, 28 May 2017, Pages 5203-5212.

more of a fire risk, the increased lightning caused by the tower will **result in an elevated fire risk.**

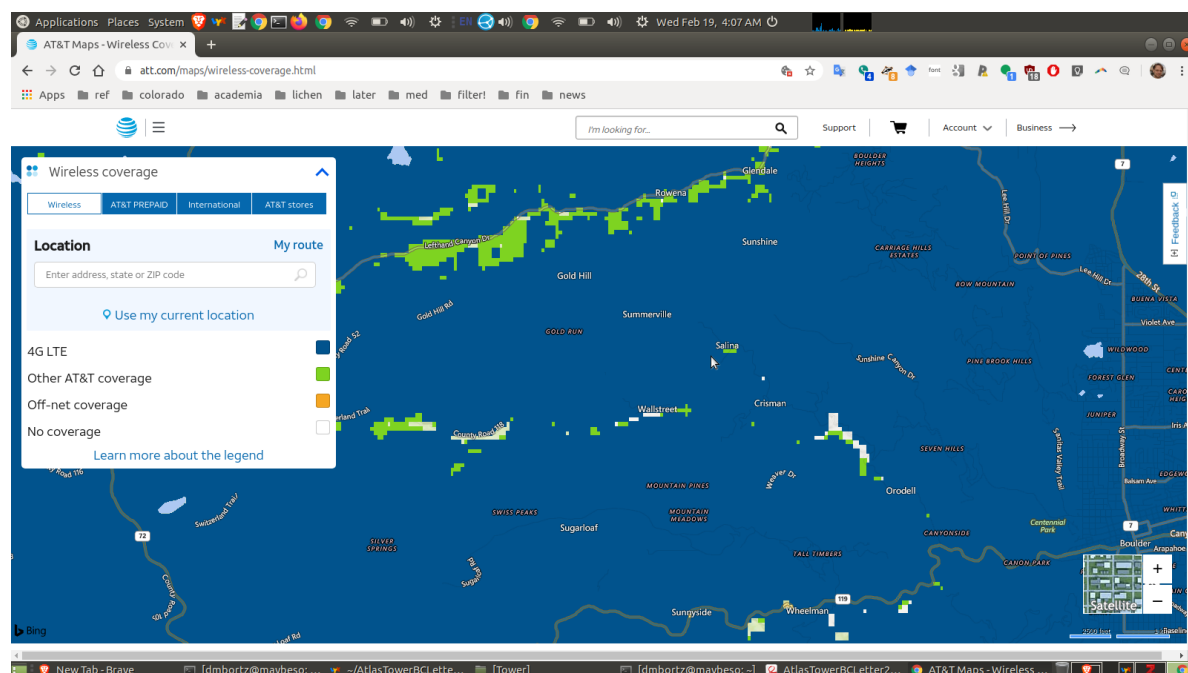
#### 4. Alternative Site Analysis

The alternative site analysis performed by Atlas is woefully inadequate. They only provide 2 line-of-site maps for rejected tower locations. **There is no presentation of a current coverage map or what new coverage this tower will provide.**

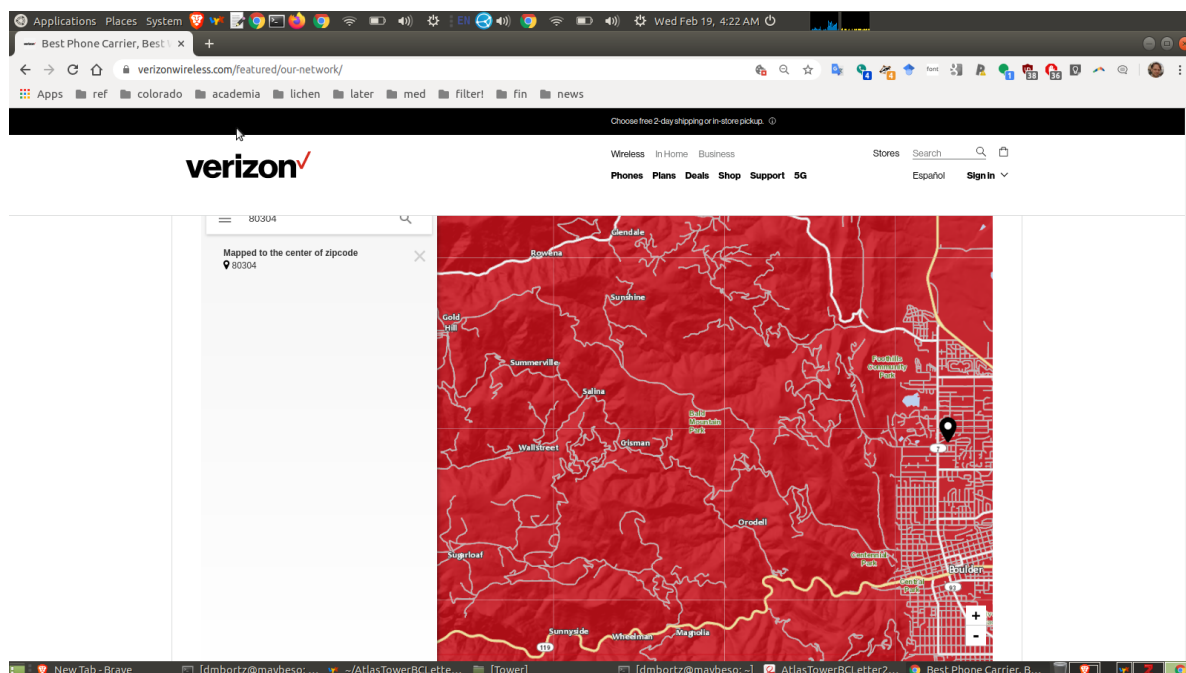
Moreover, we have corresponded with owners of both rejected sites. Neither owner was contacted about the potential for a tower, nor would they have even considered installing one. Therefore, **both “rejected” sites were not viable for non-technical reasons and so do not constitute legitimate due diligence for investigating an alternative site.**

#### 5. Benefit to county residents

According to AT&T’s website, there is already extensive 4G LTE coverage for substantial portions of Boulder county:



The same is true for Verizon:



Given such extensive coverage by two of the four main carriers, this proposed tower will bring very minimal benefit to Boulder County residents.

#### 6. Misrepresentation of community support

The Atlas tower application explicitly states that they have the approval of the Pine Brook Hills Home Owners Association (PBH-HOA) and the Boulder Mountain Fire Protection District (BMFPD). **Both of these claims are false and the fact that Atlas has claimed their support raises grave concerns about the truthfulness of the entire application.**

The PBH-HOA is neutral on this tower application. As a member of PBH, my understanding of the reason for remaining neutral is that there are residents who support improved cell coverage as well as those who are strongly and vocally opposed to the tower.

The BMFPD is also not supportive of the application. They have not been convinced that the tower does not present an elevated fire risk. Moreover, they are also not convinced that emergency communications would be improved by the tower.



**Given all of the above, we strongly urge Boulder County to promptly reject this ill-conceived project.**

Sincerely,

David Bortz  
Vanja Dukic

**From:** [DM Bortz](#)  
**To:** [Ott, Jean](#)  
**Cc:** [#LandUsePlanner](#)  
**Subject:** Re: Ask a Planner - Web Inquiry from David Bortz - SU-20-0001  
**Date:** Thursday, February 13, 2020 4:20:30 PM

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Hello Raini,

Thanks so much! And, please add all my communications into the public record.

thanks,  
David

On Thu, Feb 13, 2020 at 4:18 PM Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

David,

The Modification Determination process does not typically include a public hearing and we would have to approve the modification if it met the Federal criteria.

Thanks!

Raini

**From:** DM Bortz <[dmbortz@gmail.com](mailto:dmbortz@gmail.com)>  
**Sent:** Tuesday, February 11, 2020 11:31 AM  
**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
**Cc:** #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>  
**Subject:** Re: Ask a Planner - Web inquiry from David Bortz - SU-20-0001

Hello Jean,

Thanks so much for your reply. That's valuable to know. Just one point of clarification: If the tower company applies to increase their tower height, is that a public process? Would we get postcards again? Or, is this something where as long as they follow all the rules/regulations, they will automatically have the height increase approved (without community input)?

thanks,

David

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

From: **Ott, Jean** <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>

Date: Tue, Feb 11, 2020 at 10:39 AM

Subject: RE: Ask a Planner - Web inquiry from David Bortz - SU-20-0001

To: [dmbortz@gmail.com](mailto:dmbortz@gmail.com) <[dmbortz@gmail.com](mailto:dmbortz@gmail.com)>, #LandUsePlanner

<[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>

Hi David,

I now have an answer to your question below. Per Federal Law, the County must approve a request for modification of an existing wireless tower if the modification does not "substantially change" the physical dimensions of the tower, but the company would still need to go through a modification process with the County to change the height. The Code of Federal Regulations sets out specific criteria for what constitutes a substantial change. Regarding height increases, it states that for towers not in a public right-of-way, a change is substantial if it "increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater[.]"

Thanks!

Raini

-----Original Message-----

From: Wufoo <[no-reply@wufoo.com](mailto:no-reply@wufoo.com)>

Sent: Tuesday, February 4, 2020 4:41 PM

To: #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>

Subject: Ask a Planner - Web inquiry from David Bortz - SU-20-0001

Boulder County Property Address : 250 Bristlecone If your comments are regarding a specific docket, please enter the docket number: SU-20-0001

Name: David Bortz

Email Address: [dmbortz@gmail.com](mailto:dmbortz@gmail.com)

Phone Number: (720) 675-8373

Please enter your question or comment: Hello,

I live at 67 Hawk Lane in Pine Brook Hills and I have a question about the cell tower which has been proposed for 250 Bristlecone:

In looking online, I found reference to a law "Middle Class Tax Relief and Job Creation Act of 2012,". In Sec. 6409(a): <https://ecfsapi.fcc.gov/file/7521070994.pdf> the law seems to suggest that after initial approval, tower companies can choose to increase the height of the tower 20ft to reduce the interference between antennae. And, they can do this with no public process. Is this true? And, has this happened in Boulder county before? I'm asking this because the proposed tower will stick up 50ft (above the treeline) into my view of Sugarloaf mountain and the Arapahoe glacier - and I'd like to know if they can arbitrarily make it 70ft.

thanks,

David Bortz

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from David Bortz - SU-20-0001  
**Date:** Tuesday, February 4, 2020 4:51:43 PM

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Boulder County Property Address : 250 Bristlecone

If your comments are regarding a specific docket, please enter the docket number: SU-20-0001

Name: David Bortz

Email Address: dmbortz@gmail.com

Phone Number: (720) 675-8373

Please enter your question or comment: Hello,

I live at 67 Hawk Lane in Pine Brook Hills and I have a second question about the cell tower which has been proposed for 250 Bristlecone:

I understand that the Pine Brook Hills HOA Architectural Review Committee (ARC) have been sent (ARC@pinebrookhills.org) a referral packet, asking for their comments on the proposed tower. Has the ARC already replied to Boulder County? And, if so, could I get an electronic copy of their reply?

thanks,

David Bortz

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Huebner, Michelle](#)  
**To:** [#LandUsePlanner](#)  
**Cc:** [#LandUseBuildingOfficial](#)  
**Subject:** FW: Ask a Building Official - Web inquiry from David Lucas - SU-20-0001  
**Date:** Tuesday, February 11, 2020 4:02:25 PM

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Thanks

Michelle B. Huebner  
Plans Examiner Supervisor | Building Plan Review & Inspection  
Direct: 720-564-2616  
Boulder County Community Planning & Permitting (formerly Land Use) - We've become a new department!

-----Original Message-----

From: Wufoo <no-reply@wufoo.com>  
Sent: Tuesday, February 11, 2020 4:02 PM  
To: #LandUseBuildingOfficial <Building\_Official@bouldercounty.org>  
Subject: Ask a Building Official - Web inquiry from David Lucas - SU-20-0001

Boulder County Property Address (NOT FOR CITIES OR TOWNS, PLEASE SEE CITY/TOWN CONTACT INFORMATION ABOVE) : 250 Bristlecone, Boulder, CO 80304 If your question or comment is regarding a specific Building Permit please enter Building Permit number (example: BP-01-100): SU-20-0001

Name: David Lucas

Email Address: david@accentproperties.net Phone Number: (303) 931-9998 Please enter your question or comment.: I live in the Pine Brook Hills at 116 Hawk Lane. My property is located very near to 250 Bristlecone. My comment is that the County should NOT approve this application. It unnecessary (I have T-Mobile service and with a personal cell spot), my cell service is fine. Also, this is a residential neighborhood and, as such, construction should be limited to residential purposes. An 85 ft. cell tower will despoil the mountain ambiance that residents find appealing and possibly negatively impact property values. This project is totally unnecessary and should not be approved. A cell tower is not needed nor wanted by the members of the community. If such a tower were acceptable under the county land use codes, a special use review would not be necessary. The applicants should be expected to adhere to the current land use codes and their application should be denied.

Public record acknowledgement :

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [David Tresemer](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** SU-20-0001 from 3464 Sunshine Canyon Drive  
**Date:** Thursday, February 13, 2020 8:27:07 PM

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To: Boulder County Community Planning & Permitting Department,  
[planner@bouldercounty.org](mailto:planner@bouldercounty.org) PO Box 471, Boulder, CO 80306 (Deliver address 2045 13<sup>th</sup> St)  
In the matter of: Docket # SU-20-0001: Atlas Tower  
From: David Tresemer, as homeowner at my home at 3464 Sunshine Canyon Drive.

I am writing as homeowner, close to the proposed cell tower, and which would, if built, pop up in my view directly to the southeast, a challenging addition to the skyline. My property is quite close to the tower, close to the 250 Bristlecone property on its western side and my eastern side.

I have written in another place as representative of the property that has hosted StarHouse for thirty years. Here I speak as a homeowner directly impacted by the visual impact of the tower.

I recall speaking with the Lovemans about neighborhood issues, and around the red gate that restricts traffic from going up from Linden St. over to Sunshine Canyon Drive. The Lovemans wanted that gate secure and closed. They wanted to restrict traffic. That doesn't extend to radio waves, in frequencies that have been shown to have deleterious accumulative effects on many forms of life, including human beings.

The Lovemans have volunteered generously in service of community, and I believe that they are proposing the tower to improve communications in emergency services. When we met about the red gate in 2016, they said they were thinking of a tower, and promised, "It will be in among the trees; you won't be able to see it." I wrote at that time to them that a tower was not a good idea in terms of research on impacts of electro-magnetic radiation.

The tower is slated at 89 feet high, with no review in case the company wants to extend to 109 feet. A terrible thing to put in a community.

Others are writing you about better sites for a tower, other forms of emergency communication, decrease in property values of those close by, proximity to an emergency landing site for helicopters (on the 3476 property) and the forcing of the tower to have a red light on top, inadequacies in the tower application to address other issues that are supposed to be part of applications, studies showing that these towers attract lightning (!), the communication shadows from this tower that undermine its advertised increase in communications, and many other issues. Neighbors have done extensive and careful research on these things, and I agree with a large majority of what I have seen them say.

I applaud the Lovemans' attempt to improve safety in the neighborhood, and oppose this tower as a means to do so.



February 14, 2020

Boulder County Community Planning & Permitting Department  
PO Box 461  
Boulder, CO 80306

Docket #SU-20-0001: Atlas Tower

To Whom It May Concern,

There are several health experts that publish scientific, evidence based research on the adverse side effects of EMF radiation. Please see some of the published material below. I would plead with you not to install any more cell towers, smart meters or new technology as it's disrupting society's mental, emotional and physical health. Additional longitudinal studies need to be conducted, as with cigarette's and other substances, immediately symptoms are not always apparent.

Is this what you want on your consciousness, harming community members as well as yourself, families and young children?

Dr. Zach Bush

- **The main sources of EMF radiation *inside* the home:** cell phones, wifi, Bluetooth devices, but also wireless alarm system, baby monitors, cordless phones, and many more.

- **The main sources of EMF radiation coming from *outside* the home:** cell phone towers, smart meters, high voltage power lines, even train tracks, military bases, airports and utility substations can be a huge issue if they are too close.

- **The top EMF-related symptoms to look for:** the more obvious ones like fatigue and sleep disturbance, and the less obvious ones like tinnitus, skin rashes, light sensitivity, unexplained dizziness and many more.

Dr. Joseph Mercola  
Dr. Klinghardt\*  
Sayer Ji, Green Med

\*According to Dr. Klinghardt's 40+ years of medical experience, most people with autoimmunity, MS, fibromyalgia, ASD, Alzheimer's, Parkinson's, Lyme or co-infections and any chronic inflammatory condition will likely NEVER get better when surrounded by EMF radiation.

Thank you for your serious consideration,



Debbie Brown

January 17, 1953

Mr. J. Edgar Hoover, Director, Federal Bureau of Investigation

Washington, D.C.

Dear Mr. Hoover:

I am writing you to advise that

the following information was received

from the New York Office of the Federal Bureau of Investigation

on January 15, 1953, regarding the activities of

the New York Office of the Federal Bureau of Investigation

in connection with the activities of

the New York Office of the Federal Bureau of Investigation

in connection with the activities of

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in connection with the activities of

February 17, 2020

RECEIVED

FEB 21 2020

Boulder County  
Community Planning  
& Permitting Department

Boulder County Community Planning  
and Permitting Department

PO Box 471 Boulder, CO 80306

Docket # 5U-20-0001 Atlas Tower

Dear Friends,

It has come to my attention that a cell tower is being planned for placement at the boundary of Pine Brook Hills and Sunshine Canyon Drive. I have lived in Sunshine Canyon for 25 years (in August). The longevity of our residence is intimately connected to what has been to date the amazing quality of life that is possible here. The placement of this tower into our midst is, I feel, a very bad idea for many reasons - but suffice to say, this tower would negatively impact the quality of life here in the Canyon and all around (people, flora, fauna) because of the electro magnetic frequencies generated by such an object. If it is a 5G tower it would be even worse. I refer you to the prodigious, legitimate research done by the University of Washington.



which has much to say about the deleterious effects of EMF's.

Please, don't do it ~~Just~~ I am newly recovering from breast cancer surgery and chemotherapy - I need and want to be able to continue to rely on the quality and health giving properties of my immediate environment. I am asking you as earnestly as I possibly can, "Please do not put this major EMF polluter up in this considered spot." (or anywhere at all for that matter.)

On another note, I still believe that Boulder folks in decision-making positions also believe in the value and necessity for allowing the people who would be most affected by said decisions to have a say in those decisions. <sup>with this principle</sup> it is essential to remain true to the well-being of us all.



At the risk of  
sounding melodramatic, I  
BEG you to reconsider the  
placement of this tower. I  
respectfully ask you to explore and  
find alternative sites, & not  
alternative measures for accomplishing  
your goals.

I trust that when you think,  
and feel, deeply into this tower  
proposal, you will make a choice  
for good health and happy neighbors.

Please, please, please . . .

Most sincerely,

Debra Agee

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Tuesday, February 18, 2020 9:12:09 AM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

Those who want a strong cell signal at home can use a microcell (often provided free by their carrier).

Some people move to the mountains to get away from the hazards of city life. I\\'m not keen on the idea of radiating people without their consent.

NAME: Donna Waters

EMAIL: [Waters\\_Donna@msn.com](mailto:Waters_Donna@msn.com)

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [Drew Knowles](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower."  
**Date:** Sunday, February 9, 2020 9:48:37 PM

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Hello -

I am against the cell tower proposed in Docket #SU-20-0001: Atlas Tower."

Thank you,

Drew Knowles

Sent by D.F. Knowles (iPhone)

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Wednesday, February 19, 2020 3:14:23 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Drew Romano

EMAIL: [thedrewromano@gmail.com](mailto:thedrewromano@gmail.com)

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

-----

We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.



**From:** [Emelie Griffith](#)  
**To:** [Boulder County Board of Commissioners; #LandUsePlanner](#)  
**Subject:** Pine Brook Hills/Sunshine Canyon tower proposal  
**Date:** Friday, April 10, 2020 4:07:32 PM

---

Dear County,

As a resident in Pine Brook Hills and as a Realtor it is in my interest as well as the interest of my clients to speak up in regards to the illegitimately proposed cell tower.

Karen Howl, a resident that is taking up the matter presented my professional analysis at the meeting(s) and how the home value is affected should the tower be built. Below is the email sent on February 17:

- *According to National Association of Realtors, the homes overlooking the tower lose approximately 9.8% of value (NAR) and other sources claim up to 20% of value loss (HUD).*
- *There is a value loss of 2.5% to homes within 0.78 kilometers from the towers (NAR).*
- *94% of buyers are less interested in properties near a tower.*

[Here is the link](#) to real estate values and cell towers.

*If the homes [sold in this part](#) of PBH this past year were averaged in sale price, a 10% loss would be approximately -\$106,300k per household in lost value.*

Sincerely,  
Emelie Griffith

**Emelie S. Griffith | Realtor**  
RE/MAX Alliance on Walnut  
1911 11th St, Boulder CO 80302  
C: 303-304-0676 | O: 303-442-3180  
[About Me & Reviews!](#)

**From:** [Eric Miska](#)  
**To:** [#LandUsePlanner](#); [Boulder County Board of Commissioners](#)  
**Subject:** Opposition to Atlas Tower's cell tower  
**Date:** Friday, April 10, 2020 12:35:40 PM

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As a property owner in Boulder county and resident of Pine Brook Hills, I want to voice my strong opposition to the proposed cell tower. For something with such a massive impact on the entirety of Boulder, it seems ridiculous that I was never even notified of this application and only just found out about it through word of mouth from a neighbor.

Boulder is a special place exactly because it does NOT contain cell towers and other visual and environmental hazards scattered throughout its open space. Even ignoring all potential hazards and environmental/health/safety concerns of this project, just the idea of permanently ruining our irreplaceable mountain views is bad enough that it should disqualify this proposal.

If the concern is improving cell coverage in Boulder, why not build a cell tower out east of Boulder where development is already prevalent and there are far fewer environmental or aesthetic concerns? Why not put provider antennas on existing high rise buildings such as the Williams Village dorms? Why of all places to put a cell tower would the county allow it in the mountains?

Those of us who live in the foothills specifically chose to do so in order to be in a place that is as relatively natural and undisturbed as possible, not because we care about or want high speed connectivity. If we were concerned about being able to order Uber Eats with a 5g signal or were worried about having fast easy access to a hospital in an emergency, we wouldn't live here. The lack of widespread modern high speed cell coverage is a major benefit, not a detriment. We are here exactly because of the slower pace, greater emphasis on self and community reliance, and some sense of separation from the city. The idea that this project could be about emergency services is just 100% false given that we already have adequate communication systems in place such as for notification of fire evacuation; newer is not always better.

The presence of a cell tower looming over the surrounding trees and foothills is just completely antithetical to everything that makes Boulder so unique. Allowing this project to move forward would be the kind of decision that erodes the public trust in government and our elected officials. And it's a bad precedent that moves Boulder one step closer towards permanently losing its character.

Sincerely,

Eric Miska

**From:** [outlook\\_24631CF854E3AEA5@outlook.com](mailto:outlook_24631CF854E3AEA5@outlook.com)  
**To:** [#LandUsePlanner](#)  
**Cc:** [ascpr@thestarhouse.org](mailto:ascpr@thestarhouse.org)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Saturday, February 8, 2020 8:31:15 PM

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I am against the erection of the Atlas Tower on the Star House property. It would be an eyesore to the pristine landscape and constructed of materials of questionable ecological integrity. Thank you for considering my opinion as a concerned citizen of Boulder County since 1977. Estere Cindy Morris

Sent from [Mail](#) for Windows 10

**From:** [eva@evamarie.com](mailto:eva@evamarie.com)  
**To:** [Ott, Jean](#)  
**Subject:** Pine Brook Hills Proposed Cell Tower  
**Date:** Thursday, February 13, 2020 2:18:07 PM  
**Attachments:** [sigimg1](#)

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Hi Raini,

My husband and I just returned from a vacation and just found out a couple of days ago that a cell phone tower installation is being proposed very close to our home (we are at 160 Bristlecone Way). As a Realtor I know that such a tower will most likely cause a negative effect on our property values (there are already a couple of residents with kids planning on putting their homes on the market because of this), as homeowners, my husband and I are very concerned about potential health, environmental, and fire hazards, and especially, the loss of value of our home. From what we understand, the tower will be visible and impact our views.

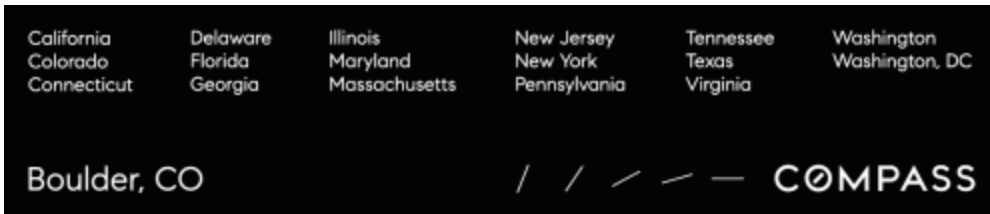
Can you tell me what kind of recourse we have, if any? We do not want this tower so close to our home.

I'd appreciate any information that you could share with us.

Best regards,  
Eva

Eva Marie  
Realtor®

1434 Spruce Street, Suite 100  
Boulder CO 80302  
m: 720.633.4283



**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Tuesday, February 18, 2020 3:21:08 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

-----

TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

FINALLY... We don;t need the added reception

NAME: fred Wolf

EMAIL: Fewolf@Comcast.net

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [Gary Silverman](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Protect our views  
**Date:** Wednesday, February 19, 2020 2:33:06 PM

---

Good afternoon,

This is in reference to docket # su-20-0001.

My name is Gary and I am opposed to these cell phone towers on our front range for several reasons and the most important one is what they do to our views. We also know how harmful these towers are to our population let alone the wild life and even more damaging is what we look at and these things are way to tall and the noise that they make is unacceptable.

Thank you and have a great day

; )

Gary

--

**From:** [H.U.B](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** cell phone towers in foothills Docket#SU-2a-0001:atlas tower  
**Date:** Sunday, February 9, 2020 11:22:22 AM

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I am adamantly opposed to having cell phone towers placed ANYWHERE in our foothills- many of us are here to witness and experience what is left of nature in our destructive world, and to add to the destruction and negatively impose on nature and people is terrible. there are enough towers everywhere in this country and we do not need more- all the research shows that these towers and what comes with them has a negative effect on nature and people! heidi baruch, boulder

**From:** [Roger Klarl](#)  
**To:** [#LandUsePlanner](#); [The StarHouse/All Seasons Chalice](#)  
**Subject:** Doc #su-20-0001  
**Date:** Wednesday, February 12, 2020 12:47:57 PM

---

This is my second correspondence concerning the proposed Atlas Tower for there are some further items I would like to share for this subject is so potent and important for the greater Starhouse / Earthstar community which includes me. The first item is that I am unable to offer an alternative at this time. I'll have to trust there are some viable alternatives in consideration.

The next item is an excerpt from a 'letter-to-the-editor' that I sent last week to four newspapers in Southwest Colorado: " It (5=G energy system) produces a huge increase in microwave radiation, eventually, everywhere and continually ! The issue being it's extremely short wavelengths. This negatively impacts all life. Eventually, these radiations will have an irreversible affect on our bodies with disruption of the autonomic nervous system (particularly the Vagus), circulatory, digestive and immune systems, plus a chronic low grade depression and sluggish mental states. Documents of protest have already been signed by 4,800 scientists, 2,800 medical doctors, 2,000 environmental organizations, 770 beekeepers plus 200,000 others. This worldwide appeal calls to the world governments, United Nations, World Health Organization, European Union etc.to stop deployment of millions of 5-G antennas on Earth and 50,000 satellites. (reference Dr. Gabriel Cousens - M.D. - M.D.(H) - D.D.)."

We need to harmonize the needs of humanity with the laws of Nature.

The last item is that I want you to know that I am presenting my thoughts and this material in a neighborly, brotherly fashion.

Jai Joseph Klarl



**From:** [Roger Klarl](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Fw: Docket # su-20-0001  
**Date:** Monday, February 10, 2020 4:17:47 AM

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----- Forwarded Message -----

**From:** Roger Klarl <rjklarl@yahoo.com>  
**To:** planner@bouldercounty.com <planner@bouldercounty.com>  
**Sent:** Sunday, February 9, 2020, 05:39:38 PM MST  
**Subject:** Fw: Docket # su-20-0001

----- Forwarded Message -----

**From:** Roger Klarl <rjklarl@yahoo.com>  
**To:** planner@bouldercounty.com <planner@bouldercounty.com>; ascpr@thestarhouse.org  
<ascpr@thestarhouse.org>  
**Sent:** Sunday, February 9, 2020, 05:30:39 PM MST  
**Subject:** Docket # su-20-0001

It's been only a few hours since I received an e-mail from the Starhouse/Earthstar describing the proposed construction of a huge cell tower in close proximity to that land. There were some mock up pictures of the tower from several positions on the land and from Sunshine canyon. When I first saw those pictures I was truly horrified. ! Part of the reason I was so horrified was that I had the very good fortune of being one of the builders of the Starhouse and surrounding landscape environments, plus I lived on that beautiful land for over a decade. I can easily say to you it is a extraordinarily special sacred environment and very valuable to a large community.

The proposed tower is visually offensive to the surrounding area. More importantly, it is an energetic assault on that unique area. The cell tower will broadcast microwave radiations with extremely short wave lengths which seriously depletes our natural bio-electric life force energy. This is a grand example of : 'smart, but not wise ' for it negatively impacts all life.

I know directly of how meaningful and valuable the Starhouse/Earthstaris is to many many people and I certainly have a very special love for it. Creating a community is a cooperative effort, therefore, I am thankful you are requesting public input

Jai Joseph Klarl. .

**From:** [James Churches](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Saturday, February 8, 2020 4:45:10 PM

---

Dear County Planners,

I have enjoyed many events at Star House and feel that a cell tower this close to that sacred site is a bad idea. Star House is specifically designed to bring in positive, healing energy to those who participate in activities there. While it may seem superstitious to the average person that anyone would think a cell tower would have an effect on the energy at the Star House, those of us who are sensitive to such things feel those energies and they are very real to us.

Cell towers are constantly broadcasting a signal that is without out a doubt an energy net that is cast over the area that it serves. This interferes with the clear and subtle celestial energy that is being called into Star House. Please respect the spiritual significance this has to the Star House community and move the tower design plans to a different location.

Thank you,

James Churches  
Nederland, CO

**From:** [Jane Cunningham](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** cell tower in Pine Brook Hills  
**Date:** Sunday, February 9, 2020 5:55:27 PM

---

Dear Planners,

Please do not add a cell tower in Pine Brook Hills. When the questionnaire went out to Boulder residents about what was important to us regarding city planning the overwhelming number one value we voted for was preserving and not disturbing natural habitats. Please heed our call and do not put up the cell tower.

Thank you,  
Jane Cunningham

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Saturday, February 15, 2020 4:19:14 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

-----

TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Janice Zelazo

EMAIL: [janice@nilenet.com](mailto:janice@nilenet.com)

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [Jeannie Gunter](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Sunday, February 9, 2020 8:38:56 AM

---

Hello,

I am writing to you as a concerned community member who has participated in events at the StarHouse for 20 years. I have been informed that you are collecting community input regarding the Atlas Tower that is proposed to be built adjacent to StarHouse land. My concern is that with the spiritual and ceremonial nature of the events that go on at the StarHouse that a structure such as this would have a negative impact on this importance area of community significance. Not only would it be an eye-sore, but when we are at the StarHouse, we turn off our cell phones so that there is no electromagnetic interference with the programs that occur. The StarHouse has been built and maintained over the years with the utmost of intention and care and is a refuge away from the hustle and bustle of urban life. It is a sanctuary. With all of that considered, I would urge you to look for another solution to the proposed Atlas Tower.

Thank you,

**Jeannie Gunter**  
**1429 Aster Ct, Louisville, CO 80027**

**From:** [Jennefer Sebstad](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Response to Docket # SU-20-0001 Attention Jean Ott  
**Date:** Tuesday, January 21, 2020 5:09:27 PM

---

Hello,

I have some questions about the Atlas Tower Telecommunications Facility application (Docket # SU-20-0001). I live at 293 Alpine Way and received notice of the special use application because I live nearby. I already have a gaggle of major cables running in front and on the side of my home that run smack dab in the middle of my view and may even pose a fire hazard if they fell. Do you know if additional cables would be needed to provide power to the Atlas Tower? If so, how many and where would the lines run? If not, has there been an analysis of how the use of the Atlas tower by one, two, three or four wireless providers would burden the current power lines? Might the additional power requirements of the Atlas Tower pose any other types of immediate threats to the neighborhood if not mitigated? There seem to be more and more cables added each year and it's never really clear to me what they are for.

Thank you,

Jennefer Sebstad  
293 Alpine Way  
Boulder, CO 80304

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Tuesday, February 18, 2020 6:24:57 AM

---

Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

-----

TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

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NAME: Jill Boldt

EMAIL: [boldt45@gmail.com](mailto:boldt45@gmail.com)

ZIPCODE: 80304

PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [Jill Iwaskow](#)  
**To:** [#LandUsePlanner](#); [The StarHouse](#)  
**Subject:** Opposition to cell tower at Start House  
**Date:** Sunday, February 9, 2020 5:20:19 PM

---

I'm writing to oppose the cell tower proposal at The Star House.

While I wish Boulder would research a lot more into the effects of cell towers, 5g, Wifi, in general, especially the overuse at schools given the increased susceptibility of children's brains and our society neglectfully using our kids as guinea pigs in the new technology world (instead of the Precautionary Principle - prove it's safe FIRST, not prove it's bad then get rid of it!) --- while I wish they cared more to use that principle...at the least please don't place a new one at The Star House.

Here is just one research paper

<https://uhs.berkeley.edu/sites/default/files/cellphonescelltowerswirelessafety.pdf>

There are many studies - but if you're a hammer, you'll find your nail, of course - and there is so much money going into studies by big biz to try to prove radiation is ok (hence the push for 5G) so for now... please just trust that there are sensitive people in particular who utilize the Star House, and families with young kids, and it will impact the health of those people, including my family. Please reconsider and do not put the cell tower on that property or near it. It's a place to be in nature, away from any exposures, in a world where there are now so few places that is possible. Let's keep some places safe and free as much as possible.

Thank you.  
Jill Iwaskow  
Boulder, CO



**From:** [judy@judytech.com](mailto:judy@judytech.com)  
**To:** [Ott, Jean](#)  
**Subject:** Re: NO more cell phone towers in front of our mountains and next to our homes!  
**Date:** Monday, February 10, 2020 1:56:22 PM

---

"Docket #SU-20-0001: Atlas Tower."

On Feb 10, 2020, at 9:08 AM, Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Good morning Judith,  
Could you please confirm if you are referring to SU-20-0001 Atlas Tower?

Thanks!  
Raini

**Jean Lorraine Ott, AICP, CFM**

Planner II | Development Review Team  
720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

Boulder County Community Planning & Permitting  
2045 13<sup>th</sup> Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)  
303.441.3930 | P.O. Box 471 | Boulder, CO 80306  
*Formerly Land Use and Transportation – [We've become a new department!](#)*

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**From:** [judy@judytech.com](mailto:judy@judytech.com) <[judy@judytech.com](mailto:judy@judytech.com)>  
**Sent:** Sunday, February 9, 2020 9:01 PM  
**To:** #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>  
**Subject:** NO more cell phone towers in front of our mountains and next to our homes!

Dear Boulder County Planners,  
Please vote NO to more cell phone towers in front of our mountains and next to our homes.  
For our well being, in the health of our citizens and environment.  
Thank you,  
Judith Houlihan  
1688 Redwood Ave  
Boulder, CO 80304

**From:** [Julie Phillips](#)  
**To:** [Ott, Jean](#)  
**Subject:** Re: Please No More Cell Phone Towers  
**Date:** Monday, February 10, 2020 10:04:33 AM

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Yes, that is correct.

On Mon, Feb 10, 2020 at 9:02 AM Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Good morning Julie,

Could you please confirm if you are referring to SU-20-0001 Atlas Tower?

Thanks!

Raini

**Jean Lorraine Ott, AICP, CFM**

Planner II | Development Review Team

720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

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**From:** Julie Phillips <[chaotaj@gmail.com](mailto:chaotaj@gmail.com)>  
**Sent:** Sunday, February 9, 2020 3:33 PM  
**To:** #LandUsePlanner <[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org)>  
**Subject:** Please No More Cell Phone Towers

They block our view and take away from the beauty we all moved here to enjoy! Please do not approve more cell phone towers.

Thank you,

Julie Phillips

2221 19th St.

Boulder

**From:** [omyogaom@earthlink.net](mailto:omyogaom@earthlink.net)  
**To:** [#LandUsePlanner](#)  
**Subject:** SU-20-0001 Atlas Tower Application request  
**Date:** Monday, February 17, 2020 5:05:19 PM

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Sent from EarthLink Mobile mail

I am opposed to the erection of this tower. It is too close to many family homes and is unsafe, as well as unsightly. Please include my comment in the public record, I think placing this tower where you are planning is irresponsible and unsafe.

Karen Dowling

Poor man Rd community

**From:** [Karen Howl](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** SU-20-0001/ Atlas Tower Application  
**Date:** Tuesday, February 18, 2020 9:14:49 PM

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Dear Ms. Ott,

Im writing you to oppose the Atlas cell tower Project at 250 Bristlecone way and sincerely hope this application is denied in it's entirety. We live at 60 Hawk Lane in upper Pine Brook Hills and our home faces the site of this proposed project a few hundred yards away. This location for this tower is ill conceived, the process is lacking in transparency and the outcome would be detrimental to us neighbors in many ways.

1. Property values are shown to be negatively affected by proximity to cell towers.
2. An 89-109' Tower may be heightened without further review by Boulder County
3. The visual blight is in our case very close, very visually impactful, and not at all fitting with the character of this mountain neighborhood and it's surrounding environment.
4. The benefits to emergency systems are questionable, have not been demonstrated, and the ridge location in close proximity to homes (<300')stands to pose increased risk for our residents for weather related events, such as lightening, wind and fire.
5. The process of application itself shows obvious irregularities and faulty claims such as the tower being "buffered" by a water tank and therefore not noticeable.
6. There is no demonstrated need for this project shown.
7. The intrusive impacts to the natural beauty and health of the forest, land and wildlife here would be very negative in nature.
8. The projects inception and development is not reflected in any public PBH HOA forum, and we were ignorant of its existence until notified by Boulder County last month.

I ask that this application for this cell tower be denied by Boulder County for these reasons and those presented by my neighbors. I have, along with them, been quite dismayed by the lack of transparency and questionable dealings around this tower project.

Respectfully submitted,

Karen F Howl

60 Hawk Lane

Boulder, CO 80304

**From:** [Ken Goldman](#)  
**To:** [Ott, Jean](#)  
**Subject:** Cell Tower Application for 250 Bristlecone Way; Docket SU-20-0001  
**Date:** Sunday, February 16, 2020 2:51:06 PM

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Dear Ms. Ott,

I am writing to you in order to express my strong opposition to this project and to ask that you recommend to DENY approval of this application. I have read the many heartfelt and thoughtful comments from a wide range of concerned and highly educated parties that have been submitted in opposition to this application and at the risk of redundancy am adding my comments for the public record.

I have lived "next door" to this site since 1991, have enjoyed the pristine nature of this location for which I came in the first place, have experienced many periods of extreme drought, have been evacuated multiple times due to wildfire, and have served as an EMT and firefighter with BMFPD. This site sits on top of a ridge that has already experienced wind driven wildfire which was terrifying to behold. The community is made up of members who have chosen to accept certain risks in order to live in a natural forested environment. It is IMPERATIVE that NOTHING be done to add more RISK to this environment!

This project is totally antithetical to the objective of increasing safety for our community or preserving the natural beauty of the area, not only for the residents of the immediate area, but for a wide swath of Boulder County.

This site is in the view corridor of many open space areas and a tower, if built, will be an eyesore to many residents and visitors to the surrounding areas that come to these areas specifically for the natural environment. The statement in the application that there will be some camouflage provided by the existing water tank is absurd as the tank is not even as tall as the surrounding forest.

I would suggest that if there is even ANY consideration of this site that you require the applicant to tether a large balloon suitable for this purpose at the proposed height so that the visual impact of a tower could be adequately assessed.

This site is highly forested and exposed to very windy conditions. A tower will INCREASE THE RISK of lightning strikes in an extremely fire prone environment. This site is also immediately adjacent to one of only a few evacuation routes for Pine Brook Hills.

According to expert opinion, property values in this area will be NEGATIVELY IMPACTED by as much as 20%! This is a HUGE BURDEN to shoulder for these affected property owners, of which there are many, without any kind of proven benefits that would approach this kind of impact.

Many of the individuals who have commented to you have also written to the referral agencies that you invited to comment and I am pretty sure that it is at the very least disingenuous for the applicant to state that there was any kind of official support for this application by these bodies.

It also was stated in the application that all efforts were made to insure adequate communications with the neighborhood and potentially interested parties. I do not feel that this is true at all and I feel confident that there are VERY FEW, IF ANY, interested parties that would agree with the applicant in this regard.

I request that you recommend that this application be DENIED!

Thank you for your time and consideration,  
Ken Goldman  
260 Bristlecone Way  
Boulder, CO 80304

**From:** [Kirsten Rae Erkfritz](#)  
**To:** [#LandUsePlanner](#)  
**Cc:** [ascpr@thestarhouse.org](mailto:ascpr@thestarhouse.org)  
**Subject:** NO NO NO NO NO NO NO NO CELL TOWER AT STAR HOUSE  
**Date:** Tuesday, February 11, 2020 8:18:20 AM

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## NO NO NO NO NO NO NO NO CELL TOWER AT STAR HOUSE

A Cell Tower at the StarHouse is like digging up Native graves to build a wall. It's deeply disrespectful to those who practice their Earth Centered Spirituality at the Star House.

Why would you want to poison our sacred place with a Cell tower? Why would you want to destroy the energy we work with in this sacred place with your 5G poison. I will not go to the Star House to practice any more if it is there. I don't want to get radiated while I've opened my heart to the earth. You will be destroying the place where so many of us find refuge from the hell Boulder has now become because of the greed that was welcomed into our community by the Boulder City Council.

I understand that "the primary need for the tower has been presented by the Fire Department as a way to improve communications during disasters when power might be down, it would have a generator; when VHS radio signals are over crowded." But there are other places you can find to put this. Why not at the top of Sunshine Canyon, so it can help people way up there who need it? Or buy some land from someone up there, or subsidize your stupid tower on some greedy person's land who wants the money?

I want my sacred, local church space to remain free from cell tower views and radiation. And I will protest, and do what I can to stop this disgrace of capitalism.

Is no-where safe now from this greed? Go put it on some Jewish Community's church, or some catholic communities church, but leave my freaking church alone.

NO NO NO NO NO NO NO NO

Kirsten Rae Erkfritz  
[kirstenraeerkfritz@gmail.com](mailto:kirstenraeerkfritz@gmail.com)

Boulder resident and Star House Lover since 2000.

OUR SACRED SOLSTICE CEREMONY TREE AND GATHERING Solstice 2019





**From:** [Knute Holum](#)  
**To:** [Ott, Jean](#)  
**Subject:** SU-20-0001 - Proposed Cellphone Tower  
**Date:** Monday, February 17, 2020 10:22:18 AM

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Dear Ms. Ott:

I am writing as a Boulder County and Pine Brook Hills (PBH) homeowner and property taxpayer to communicate my strong opposition to the proposed cellphone tower at 250 Bristlecone Way. My objection is based on three grounds, which I believe are shared by many other residents in Pine Brook Hills and the county at large: safety, property value impact, and view corridor protection.

My safety and that of my neighbors in PBH and the county will be threatened by increased likelihood of lightning strikes in the vicinity of the proposed tower, with resulting increased risk of catastrophic wildfires. This risk will be further exacerbated by high-power radiation emitted from the tower which can result in injury to and death of trees surrounding the tower, creating more flammable combustion sources for wildfires.

My property value will be negatively impacted by as much of 20%, based on numerous studies of the impact of cell towers on real estate market value. This will be a detriment to the entire PBH community as well as the broader Boulder County property tax base, since both market-value and tax-assessed value will be negatively affected.

My enjoyment of my home will be negatively impacted by the proposed tower protruding at least 40' and as much as 60' above the surrounding forest on the ridgeline less than a mile to our west. Specifically, it will be a major eyesore in my view corridor towards Mt. Audubon and the neighboring Indian Peaks and continental divide. This view corridor was a major factor in my wife's and my decision to purchase our home in PBH. Clearly, residents and visitors across Boulder County will experience this same negative impact on view corridors.

I urge you to recommend to the Boulder County Board of Commissioners that Atlas Tower's Special User Review Application be denied.

Thank you very much for your consideration.

Respectfully,

-Knute Holum

*Knute Holum  
313 Alder Lane  
(303) 870-0913*

Boulder County Land Use  
Attn: Jean Lorraine (Raini) Ott, AICP, CFM, Planner II  
2045 13th Street  
Boulder, CO 80302

Re: SU-20-0001 Atlas Tower Telecommunications Facility, Special Use Review for an 85-foot mono-pine telecommunications tower for up to four wireless providers to increase coverage west of the City of Boulder.

Dear Ms. Ott/Land Use Department:

This letter is to voice my opposition to the Atlas Tower Telecommunications Facility currently under Special Review. I am the adjacent landowner, and I live on the property year-round. Approval of the tower will directly impact me in multiple negative ways. Please recommend denial of the proposed project for the following *REASONS*:

*COMMUNITY OPPOSITION.* In looking at the docket materials currently available online, I see that staff has received 44 items of public comment so far, three of which are informational requests. Of the other 41, 35 are against the proposed project and only six are for it. At least four of the six e-mails in favor come from residents of North Boulder; i.e., people who don't live anywhere near the project site and whose properties are outside of the area capable of being served by the proposed tower. On the other hand, most of the 35 comments against the project come from people who live in close proximity to the site, including many Pine Brook Hills neighbors, the owner of the Star House, and the Star House Board of Directors. These commenters, like me, would be directly and negatively impacted by the approval of the proposed project.

*LACK OF REFERRAL COMMENTS.* The only referral agency comments available online at this time come from the Wildfire Mitigation Team. These comments appear in almost all respects to be boilerplate. Despite Wildfire having access to the applicant's application materials, which show everything proposed to be constructed, the comments barely address the tower, make no mention of the danger of lightning strike, and contain uncertain language as to whether or not the application even involves construction of a structure. For this reason, and the fact that there are no comments from other referral agencies – including crucial ones such as the Fire District and Boulder County Parks and Open Space – it does not appear that the proposed project has undergone sufficient review.

*FAILURE TO MEET CODE AND THE COMP PLAN.* A Special Review use should only be permitted if the proposed use meets all of the applicable criteria. Here, **the proposed use fails to meet eight of the thirteen Review Criteria** under Section 4-601 of the Boulder County Code. Each unmet criterion is listed below by its number:

2. *The use is not compatible with the surrounding area.* The tower fails the compatibility test because it is unusually tall and intrusive to viewsheds. The design, a fake pine tree that is over twice the height of the surrounding trees and will not be likely to match their color, is poor. The effects of this design would be magnified by the clearing of trees for the fenced enclosure surrounding the tower. Also, there is significant site disturbance and vegetation removal proposed. The surrounding area is a unique location and with scenic vistas, mountainous terrain, and sensitive environmental areas. The mountain character of the neighborhood would be damaged by the proposed use.

3. *The use is not in accordance with the Comprehensive Plan.* In denying the proposed project, the Board of County Commissioners might want to consider the following Goals and Policies of the Comp Plan which are not met:

- **Community Facilities Goal E.3** Development should not place undue burdens on any existing community.
- **Environmental Resources**
  - **Goal B.6** Boulder County shall continue to protect prominent natural landmarks and other unique scenic, visual and aesthetic resources in the county.
  - **Policy ER 1.04** Scenic vistas shall be preserved as much as possible in their natural state.
- **Cultural Resources Policy CR 1.03** *The Boulder County Land Use Code* and attendant regulations shall insure that historic and archaeological resources are protected. [NOTE: the site is located within sight of multiple Archaeologically Sensitive Areas identified in the Comp Plan.]
- **Natural Hazards**
  - **Goal L.1** Inappropriate development in natural hazard areas should be reduced as much as possible or eliminated in order to minimize potential harm to life, health, and property.
  - **Policy NH 1.03** The county should ensure to the extent possible that land use activities do not aggravate, accelerate, or increase the level of risk from natural hazards.
  - **Policy NH 5.01** The county recognizes the wildland urban interface as an area particularly at risk to wildland fires or wildfires.

- **Telecommunications**

- **Policy TE 1.05** The aesthetic and environmental quality of the county shall be given full consideration when locating, designing, or upgrading any telecommunications facility so as to avoid any significant adverse impacts.
- **Policy TE 1.08** Where a telecommunications system utilizes a network of facilities, a comprehensive approach shall be taken for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact.
- **Economics Policy EC 1.02** The county shall promote the preservation and enhancement of its major assets in attracting new employers: special features of the natural environment, high quality educational and scientific resources, low levels of environmental pollution, sound land use planning and a strong sense of community and neighborhood identity.

- **Additional County Wide**

- **Policy CW 1.09** The county shall thoroughly assess the environmental impacts of any land use proposal prior to the approval or denial of an application for subdivision, rezoning, or Special Use.
- **Policy CW 1.13.03** In evaluating a “potentially hazardous development” and in seeking to eliminate or reduce its hazards, decisions by the county shall consider among all other relevant factors:
  - a) The thoroughness of the applicant’s site selection process and the soundness of the conclusions reached, including the analysis of alternative sites with consideration of the potential hazardous impacts of the proposed use.
  - b) An assessment of the technological and economic factors affecting the proposed development and the consideration given by the applicant to the implementation of other practical and economically feasible alternatives that can provide the same functions, while minimizing potential hazards for the public.
  - c) The official position of a municipal government if the potentially hazardous development is proposed within, adjacent to, or would directly affect lands within its future service/comprehensive planning area as mutually adopted

by the municipality and county; and d) All applicable rules, regulations, and policies in effect at the time the proposal is submitted.

4. *The use will result in an over-intensive use of land.* I have reviewed all of the County's file materials from the 1982 approval of the water tank that is also located on the subject property. The neighbors and the Board of County Commissioners at that time voiced significant concerns about the visual impact of the tank. In the end, the tank was approved provided that it not be taller than the tree canopy. The tower use proposed here would significantly violate that agreement. Moreover, available mitigation measures listed in this Criterion 4, such as screening, are impossible on a tower that is 80-plus feet tall. A Special Use that creates impacts which cannot be mitigated ought to be denied.

8. *The use may cause significant air, odor, water, or noise pollution.* The proposed use will require multiple diesel backup generators and battery backups. These backup systems will require regular testing. The batteries pose a risk of electrical and chemical fire as well as contamination. The diesel generators pose a fire risk and the risk of fuel leaks and spills from diesel delivery. The well that serves my home is downhill from the site, and it could be contaminated by spills. Diesel delivery generally involves large, heavy trucks that are noisy and entrain dust.

9. *The use cannot be adequately buffered or screened to mitigate any undue visual impacts of the use.* This has already been mentioned and goes without saying.

10. *The use may be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.* The effects of a cell tower on human health continue to be debated. However, it is beyond debate that the tower increases the risk of fire and other accident which could be detrimental to the health, safety, and welfare of the neighbors.

11. *The use does not establish an appropriate balance between current and future economic, environmental, and societal needs.* In its referral response (not yet posted online), the Boulder Mountain Fire Protection District states that it has a conflict with the proposed use based on the application (1) not including a study showing that the tower would actually improve coverage and (2) failing to address multiple important safety issues. The District has no reason to believe, based on the application, that the tower is needed. The District is concerned that the tower may actually decrease safety in the area. The proposed project represents a major use of energy, materials, and land for potentially negative benefit. The balance called for here in this Criterion 11 has not been met.

12. *The use will result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards.* While not specifically mentioned in the list of hazards in this criterion, lightning strikes caused by the tall tower and other proposed construction represents a major new fire threat that would not be at issue without the proposed project.

*NO VIEWSHED ANALYSIS HAS BEEN DONE.* The applicant is proposing a tall structure in a high-quality viewshed but has not provided a viewshed analysis. In a recent community meeting with the applicant's representative, he offered to take pictures showing visual impact from neighboring properties and rights-of-way. Approval of any tower without such analysis and renderings would be premature and inappropriate.

*LACK OF ANSWERS TO CRITICAL QUESTIONS.* During the community meeting, the applicant's representative had no answers for neighbors' questions regarding:

- other examples of monopine towers we could look at
- the amount of power the tower will use/put out
- coverage maps justifying any need for an additional tower
- health impacts
- whether or not the tower will need a light, due to its height, pursuant to FAA regulations

Additionally, neighbors were concerned that there will be more visual impact than just the monopine, the fenced enclosure, and the tree clearing. Fire Chief Benson said that site hardening would be required by the Fire District if the project ever were to go forward.

I have been in communication with my neighbor Matthew Bolitho and know that he is, through his attorney, also submitting a letter in opposition to the proposed tower. Mr. Bolitho is an engineer with expertise in telecommunications, and he has determined that the tower will not achieve significant improvements in coverage. Moreover, he has reviewed the applicant's responses to the Special Provisions under Code Section 4-602 which are specific to review of telecommunications facilities and found them lacking in almost all areas.

A proper review of the general criteria for *all* Special Review applications under Section 4-601 shows this particular application to be so lacking that review of the special telecom facilities criteria is a moot point. Even if the applicant had provided credible responses to the Special Provisions, however, it is damning that nothing in the application proves that the tower would be useful. Combined with the abject failure of the application to comply with Code and conform to the Comp Plan, this should mean summary denial of the proposed use.

Based on the foregoing analysis, I would strongly urge staff to recommend denial of SU-20-0001 Atlas Tower Telecommunications Facility to the Planning Commission. Furthermore, if

the applicant chooses to proceed to public hearings in the face of a negative staff recommendation, I would hope that the Planning Commission would recommend denial to the Board of County Commissioners, and that the Commissioners would deny the proposed project for being unnecessary, ineffectual, and for failing to meet the requirements of County Code and the Goals and Policies of the Comprehensive Plan.

Thank you for your careful review of my letter.

Yours,

Landon Fuller  
262 Bristlecone Way



**From:** [Lila Tresemer](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket # SU-20-0001: Atlas Tower  
**Date:** Wednesday, February 12, 2020 4:01:28 PM

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To: Boulder County Community Planning & Permitting Department,

[Planner@bouldercounty.org](mailto:Planner@bouldercounty.org) PO Box 471, Boulder, CO 80306 (Deliver address 2045 13<sup>th</sup> St.)

Re: Docket # SU-20-0001: Atlas Tower

From: Laura-Lea Cannon resident and homeowner, 3464 Sunshine Canyon Drive

I am writing with concerns about the proposed cell tower near 250 Bristlecone, and the challenges it will present in our neighborhood.

The tower will be highly visible from my property, and while that is an issue—it is more concerning that there appears to be very little support for extensive health impacts for the high frequency radiation from this technology.

In the neighborhood, there are other concerns regarding lightning strikes for towers that high; and the potential fall in property values. Our area also serves as an emergency landing for helicopters and this seems to require a red light to be blinking, which is not something we'd appreciate.

I am also aware that the neighboring properties up here--3476 (The StarHouse) and 3472 Sunshine Canyon Dr. -- are considered by many to be a safe haven for walking, for attending community events, and as a sanctuary.

I oppose the tower being built at this location for all of the above reasons, and suggest there may be other ways to create improved communications that the Fire Dept. is hoping for. I appreciate the efforts and the community service that the Lovemans have offered in the past, and trust we can find

Sincerely,

*Laura-Lea Cannon*

3464 Sunshine Canyon Dr.  
(01) 720-320-5988

**From:** [Laurence Howl](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Comments on SU-20-0001 Atlas Tower Telecommunications Facility  
**Date:** Wednesday, February 19, 2020 9:29:31 AM

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Ms Ott,

Below are my comments for inclusion in the public record concerning this application for the proposed telecommunications tower at 250 Bristlecone Way. For your/planners' convenience, most of my comments are responses to the applicant's Supplemental Narrative, the applicant's responses to the Review Criteria (4-601), Comprehensive Plan Criteria, Land Use requirements, and Special Provisions (4-602).

This tower and antennas will greatly impact and change the character of our neighborhood. Our very residential neighborhood, immediately adjacent to the Loveman's property, boasts beautiful views of James Peak and the Indian Peaks portion of the Continental Divide, as well as beautiful vistas of the backside of the Flatirons, Green Mountain, Bear Mountain, and numerous other peaks. Having a telecommunications tower protruding above the trees on the Lovemans' property would literally ruin this peaceful, wooded, back country neighborhood environment, spoil our beautiful views, and certainly negatively impact property/house values.

1. Supplemental Narrative-- where is the applicant's data/proof of this area lacking reliable voice and data coverage? How is this quantified?
2. Supplemental Narrative, Proposal Summary-- where is the applicant's data/proof coverage map of the "severely spotty coverage", and of infrastructure reaching its limit?
3. Wireless Telecommunications Facility Characteristics, Visual Effect-- Applicant states "The tower will be surrounded by mature evergreen trees and tucked next to a large water storage tank." This is patently untrue since the 85' tall tower will protrude at least 40' above the surrounding evergreen trees, and will not be cloaked by the water tank beyond the height of the tank.
4. 4-601 Review Criteria, para 2, requires the use be compatible with the surrounding area, and take note of scenic vistas and nearby neighborhoods. This tower would be an eyesore in our direct line of sight to the mountains/front range. Just the discussion of the proposed tower has had a negative impact on us/our neighbors, including the Lovemans, in that it has caused much consternation, concern over potential increases of fire danger due to lightning strikes in its vicinity, and possible risk of helicopter collision with the tower due to a Boulder Mountain FPD emergency landing zone only 1,200' from the tower at the StarHouse property. StarHouse is a property with "use of community significance", and this tower will be highly visible to all attending events there, and definitely not in the character of their patrons. The applicant's response that states disguising the tower as a "monopine" tree will greatly mitigate visual impacts is clearly untrue due to how high it will protrude over all real

trees in the area. Their claim that the tank will aid in hiding the tower from "any neighbors" is also patently untrue.

5. Comprehensive Plan, TE 1.01, requires the tower's safety from hazards. As stated in para 4 above, having a BMFPD emergency landing zone within approximately 1,200' from the tower adds risk during emergency air operations during periods of reduced visibility from smoke, fog, low clouds, and nighttime flight operations, especially if the tower does not require lighting. If the FAA requires lighting, this would be another feature that would be incompatible with the character of our neighborhood.

6. Comprehensive Plan, TE 1.02, requires alternative siting and design studies. The applicant's perfunctory analysis of alternative tower sites is weak at best, and insulting at worst. The applicant states in the Alternative Site Analysis Report that the chosen location has the greatest coverage reach, yet does not qualify, quantify, or provide any data to prove the point. The two sites that the applicant calls "Fails" should not have been analyzed due to failing to meet what should have been a screening criterion of accommodating the tower (the "parcels were too small and would not even accommodate the tower build"). There are other potential sites in our area/fire protection district that already have antenna towers that could accommodate cellular antennas and should be considered first.

7. Comprehensive Plan, TE1.03, requires the tower to accommodate government and the citizens, and minimize negative impacts. The applicant fails to show how a tower at this location would help the FPDs and citizens since there is no clear proof of improved telecommunications in comparison to other sites. The applicant states it already has the support of fire districts, water, and HOA community, yet this is not true. BMFPD Board of Directors voted on 2/17/2020 to express its concerns with this proposed tower and did not endorse the building of the tower based on lack of proof from Atlas that the project is safe; no propagation study showing how emergency communications would be improved; and no guarantee of carriers locating to the site. I understand that the Pine Brook HOA will not endorse this proposal as well.

8. Comprehensive Plan, TE 1.04, requires the tower to accommodate evolving new technologies. With the advent of 5G, it is premature and unclear at this point how the tower as proposed will help in potential future deployment of this rapidly emerging technology.

9. Comprehensive Plan TE 1.05, concerns the aesthetic and environmental quality of the county, and avoiding any significant adverse impacts. This proposed tower is already having a significant negative impact on the quality of life in our neighborhood, pitting the property owners of 250 Bristlecone Way against the many neighbors who vehemently oppose the tower based on us receiving no chance for community input prior to the application, our concerns over visual impacts and the character of the neighborhood being horribly transformed, and safety concerns stated above like possible additional lightning strikes increasing chances of wild land fires, and impact to an emergency escape route to Sunshine Canyon in the immediate vicinity to the tower. Property values will likely be negatively impacted up to 20% according to

some local real estate agents.

10. Comprehensive Plan TE 1.06, requiring consolidation of multiple telecommunications facilities onto common towers, has not been given due consideration. Has the (existing) telecommunications tower on Lee Hill been considered seriously before moving forward with building a new tower? Where is the applicant's data to support that this proposed tower would enhance communications for any of the other fire protection districts?

11. Application paragraph 8 states that the use will be adequately buffered or screened to mitigate any undue visual impacts of the use. The applicant incorrectly states that the monopine tree design will mitigate visual impacts when in fact the tower/fake tree will protrude at least 40' above real trees in the area and would be easily identified as an unsightly cell phone tower from numerous public multi-use paths (including Betasso Nature Preserve, Chataqua Park, and surrounding neighborhoods), and interrupting our precious views of the mountains and surrounding forest areas.

12. Application paragraph 9 states that use will not be detrimental to health, safety, or welfare of inhabitants. Please see paragraphs 5 and 9 above for safety concerns.

13. 4-602, D. Special Provisions, paragraph 1, concerning notification to owners, the applicant states that as of the application date the applicant is working with landlords who are actively involved with the HOA, water board, and BMFPD to make sure the local community is aware of the project. Residents received no advance notice of this proposal, and the HOA and BMFPD held no special meetings or even mentioned the project in regular meeting agenda items prior to receiving the county's post card. We have all been scrambling since the county's notification to us on/about Jan 18 to understand this proposal and cell phone tower/antennas in general to provide informed feedback to Boulder County, causing great consternation and feelings of not being involved in the planning process of determining if we need or want this tower.

14. 4-602, D. Special Provisions, paragraph 2.a., states the applicant shall show that reasonable consideration has been given to alternative sites and designs. As previously stated, the alternative site analysis is perfunctory and lacking. Much more work is needed to seriously consider and analyze alternative sites, especially sites that have existing telecommunications towers or antennas.

15. 4-602, D. Special Provisions, paragraph 2.b, concerning potential consolidation of new telecommunications facilities onto a single (existing) tower, was never mentioned and apparently not studied by the applicant, which is a failure to meet this requirement.

16. 4-602, D. Special Provisions, paragraph 2.d, concerning the applicant demonstrating a comprehensive approach for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact has been taken. The applicant failed to duly consider this requirement in the Analysis of Alternative Sites, and has instead made incorrect statements about the

adverse impacts to the surrounding community.

17.4-602, D. Special Provisions, paragraph 2.e, concerning proposed landscaping and/or screening will be in harmony with the character of the neighborhood and compatible with the surrounding area. As previously stated, the applicant's proposed screening is not in harmony with the beautiful, unobstructed views of the many neighbors, and will be an eyesore for hikers on nearby trails. The applicant once again falsely states that the storage tank will shield the tower from being seen from the neighbor's drive, and that the tower will be set back from the main road and not be visible is patently false.

Based on the above issues, concerns, incorrect/false statements from the applicant, the tremendous negative impact this tower would have on the character of our neighborhood, the lack of objective data supporting the applicant's claims, the potentially minimal positive improvement in communications, and the lack of community involvement in identifying the communications issues that have yet to be clearly defined, I respectfully request that Boulder County deny the applicant's proposal.

Thank you,

Laurence W. Howl  
60 Hawk Ln  
Boulder, CO 80304

Ms. Jean Lorraine Ott  
Boulder County Community Planning and Permitting Department  
P.O. Box 4711  
Boulder, CO 80306

RECEIVED

FEB 13 2001

RE: Docket # SU-20-0001

Boulder County  
Community Planning  
& Permitting Department

Dear Ms. Ott:

I am writing to urge you to reject Atlas Tower's application. In its present form, the application is misleading, and fails to adequately address critical issues as required by the county. The proposed tower will seriously impact my property values, enjoyment of my home, and quality of life for me and my neighbors. My major objections are the following:

**1. Visual Effect.** The application presents the tower as visually innocuous. This is misleading. The proposed tower will be eighty-five feet tall. This is nearly three times the height of the surrounding mature ponderosa pines. The tower will be located at the top of the highest ridge in the area. Thus, the tower will be highly visible. It will be visible from my property, looming just a few hundred feet away, blighting the view of the Continental Divide, significantly degrading an important selling point for my property. It will be just as visible, and blighting, for a number of my near neighbors. While the applicant states that the tower will be "disguised as a fake pine tree" a quick perusal of images of these "mono pines" shows that they resemble nothing in nature. The tower, in short, will be an eyesore.

It is not only the view from my property that concerns me. Using a line of sight map and my own observations, I have established that this tower will be prominently visible, silhouetted above the ridge, from what are now scenic viewpoints. It will mar the panoramic view of the divide that I now enjoy on my daily walks up Alder Lane. For me, and for thousands of visitors, it will be a prominent feature of the (now) gorgeous view east from Bald Mountain Scenic Area. It will be highly visible from much of Sunshine Canyon, Betasso Preserve, the Mt. Salinas Trails, Chautauqua, and U.S. 36, to name just a few locations. In short, it will have a negative visual effect on the iconic Boulder Foothills landscape.

**2. Alternative Site Analysis.** The application presents two alternative sites, with brief explanations of their shortcomings. Included are "potential coverage" maps. Useful though this may be, the application does not include a similar potential coverage map for the proposed site—thus, we aren't given the necessary tool to compare. From my examination of the line of site map and a USGS topographical map, it appears that the proposed tower would be of **lesser** benefit than Site Two ("Hirsch") for most of Pine Brook Hills.

Beyond that, it is not clear from this part of the application how these two alternatives were chosen, how thorough the search was, or how it was conducted.

**3. Unreasonable Risk of Harm to People or Property.** The application states “there are no real safety or health concerns associated with the tower.” I believe there are real concerns. Briefly:

- A. Fire hazard. There have been numerous cases of cell towers attracting lightning strikes and/or catching fire. This tower will be located in a heavily forested, populated area that is often tinder-dry during the summer months when thunderstorms are frequent. Its location on the highest point in a large area will make it a particularly likely target.
- B. As for health effects, the science is far from settled for this relatively new technology. We don’t know what we don’t know yet. But we do know this tower is located in close proximity to dozens of homes. Occupants of these homes include young children, at least one pregnant woman, elderly people, and others who may be particularly vulnerable.

I have serious concerns about how this tower will affect my property value, and those of my neighbors. I have serious concerns about the aesthetic damage it will do to this beautiful region—beauty that is presently enjoyed by thousands of county residents and visitors. I worry about lightening strikes to this tower setting off an extremely dangerous wildfire. I worry about health concerns, not so much for me, but for others, especially the two young children who are my nearest neighbors, and the soon to be born child of the young couple just up the road from me. I am concerned that this site was chosen without due diligence. These are concerns that the application is required to address. It fails to do so. Therefore, I urge you to reject it.

I request that my comments be admitted to the public record.

Sincerely,



Lindsay Hale  
27 Hawk Lane  
Boulder, CO 80304

**From:** [David Tresemer](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** About SU-20-0001 from 3476 Sunshine Canyon Drive  
**Date:** Thursday, February 13, 2020 8:32:31 PM

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To: Boulder County Community Planning & Permitting Department,  
[planner@bouldercounty.org](mailto:planner@bouldercounty.org) PO Box 471, Boulder, CO 80306 (Deliver address 2045 13<sup>th</sup> St)

Re: Docket # SU-20-0001: Atlas Tower

From: David Tresemer, as representative of owner (Little Dolphin Trust) of property at 3476, 3472, and 3474 Sunshine Canyon Drive.

(3476 Sunshine Canyon Dr.—StarHouse property—is very close to the proposed tower.)

I am writing as owner of the property that has been home to StarHouse since 1990. I bought the property in 1987 from Gilbert and Anne White, and have cared for it ever since. With others I built the StarHouse beginning 1989, completed 1990, which has served the community since then, and earned “Use of Community Significance” zoning.

It pains my heart to think that this service to the community will be undermined by a prominent electronic fake-pine glaring down over this property. So many people have been served by the ability to come to the peace and quiet and spiritual renewal of StarHouse. In addition, we have a list of 90 walkers from Pine Brook Hills who have written to ask for permission, and to whom we have granted permission, to walk on the 3476 StarHouse property, all who enjoy the natural setting of the meadows—who will walk, if they continue to walk, directly beneath the proposed tower.

The future of StarHouse as a service is in the balance, as people won’t come to a place lorded over by an electronic tower.

The Lovemans are wonderful community members, giving of their time and energy to community endeavors. At a neighbor meeting in 2016 concerning the private road that we share, and concerning the 90 walkers, they talked about putting up a tower. They said, “It will be in among the trees; you won’t see it.” Even then the research said a cell tower was not a good idea for one’s health. I wrote them at that time to say that. The present application will definitely be seen poking up above the trees, and will bear down on all who visit.

Safety is important, and I feel the Lovemans have been acting in service of safety. However, there are other better locations, and better techniques to assist with the very rare event of catastrophe. Riding on the coat-tails of fear-for-safety, the tower company actually brings greater danger:

- a. Danger from fire. Cell towers have a way of attracting lightning and sometimes spontaneously igniting. (See YouTube “25 towers falling, burning down, due to lightning” etc. and also, from the professional *Geophysical Research Letters*,



<https://eos.org/research-spotlights/antenna-towers-attract-additional-lightning-strikes>)

- b. Danger from ill effects on health. I know the federal government has intervened here, and the representative of Atlas Tower proudly told me, “Local governments have no jurisdiction.” However, the studies continue to pile up on ill effects, for humans, animals, and plants.
- c. Danger from fear of these effects—this is what will hit our “Use of Community Significance,” StarHouse, the hardest—how people will shy away from what they perceive as a form of pollution. This has a huge impact on this property and on the community of Boulder.
- d. Danger to property values. Studies show 20% average reduction in property values after a cell tower goes up nearby.
- e. Danger to helicopters. Years ago, we set up the meadow as a Landing Zone (LZ) for emergency helicopters. It’s listed in the Sunshine Canyon emergency procedures handbook. The area at the StarHouse parking lot has been used as a staging site for emergency equipment responding to nearby fires. The danger to a nearby LZ will likely mean a blinking red light atop this tower, which makes it even more impactful on people gazing into the starry heavens (Star-House)—which relates to the healthy wondering at our origins and the meaning of our individual lives.

For these reasons, I oppose the cell tower at this site, and suggest you listen to the many who have researched better sites for such a communication device.

(By the way, I note from the applicant’s application that my property was considered as an alternative site. Neither Atlas nor Lovemans contacted me about this idea. I would have recommended they look at the other sites now identified by neighbors as being more suitable to better coverage for emergency communications.)

**From:** [liz tucker](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Monday, February 10, 2020 4:10:12 PM

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To whom it may concern:

I am a regular participant in StarHouse events and am getting married at this most sacred, precious site on May 23rd. The StarHouse has been my refuge since moving to Colorado in 2018, and there is a reason for that. It is a place where we can all go to be untouched by technology and the adverse effects of that technology on our forever busy lives. The tree line is just that - a tree line - and its beauty is unfettered, free of unnecessary static, noise, and visual disturbances, a much needed respite for our nervous systems. At the rate we're going, there won't be places like this left in the world. It is so rare, even now, in these modern times. Please do not disturb it with this tower.

Warmly, Liz Tucker  
Cell: 469.363.0868

Sent via iPhone intelligence. Please forgive all typographical transgressions.

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Saturday, February 15, 2020 10:52:46 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Lu Wright

EMAIL: [lanka4321@gmail.com](mailto:lanka4321@gmail.com)

ZIPCODE: 80308

PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [maddy king](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Sunday, February 9, 2020 3:14:44 PM

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ENOUGH IS ENOUGH! Keep Boulder beautiful!!! Cell phone towers are killing the enviornment and US. Why are cancer rates so high? Electro Magnetic Frequencies. THE PBH neighborhood and surrounding neighborhoods are AGAINST another tower in the foothills! This is RIDICULOUS. We have lost sight of what is important in life these days. It is not cellphone service but the quality of our life and the environment in which we live!

DO NOT LET THIS HAPPEN.

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Saturday, February 15, 2020 9:00:49 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Marc Pechaitis

EMAIL: [marcpechaitis@gmail.com](mailto:marcpechaitis@gmail.com)

ZIPCODE: 80302

PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.



Geoffrey M. Williamson  
Special Counsel

Email: [gmw@bhgrlaw.com](mailto:gmw@bhgrlaw.com)

February 18, 2020

Via E-Mail

Boulder County Planning Commission  
Community Planning & Permitting Staff  
c/o Jean (Raini) Ott, Planner  
2045 13th Street  
Boulder, CO 80302  
[jott@bouldercounty.org](mailto:jott@bouldercounty.org)

Re: Docket SU-20-0001 – Atlas Tower 1, LLC Telecommunications Tower  
Comments of Matthew and Megan Bolitho, 230 Bristlecone Way

Dear Ms. Ott:

I represent Matthew and Megan Bolitho, the owners and residents of the property located at 230 Bristlecone Way. The Bolithos' property is immediately adjacent to 250 Bristlecone Way, which is owned by the Gail J. Loveman Trust and the proposed site of the 89-foot telecommunications tower proposed by Atlas Tower 1, LLC ("Atlas") that is the subject of this docket.<sup>1</sup>

The Bolithos respectfully request that Community Planning & Permitting Staff and the Planning Commission recommend denial of Atlas's application. Even a cursory review of the application reveals that Atlas has failed to satisfy—or in some instances, not addressed at all—several of the special use review criteria prescribed by Boulder's land use code. To summarize the Bolithos' concerns:

- An 89-foot tower is not compatible with the surrounding area, where the tallest trees are generally not more than 35 to 40 feet tall.
- Atlas has not provided any credible analysis of alternative sites, and has not evaluated alternative designs for the tower at all.

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<sup>1</sup> Although Atlas describes the proposed tower as 85-feet throughout its narrative, the plans provided with the application show a lightning rod that would bring the total height of the tower to 89 feet. Application Packet, PDF at 25.

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Attorneys At Law

- Atlas has not studied co-location with existing telecommunications facilities.
- Atlas has not taken a “comprehensive approach” for evaluating potential sites, failing to specifically identify the target coverage area or to provide any evidence that the tower will improve coverage for Pine Brook Hills residents and emergency communications.
- Atlas has not provided adequate information to evaluate noise impacts.

These comments are explained individually in more detail below. In addition, Matthew Bolitho has prepared his own analysis of potential coverage from the proposed tower, showing that nearly 70% of Pine Brook Hills residences would not receive any coverage from the proposed tower. That analysis is attached to this letter and discussed in section (4) below.

**(1) The proposed tower does not satisfy 4-601(A)(2) or 4-601(A)(3) because an 89-foot tall structure is not compatible with the surrounding area.**

Section 4-601(A)(2) of the land use code requires the proposed special use to “be compatible with the surrounding area.” In determining compatibility, the Board of County Commissioners must consider factors including the “size, height, and massing” of a proposed structure. In determining the “surrounding area,” the Board “should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area, including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods.” 4-601(A)(2) (emphasis added).

This requirement echoes the Boulder County Comprehensive Plan, which states that the “aesthetic and environmental quality of the county shall be given full consideration when locating, designing, or upgrading any telecommunications facility so as to avoid any significant adverse impacts.” Comprehensive Plan TE 1.05. The code expressly requires proposed uses to be in accordance with the Comprehensive Plan. 4-601(A)(3).

Here, the area surrounding the proposed tower includes the Pine Brook Hills subdivision, a quiet mountain community in which the Bolithos live, as well as forested and minimally-developed land. The surrounding area also includes residences that are not part of the Pine Brook Hills subdivision. The Bolithos’ home is located approximately 800 feet from the proposed tower location. The Bolithos, like other residents of Pine Brook Hills, chose to live in this community in part because of the aesthetic and environmental qualities of the area.

An 89-foot telecommunications tower is not compatible with this surrounding area, and would have a significant adverse impact on the aesthetic quality of Boulder County. In its application, Atlas fails to mention that the height of the trees in the vicinity of the proposed tower range from approximately 35 to 40 feet tall. An 89-foot tower would dwarf the existing trees, particularly as

the tower will be “the highest point on a ridge.” Application Narrative at 4. The tower would be visible not only to the Bolithos and other Pine Brook Hills residents, but also from a wide range of locations across the foothills.

Attempting to disguise the tower as a “monopine” will not be enough to buffer the visual impact caused by the significant height discrepancy between the tower and the surrounding trees. Regardless of how the tower is styled, an 89-foot tower is not compatible with the area. *See also* 4-602(D)(2)(e) (“[p]roposed landscaping and/or screening shall be in harmony with the character of the neighborhood and compatible with the surrounding area”); 4-601(A)(9) (“[t]he use will be adequately buffered or screened to mitigate any undue visual impacts of the use”).

In claiming that the tower would be compatible with the surrounding area, Atlas states that the existing water tank on the property will “aid[] in hiding the tower facility from any neighbors,” and that the parcel itself “is extensively developed with a residential home and substantial infrastructure including natural gas and public sewer.” Application Narrative at 3. These statements are misleading at best.

First, the existing water storage tank is approximately 30-feet tall, far shorter than the proposed 89-foot tower, and would do little to obscure the tower from the view of the Bolithos, other Pine Brook Hills residents, and other residents and visitors in the surrounding area. Second, the proposed site is not “extensively developed” with “substantial infrastructure.” Other than the water storage tank and a residence on the subject property, there is minimal above-ground infrastructure. The existing access road to the water storage tank, which would also be used to access the tower, is an infrequently-used two-track. In addition, the property is not connected to public sewer.

If constructed, the proposed tower would have an indelible impact on the aesthetic characteristics of Pine Brook Hills and the Bolithos’ property. An 89-foot tower at this location is not compatible with the surrounding area, particularly given the express requirements of the land use code and Comprehensive Plan to consider scenic vistas, mountainous terrain, the characteristics of nearby developments, and the aesthetic and environmental qualities of Boulder County.

**(2) The proposed tower does not satisfy 4-602(D)(2)(a) because Atlas has not reasonably considered alternative sites or designs.**

Section 4-602(D)(2)(a) requires a telecommunication facility applicant to provide “[a]lternative site and/or design studies” that “shall show that reasonable consideration has been given to such alternative sites and/or designs and the proposal is the most acceptable alternative to Boulder County.” Land Use Code 4-602(D)(2)(a) (emphasis added); *see also* Comprehensive Plan TE 1.02.

Atlas’s attempt to comply with this requirement consists of an “Alternative Site Analysis Report” attached to its application. Application Packet, PDF at 17-20. This report, however,



does not contain any credible analysis of alternative sites for the proposed tower, and does not identify any alternative designs for the tower at all.

As an initial matter, Atlas does not clearly identify the area for which it seeks to provide wireless coverage. Instead, Atlas broadly identifies a “need to provide the most expansive coverage to the Pine Brook Hills Subdivision while adding coverage to other nearby areas...” *Id.* at 17. Although the Pine Brook Hills Subdivision is an identifiable geographic area, Atlas does not identify where those “other nearby areas” are located. The County cannot meaningfully evaluate an alternative site or design without better information about where Atlas seeks to provide coverage.

Similarly, Atlas does not provide any information about the extent of existing wireless coverage from any carrier in the area. Again, without information about the extent of existing coverage, the County has no baseline against which it can compare alternative sites or designs.

What Atlas does provide is minimal information about two supposed alternative sites, “Little Dolphin” and “Hirsh.” The information provided for each site is limited to (1) a latitude/longitude location of the proposed tower on the alternative site; and (2) a map showing “potential coverage” from that alternative site. Atlas provides no explanation as to why it chose the selected tower locations on the Little Dolphin and Hirsch parcels, versus different locations on those same parcels. In addition, coverage maps Atlas provides are rendered on an extremely small scale, making them nearly impossible to evaluate. Atlas has also not provided any information about the wireless frequency used for this mapping, or any other information about how it produced these maps. As such, the coverage maps are essentially meaningless.

Atlas has also not provided any information at all about potential wireless coverage from the proposed site. There is no coverage map, or any comparison of coverage at the proposed site versus the two rejected alternative sites. Boulder County cannot evaluate whether the proposed site is the most acceptable alternative in the absence of this basic information.

In addition, Atlas has not provided any information showing that it evaluated alternative designs for the tower. Given the height discrepancy between the 89-foot proposed tower and the height of trees and other structures in the surrounding area, Atlas should evaluate alternative tower designs, *e.g.*, reduced heights. Atlas has provided no information about alternative designs, apparently presuming that an 89-foot tower is required to meet its unstated coverage goals.

In short, Atlas’s alternatives analysis provides no meaningful evaluation of either alternative sites or alternative designs. This is not the “reasonable consideration” required by the code.

**(3) The proposed tower does not satisfy 4-602(D)(2)(b) because Atlas has not studied the alternative of locating additional telecommunication facilities onto existing towers or other structures.**

Both the land use code and Comprehensive Plan express a strong preference for co-locating telecommunication facilities on the same tower. In fact, the code requires a telecommunications applicant to study possible co-location: “The alternative of consolidation of multiple telecommunication facilities onto a single tower, either by use of an existing tower or moving existing facilities to the proposed tower, shall be studied by the applicant, and when feasible and not otherwise detrimental, shall be considered the preferred alternative.” Land Use Code 4-602(D)(2)(b) (emphasis added); *see also* Comprehensive Plan TE 1.07.

Here, Atlas attempts to satisfy this requirement by stating that the “tower is proposed in a location that is severely lacking in coverage,” that “there is not an existing tower in the area that covers the desired terrain,” and that Atlas is “encouraging collocation by multiple carriers on this tower.” Application Narrative at 7. These general statements, without any evidentiary support or analysis, are not enough to satisfy the requirement that an applicant study co-location under 4-602(D)(2)(b). As noted above, Atlas has not even identified the extent of current wireless coverage in the area, and has not attempted to identify other existing towers nearby. The fact that the tower will have the ability to support wireless equipment from up to four different carriers is not the same as actually studying the possibility of co-location on other towers in the area, or the possibility of co-locating existing facilities on the proposed tower.

**(4) The proposed tower does not satisfy 4-602(D)(2)(d) because Atlas has not taken a comprehensive approach for evaluating potential sites.**

Section 4-602(D)(2)(d) of the code requires a telecommunications applicant to “demonstrate that a comprehensive approach for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact has been taken.” 4-602(D)(2)(d); *see also* TE 1.08.

Atlas has not taken a “comprehensive approach” to evaluating potential sites for wireless towers in this area. As noted above, Applicant has not identified the location of other towers in the area, has not identified the extent of existing wireless telephone coverage in the area, and has not clearly identified the precise location and nature of coverage that it seeks to improve. Although Atlas is not a carrier itself, the sole purpose for constructing the tower is to provide infrastructure for the networks of facilities operated by wireless carriers. As a result, Atlas must take the “comprehensive approach” required by the code.

Despite claiming that its unidentified coverage need is “critical,” Atlas has not identified any existing or potential contracts with wireless carriers interested in leasing space on the proposed tower. Without information about which carriers may use the tower, and without a comparison of coverage on specific networks with the existence of the tower compared to coverage without the tower, it is difficult to see how Atlas can demonstrate that it is taking any kind of comprehensive approach to evaluating potential sites.

Atlas also repeatedly suggests that the proposed tower will improve emergency coverage in the area, including communications between fire districts. Application Narrative at 4, 5. Again, Atlas provides no factual support for this claim. Boulder Mountain Fire already uses and relies upon VHF radio to communicate internally and with other fire districts, as VHF radio typically provides superior and more reliable coverage than cell phone communications. The proposed tower would not replace or meaningfully alter existing communications ability within and between districts. In the absence of any evidence or other explanation, Atlas cannot simply assume that the proposed tower will otherwise improve emergency communications in the area. This is particularly true in the wake of recent large-scale emergency situations, such as the 2018 Camp Fire in California, that have highlighted certain weaknesses in relying on cellular telephone service for “reverse 911” calls and increased call volume during such events.<sup>2</sup>

In an effort to better understand Atlas’s claimed need for coverage in this area, Matthew Bolitho has conducted his own analysis of potential coverage from the proposed tower at the selected site and the two rejected alternative locations. Mr. Bolitho’s education and experience as a professional engineer in the technology sector, including professional expertise in radio communications technologies, qualify him to provide technical comments on Atlas’s application. As detailed in the attached report prepared by Mr. Bolitho, the proposed tower would not actually provide significantly improved coverage to Pine Brook Hills or the area served by Boulder Mountain Fire. In fact, Mr. Bolitho’s analysis shows that nearly 70% of Pine Brook Hills homes would not receive any coverage from the proposed tower. Mr. Bolitho has further identified at least three alternative locations—including existing towers located on Lee Hill and Bow Mountain—that would provide better coverage in Pine Brook Hills than the proposed site, none of which appear to have been considered by Atlas.

In addition to questioning the coverage benefits claimed by Atlas, Mr. Bolitho’s analysis only underscores the absence of any meaningful analysis alternative sites in Atlas’s application. The burden of taking a comprehensive approach and evaluating of alternative sites required by the code rests with the applicant, not neighboring property owners who are coincidentally well-versed in technical analyses.

#### **(5) Atlas does not provide sufficient information to evaluate noise impacts.**

Section 4-601(A)(8) of the code mandates that a special use “will not cause significant air, odor, water, and noise pollution.” Atlas has not provided any information about the noise that will be generated if the tower is constructed and fully used (*i.e.*, with space leased to four wireless carriers). Instead, Atlas simply states that a generator on the site “will only cycle weekly for a short period of time,” and will have a decibel level “similar to a noisy dishwasher.” Application Narrative at 5. These dismissive, subjective statements are not sufficient for the County to

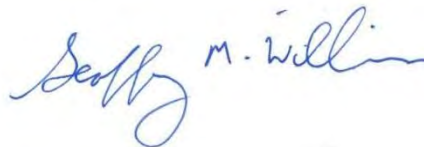
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<sup>2</sup> For example, during the Camp Fire, damage to power infrastructure and tower capacity limitations resulted in a significant number of failed reverse 911 calls. See “Camp Fire evacuation warnings failed to reach more than a third of residents meant to receive calls,” Los Angeles Times, Nov. 30, 2018, available at <https://www.latimes.com/local/california/la-me-ln-paradise-evacuation-warnings-20181130-story.html>.

evaluate whether the proposed facilities will cause significant noise pollution. The County should require Atlas to provide more detailed information about the generator, including its size, the specific frequency and length of time it will run, and the associated decibel levels. Noise can be evaluated by these types of objective data, yet Atlas has not provided any such information here. Atlas should also provide information about any additional noise impacts that may arise out of the installation and use of a carrier's equipment on the tower (*e.g.*, additional cooling facilities). Given the quiet, rural nature of the Pine Brook Hills neighborhood, the potential for noise pollution is greater than that of a more urban or developed area.

Thank you for considering these comments, and for your full evaluation of Atlas's application in a manner that is consistent with the land use code and Boulder County's Comprehensive Plan. As you know, the Boulder County Commissioners have identified "data driven decision-making" as a key principle in identifying and addressing strategic priorities for the county. *See* Board of County Commissioners, 2019-2023 Strategic Priorities at 5 ("Data, science, and an empirical approach underpin the county's decision-making processes and operations."). Atlas's application should be denied under the land use code and Comprehensive Plan provisions identified in this letter, as Atlas has failed to provide sufficient data—or any kind of empirical approach at all—demonstrating that construction of the proposed tower is the most acceptable alternative to Boulder County and Pine Brook Hills residents.

Sincerely,

A handwritten signature in blue ink that reads "Geoffrey M. Williamson". The signature is fluid and cursive, with the first name being more prominent.

Geoffrey M. Williamson  
Counsel for Matthew and Megan Bolitho

Encl.

**Coverage Analysis of Proposed Telecommunications Tower**

**Docket SU-20-0001 – Atlas Tower 1, LLC**

**Prepared by Matthew Bolitho**

**February 18, 2020**

## Executive Summary

Atlas claims that a telecommunications tower placed at 250 Bristlecone Way is their “top choice” to achieve their stated goal of “provid[ing] the most expansive coverage to the Pine Brook Hills Subdivision while adding coverage to other nearby areas” due in part to the “greatest coverage reach” enabled by the parcel. (*Alternative Site Analysis Report*, p. 1) However, the application fails to provide any evidence in support of this claim.

As a highly experienced engineer, I am familiar with the industry-standard techniques typically used to determine the expected “coverage reach” of wireless telecommunications facilities. I employed these techniques in order to independently assess Atlas’s claims regarding their “top three potential sites” (p. 3): the proposed Bristlecone site and the “Hirsch” and “Little Dolphin” alternatives. The data derived from this analysis clearly demonstrate the following:

- The Bristlecone site does **not** meet the standards set by the primary goal of “provid[ing] the most expansive coverage to the Pine Brook Hills Subdivision.” A full 69% of homes in Pine Brook Hills would receive zero additional coverage from the placement of wireless equipment at this location.
- Both of the alternative parcels proposed and “deemed not qualified” by Atlas actually contain sites that would result in **better** coverage for Pine Brook Hills. In the case of the “Little Dolphin” alternate, an adjustment of 1000 feet in the placement of the tower resulted in significant gains in coverage (this different tower placement is referred to below as Modified “Little Dolphin”).

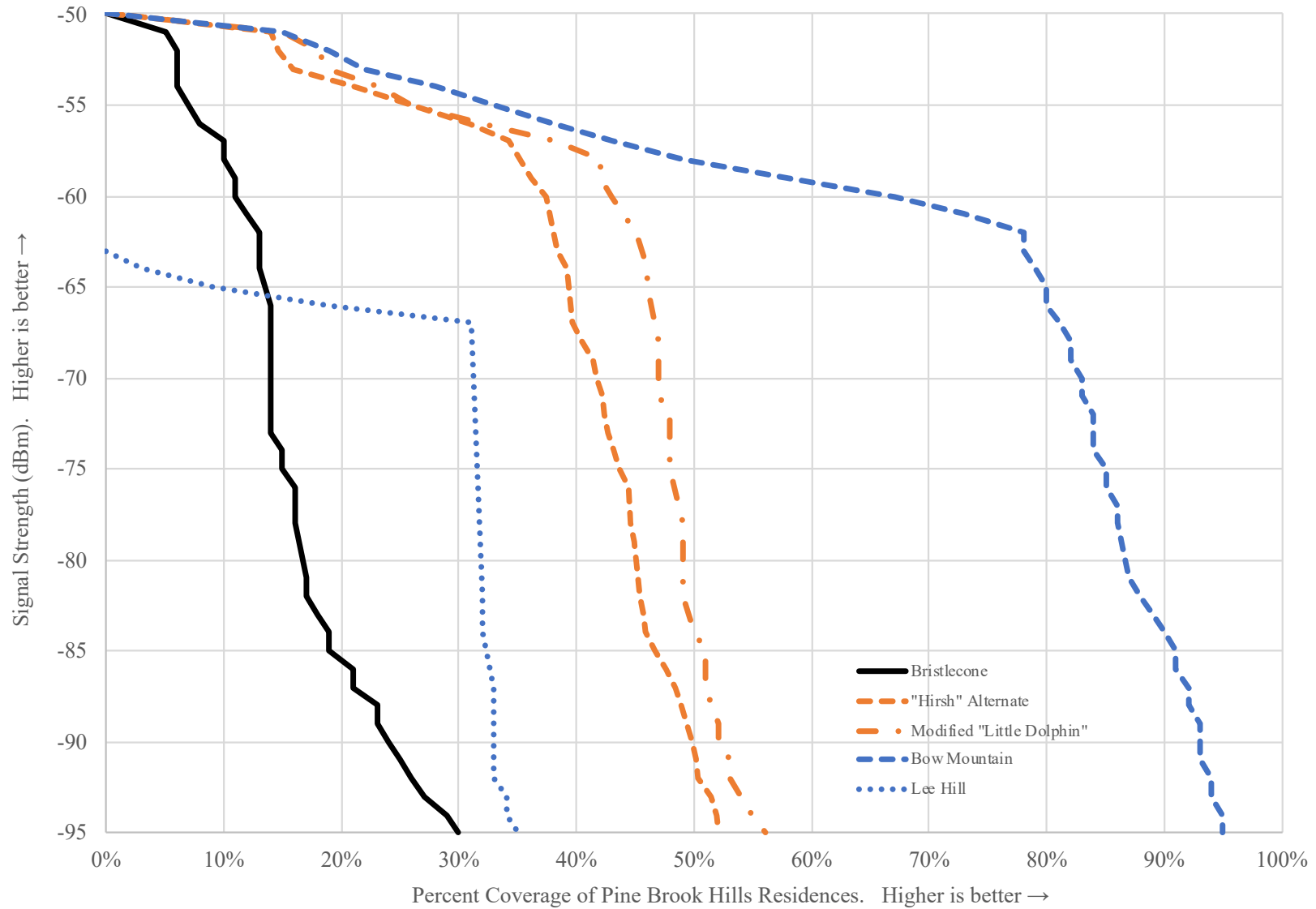
In addition, Atlas makes no effort to evaluate the coverage that could be provided by the installation of 4G LTE equipment at area locations where telecommunications facilities are already present, one on Lee Hill and another on Bow Mountain. Therefore, in light of the requirements of the Boulder County Comprehensive Plan (TE 1.06), I also included the Lee Hill and Bow Mountain sites in my analysis. Bow Mountain provides vastly superior coverage to Pine Brook Hills that would reach 96% of residences. Lee Hill provides excellent broad coverage to over 23 square miles, including Boulder Heights and the major thoroughfare of Sunshine Canyon Drive.

Location:	Primary Coverage Goal: <i>Percentage of Pine Brook Hills homes with service at various signal strengths</i>			Secondary Coverage Goal: <i>Land area receiving any level of service</i>
	-65 dBm	-80 dBm	-95 dBm	
Bristlecone (Proposed Location)	14%	17%	31%	11.8 sq miles

“Hirsh” Alternate	40%	45%	52%	2.3 sq miles
“Little Dolphin” Alternate	0%	<1%	<1%	1.9 sq miles
Modified “Little Dolphin”	47%	49%	56%	5.1 sq miles
Bow Mountain	80%	87%	96%	9.5 sq miles
Lee Hill	19%	32%	34%	23.4 sq miles

A signal strength value of -95 dBm is generally considered by wireless carriers to be the limits of reliable coverage. There is no such single accepted number that defines “good” coverage. In light of this subjectivity, a full transparent accounting of the coverage achieved in Pine Brook Hills at all signal strengths is provided in graphical form (Chart 1) below. Drawing a horizontal line at any signal strength value gives a direct comparison of the percentage of homes covered by each location; this is the manner in which the percentages in the table above are derived.

Chart 1: Percentage Coverage vs Signal Strength for Pine Brook Hills Residences for five tower locations





## 1. Background and Methodology

Upon my initial reading of the Atlas proposal, I was struck by the lack of data made available to support many of the claims Atlas makes in their application, particularly as it relates to the enhancement of cellular telephone coverage in the Pine Brook Hills subdivision. My educational and professional expertise qualifies me to credibly comment on these aspects of the proposal. I am an engineer and senior leader in the technology sector with some expertise in wireless communication technologies. I have a doctoral degree from the Whiting School of Engineering at The Johns Hopkins University, and I have two decades' worth of professional experience at organizations including NASA, Apple, and NVIDIA.

In this supplement, I provide a quantitative technical summary of several aspects of Atlas's proposal, focusing on the coverage area of their proposed tower location, as well as those of several alternative sites. The data in this report are produced from industry standard tools and techniques for radio frequency (RF) propagation analysis that incorporate information about the physical and electrical characteristics of a hypothetical 4G/LTE base transceiver station (BTS) as well as the surrounding topography to predict the expected cellular signal strength in the region around the BTS location based on a typical handset device (referred to as user equipment, or UE, in industry terms). I combine this with GIS tools and datasets to evaluate the quality of the signal received at key locations of interest, based on the applicant's stated goals of "provid[ing] the most expansive coverage to the Pine Brook Hills subdivision while adding coverage to other nearby areas."

A summary of the key parameters to the RF propagation model is provided in the table below. However, because specific details of the carrier and equipment are not provided by the applicant, most parameters were chosen to represent typical conditions and equipment. These parameters were derived from best practices found in the technical literature, or other studies performed by other vendors in applications to planning departments in other parts of the State and County. In each case, an additional margin in favor of greater reception was included. In the cases where parameters would be configured by the carrier on a per-site or per-antenna basis (e.g., down tilt), the analysis evaluates the result across a reasonable practical range, with the optimal result for each simulation reported.

Parameter	Value
Frequency	LTE Band 13 (746-756 MHz)
Bandwidth	10 MHz
Antenna TX Power	100 W ERP

Antenna Radiation Pattern	ITU-R F.1336-2
Antenna Gain	18 dBi
Antenna Height	25 m AGL (80 feet)
Down tilt	Optimized between 0 and 6 degrees
Propagation Model	ECC33 (ITU-R P.529)
Spatial Model Resolution	20 m (60 feet)
Land Cover Model	Forest
Receiver Sensitivity	-107 dBm

All maps in this report show the signal strength across the ground in industry standard units of “negative dBm” -- which is a measure of the absolute power at a receiver (i.e., a mobile phone). 0 dBm corresponds to a power of 1 mW. Note that the scale is logarithmic, so every -10 dB reduction in value represents a loss of signal strength by a factor of 10X. In all maps, the scale used is from -50 dBm (purple in color, best/strongest signal) to -95 dBm (yellow in color, weakest/worst signal), which represents a reduction of signal energy by approximately 30,000 to 1. The lower threshold of -95 dBm is a typical value used by wireless carriers to determine the limits of reliable service.

## 2. Analysis of Bristlecone Site

One of the most surprising aspects of Atlas’s proposal is its complete lack of any analysis of the coverage to be expected from their proposed tower location. Map 1 (Bristlecone Site Full Scale) and Map 2 (Bristlecone Site - Pine Brook Hills) show the results of my analysis at the proposed Bristlecone location.

These results clearly demonstrate the general challenges in providing comprehensive cellular telephone coverage in mountainous areas: the frequencies used to transmit and receive between a tower and a user are sufficiently high that ridge lines and other topographic features essentially block the propagation of the radio frequency radiation, so close to “line-of-sight” is needed to provide good reception.

Map 2 clearly shows the limited reach the proposed location of the tower has into the Pine Brook Hills subdivision. A reasonable interpretation of this data is that coverage is poor: 69% of homes in Pine Brook Hills would receive no improvement from this tower location, including Boulder Mountain Station 1. In fact, only 13% of Pine Brook Hills addresses will receive good

coverage and 17% would receive poor coverage (signal below -80 dBm) -- which means frequently dropped calls, low data rates, and uncertain and unreliable reception inside buildings and vehicles. In the broader context of the foothills, the proposed location provides a total of 11.8 square miles of coverage.

### **3. Analysis of Atlas Alternatives**

In their proposal, Atlas evaluates two alternative sites, which they named “Little Dolphin” and “Hirsh.” Their analysis provides a GPS location and crude coverage diagram for each location. They fail to provide any information on what method and assumptions they made to produce the coverage diagrams, and they fail to perform any quantitative analysis to reach the conclusion in the report that their proposed location provides “greatest coverage reach.”

Maps 3, 4, 5, and 6 show the coverage derived from my analysis for each of these locations. The location of the “Little Dolphin” site (Maps 3 & 4) is approximately 400 feet down the western slopes of steep terrain facing away from and obscured by a ridge from the applicant’s primary target service area. As a result, the coverage provided by this location is extremely poor, and its legitimacy as a reasonable alternative is highly questionable. We explore an alternative site less than 1000 feet away on a ridge line the same parcel in Section 4 below.

The results of my analysis on the “Hirsh” site (Maps 5 & 6) call the applicant’s conclusions into question. Although this site does cover less overall area (2.3 square miles), it provides up to 3.4X better coverage of Pine Brook Hills addresses with high signal strength and 1.6X better coverage overall compared to the applicant’s proposed Bristlecone Site.

### **4. Analysis of Other Alternatives**

Finally, we have performed an analysis of three additional sites that were not considered by the applicant: one is a slight modification to the location of the applicant’s “Little Dolphin” site (Modified “Little Dolphin”), and the last two are an analysis of what coverage could be expected if a wireless carrier were to use either of the existing tower sites in the general area: Bow Mountain and Lee Hill.

When relocating the tower site on the “Little Dolphin” parcel to a new location on the same parcel (40°02'50.0"N 105°19'35.6"W), the results of the propagation study (Maps 7 and 8) improve significantly. The coverage to the Pine Brook Hills subdivision improves from essentially zero to over 50% -- better than the applicant’s “preferred” Bristlecone Site. Coverage across the foothills increases by a factor of 2.7X to 5.1 square miles.

Coverage that would be achieved by utilizing the telecommunications infrastructure already available in the area at Bow Mountain (owned by CBS television, 40°03'16.6"N 105°18'29.5"W) and Lee Hill (owned by American Tower, 40°04'19.4"N 105°21'16.5"W) has also been

examined. At the Lee Hill location, the towers are each 150 ft tall. However, for the purposes of this analysis, the height of the antenna was set to 80 ft (same as the Bristlecone proposal), as it is not certain that the highest locations on those towers would be available. In the case of Bow Mountain, the height of the antenna was lowered to 45 ft to match the height of the existing structure.

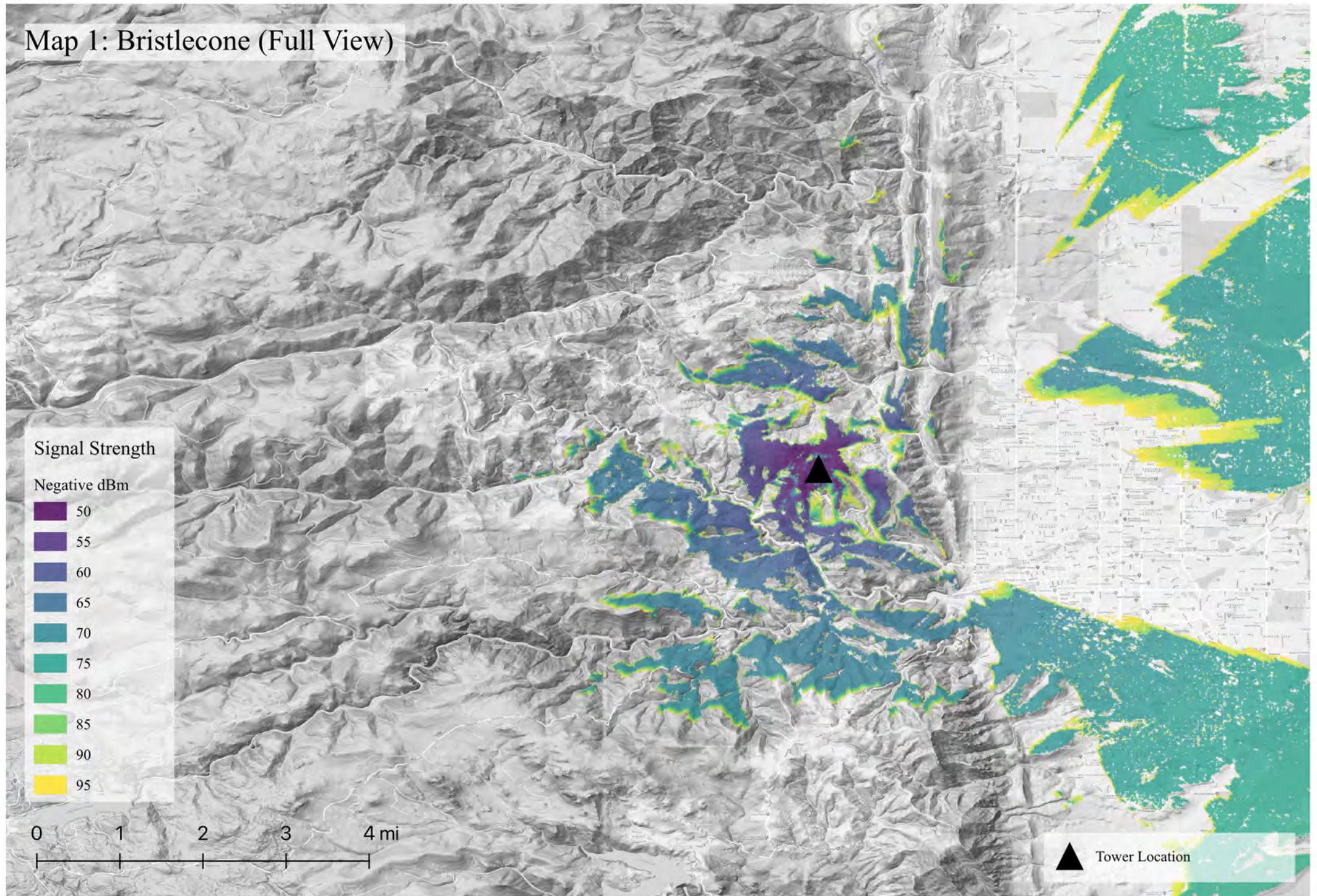
In both cases, the results are dramatic. These locations had already been chosen by their respective owners to be highly effective locations for telecommunications equipment because of their large topographic prominence.

Bow Mountain (Maps 9 and 10) provides outstanding coverage to the Pine Brook Hills subdivision, providing some coverage to 96% of homes, and high-quality service to at least 80%. Although the rising terrain of Lee Hill to the west somewhat limits the Bow Mountain site's westward reach, its total coverage of 9.5 square miles is only 20% less than the Bristlecone site, but includes some important transportation corridors along the lower stretches of Lee Hill Drive and Olde Stage Road.

Lee Hill (Maps 11 and 12) offers an extensive breadth of coverage throughout the area, encompassing a total area (23.4 square miles) nearly twice as large as the Bristlecone site. It also adds coverage to many other populated mountain communities and transportation routes, including the Boulder Heights subdivision and Sunshine Canyon Drive above the 4-mile marker, that are missing from the Bristlecone site. In addition, coverage to Pine Brook Hills is of superior quality – offering a 15 dB (30X) stronger signal to approximately 30% of the homes.

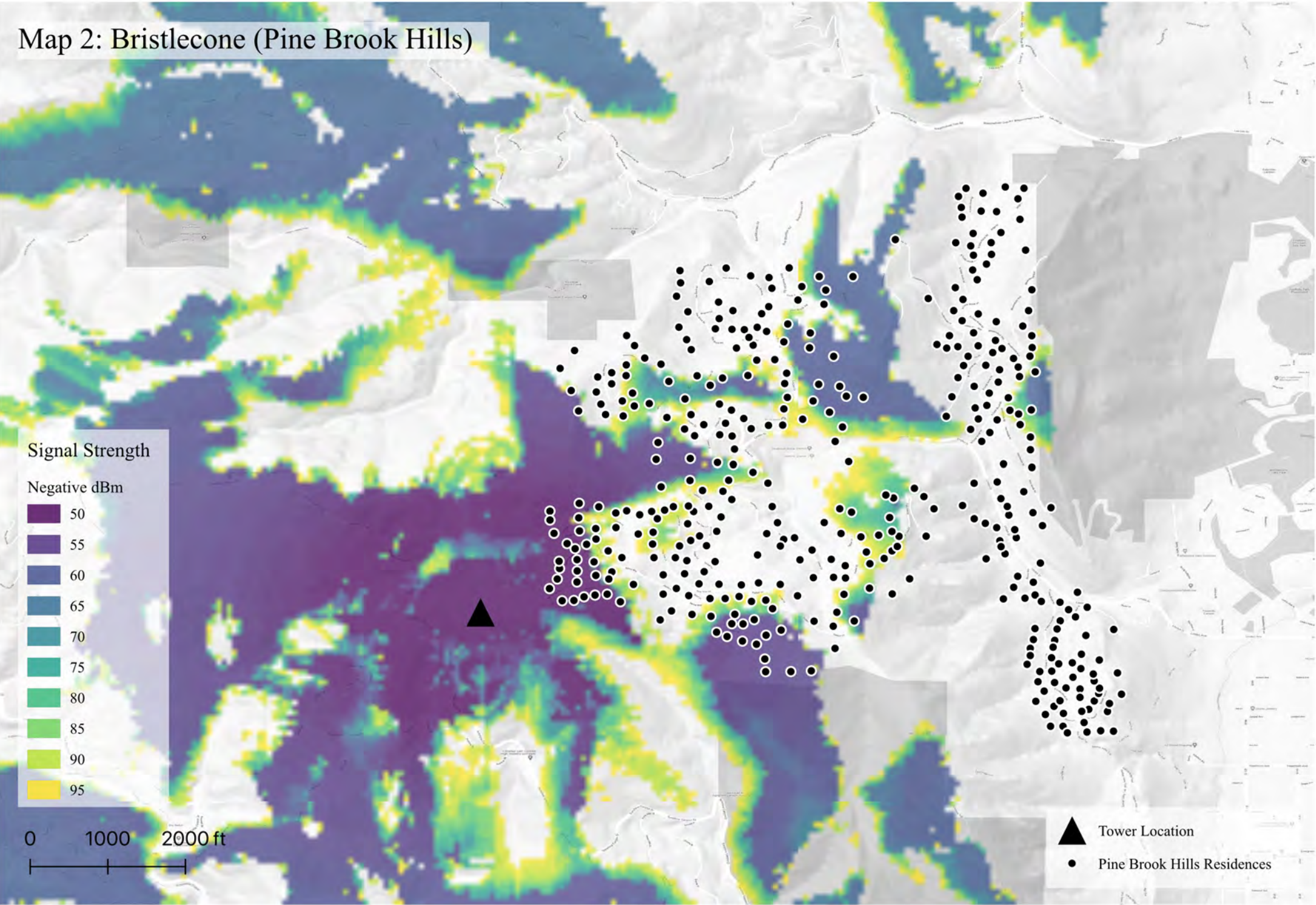


Map 1: Bristlecone (Full View)



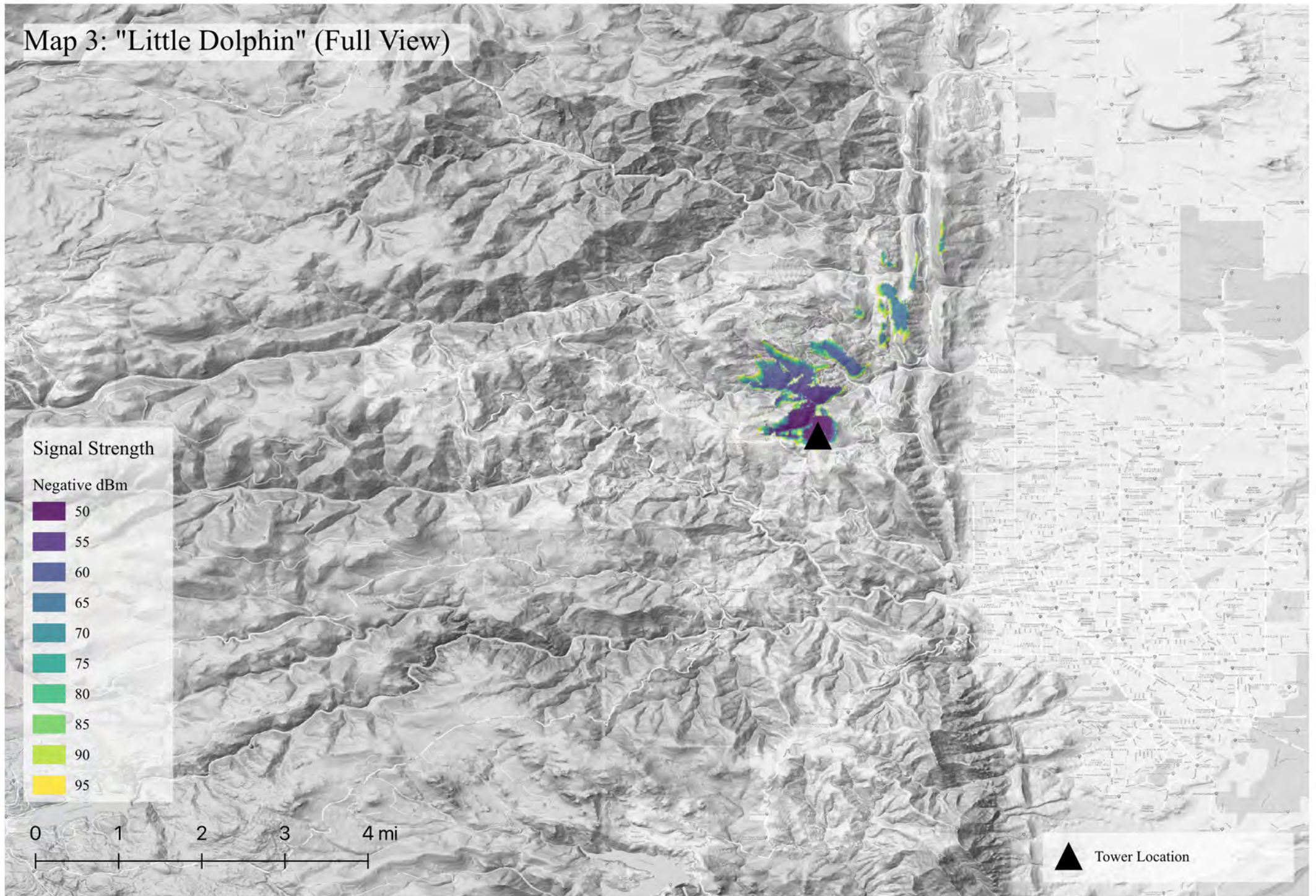


Map 2: Bristlecone (Pine Brook Hills)



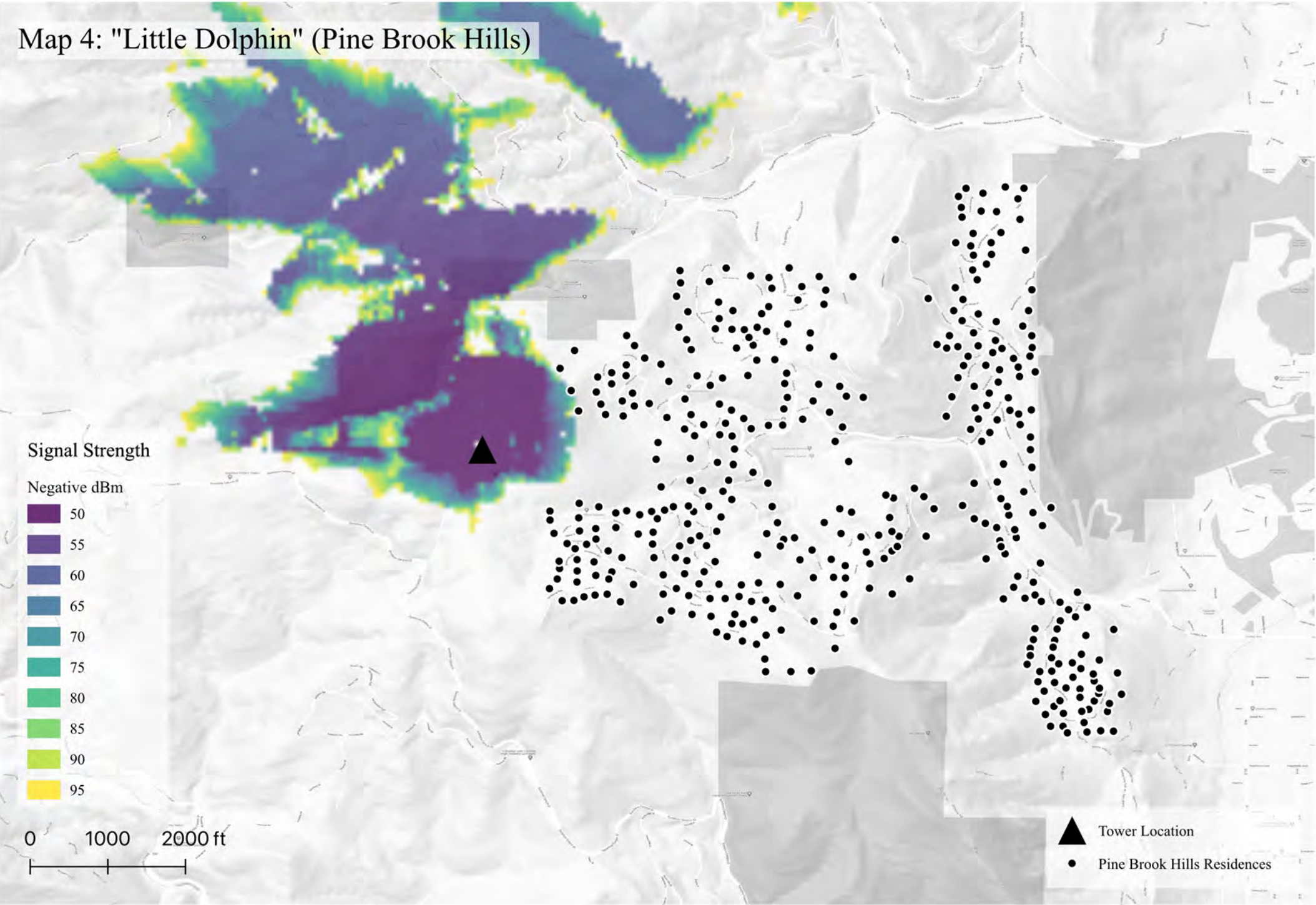


Map 3: "Little Dolphin" (Full View)



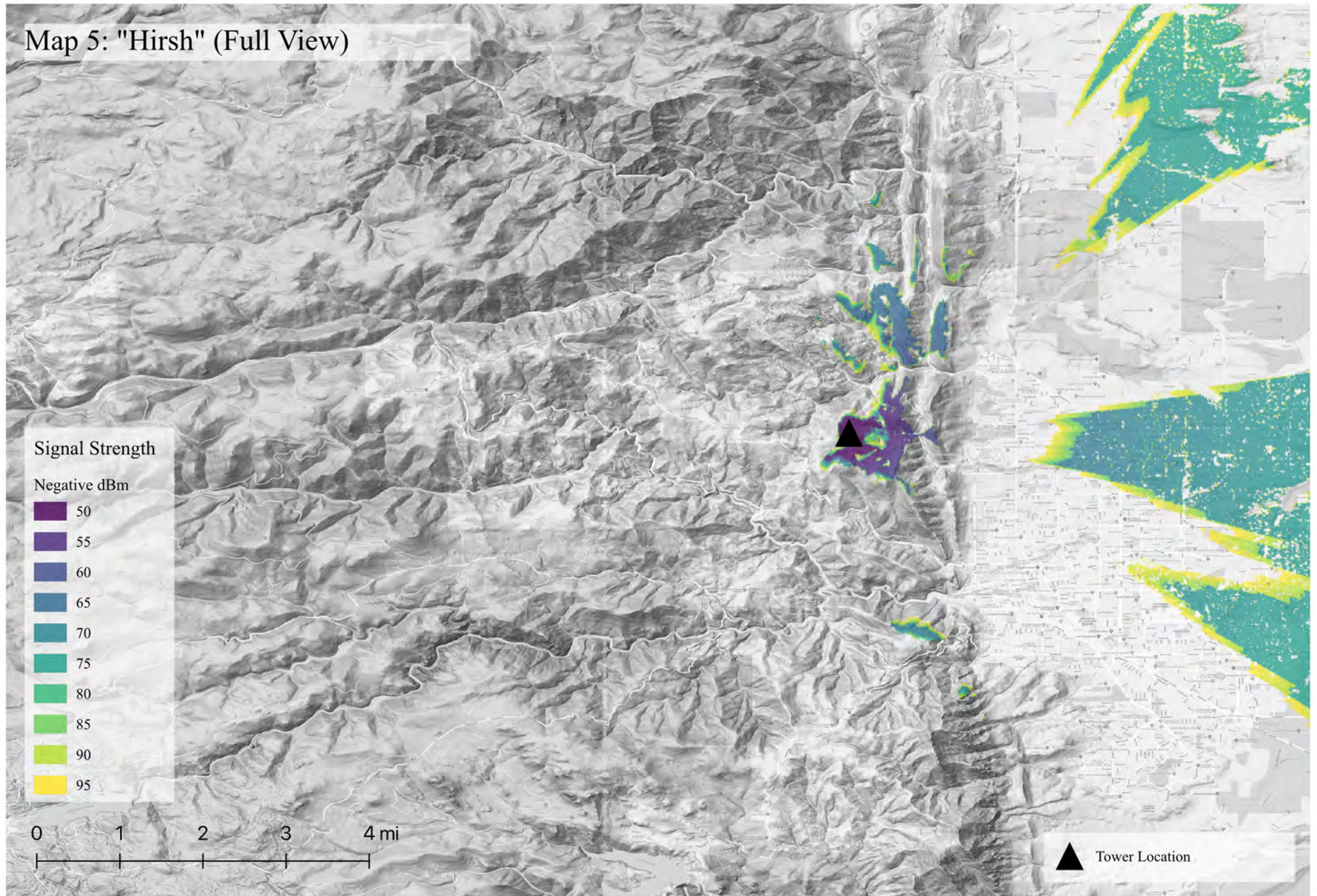


Map 4: "Little Dolphin" (Pine Brook Hills)



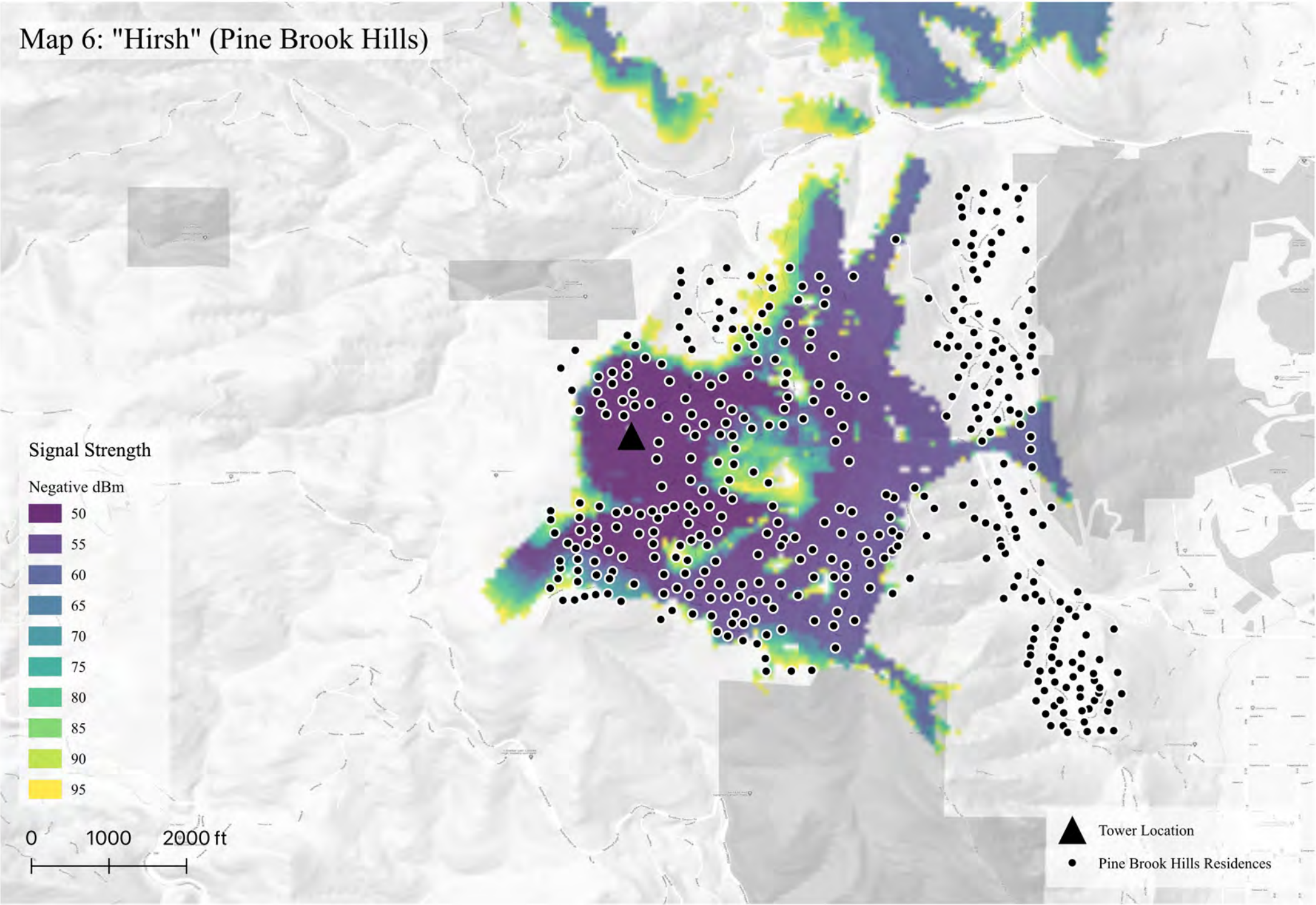


Map 5: "Hirsh" (Full View)



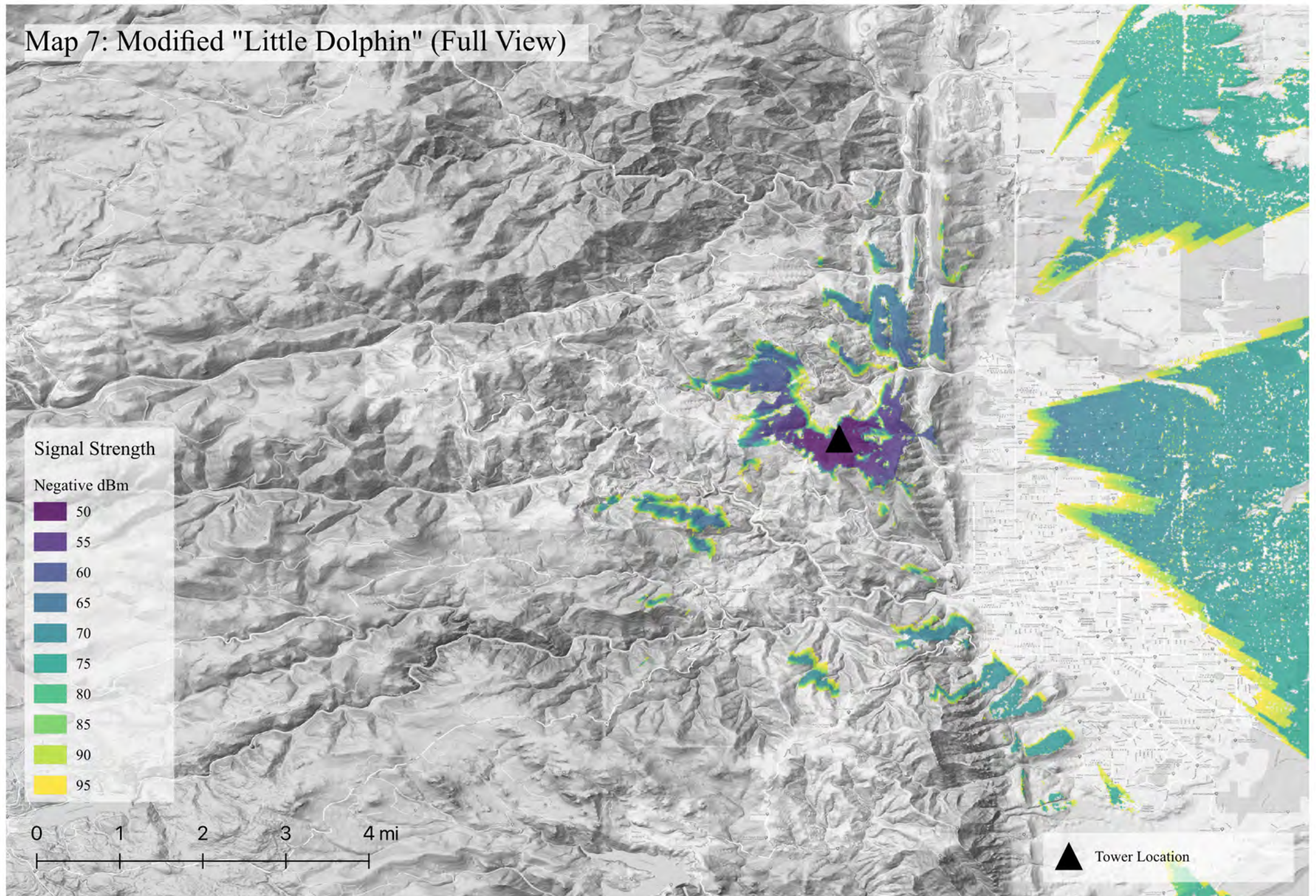


Map 6: "Hirsh" (Pine Brook Hills)



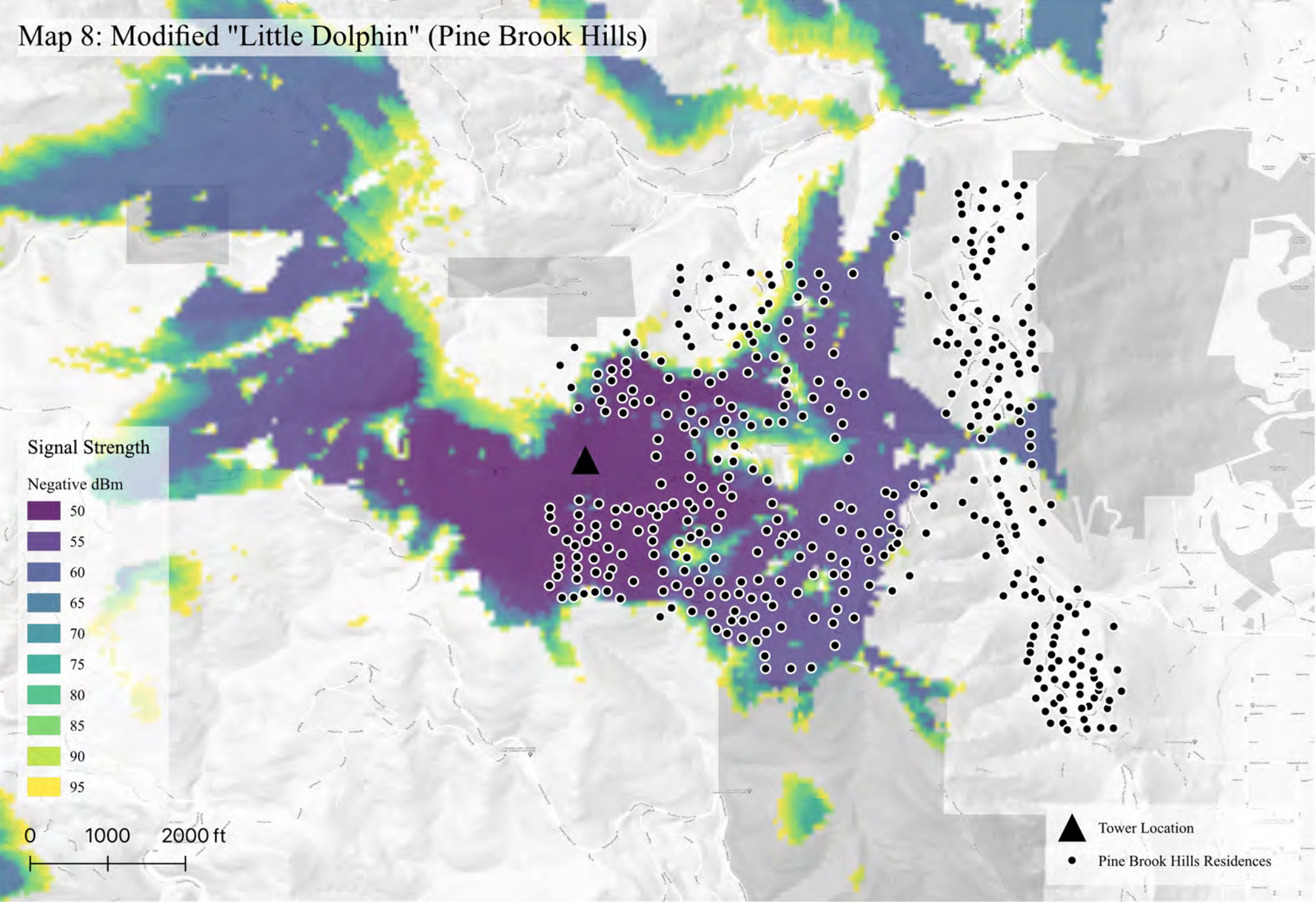


Map 7: Modified "Little Dolphin" (Full View)



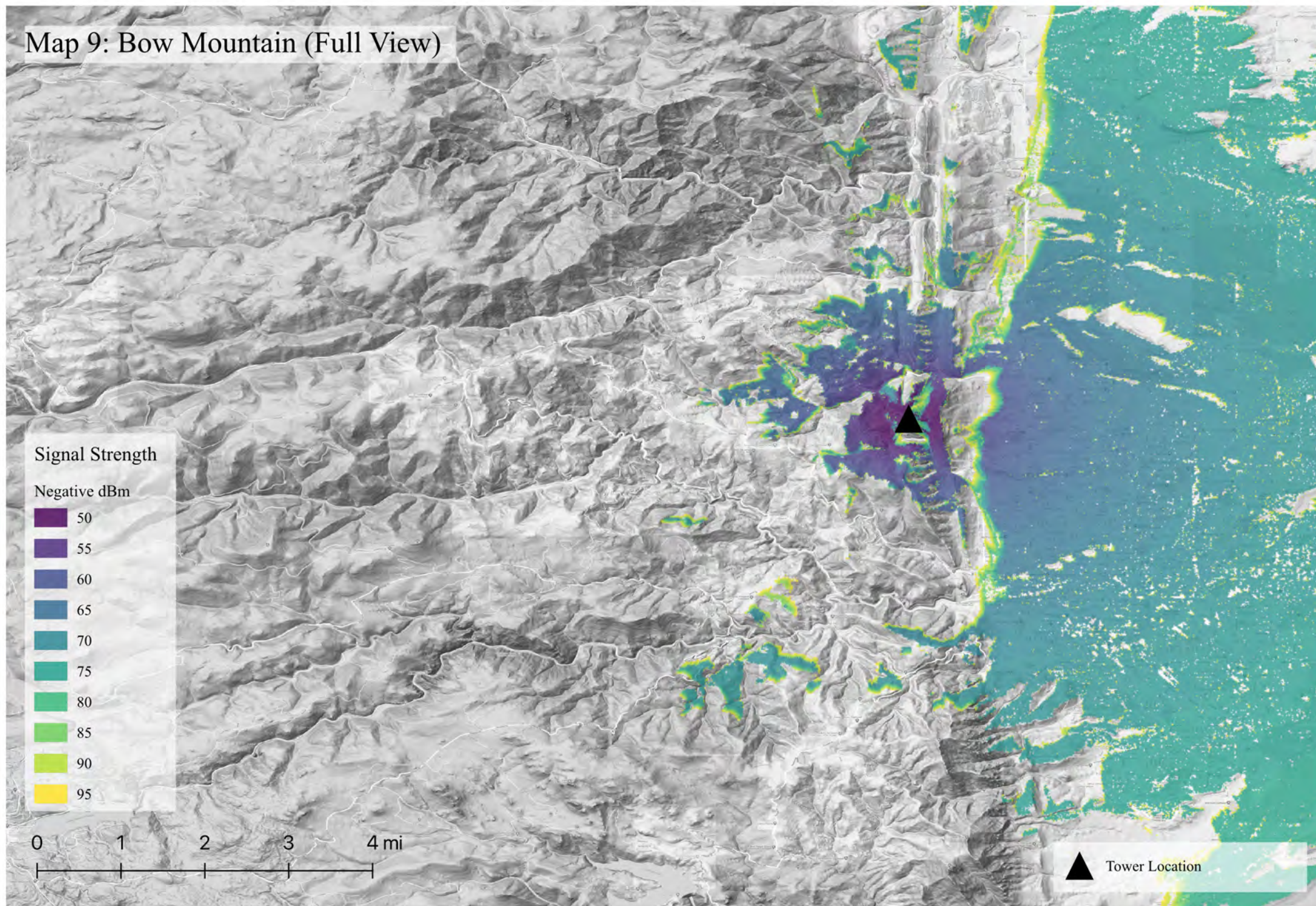


Map 8: Modified "Little Dolphin" (Pine Brook Hills)



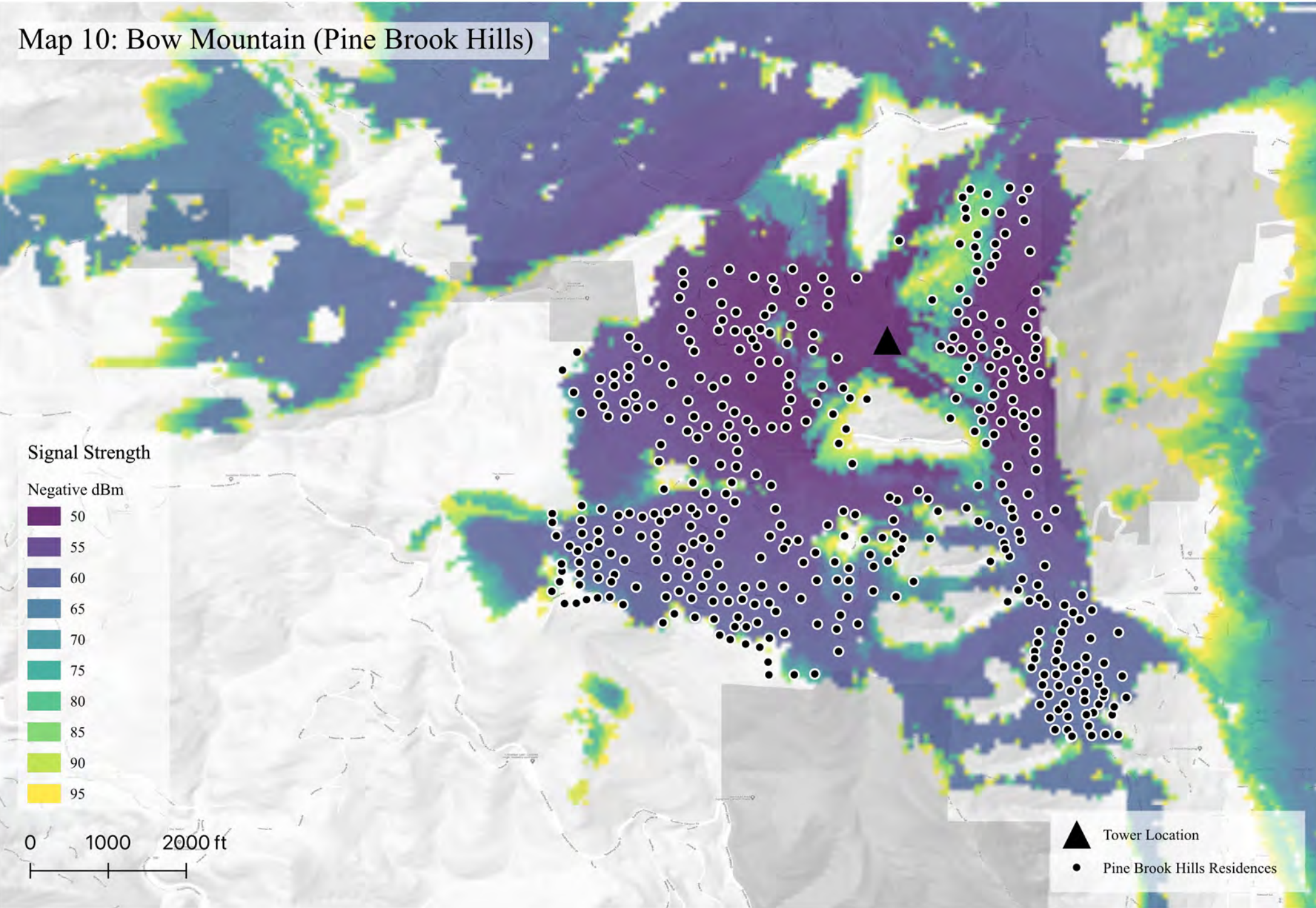


Map 9: Bow Mountain (Full View)



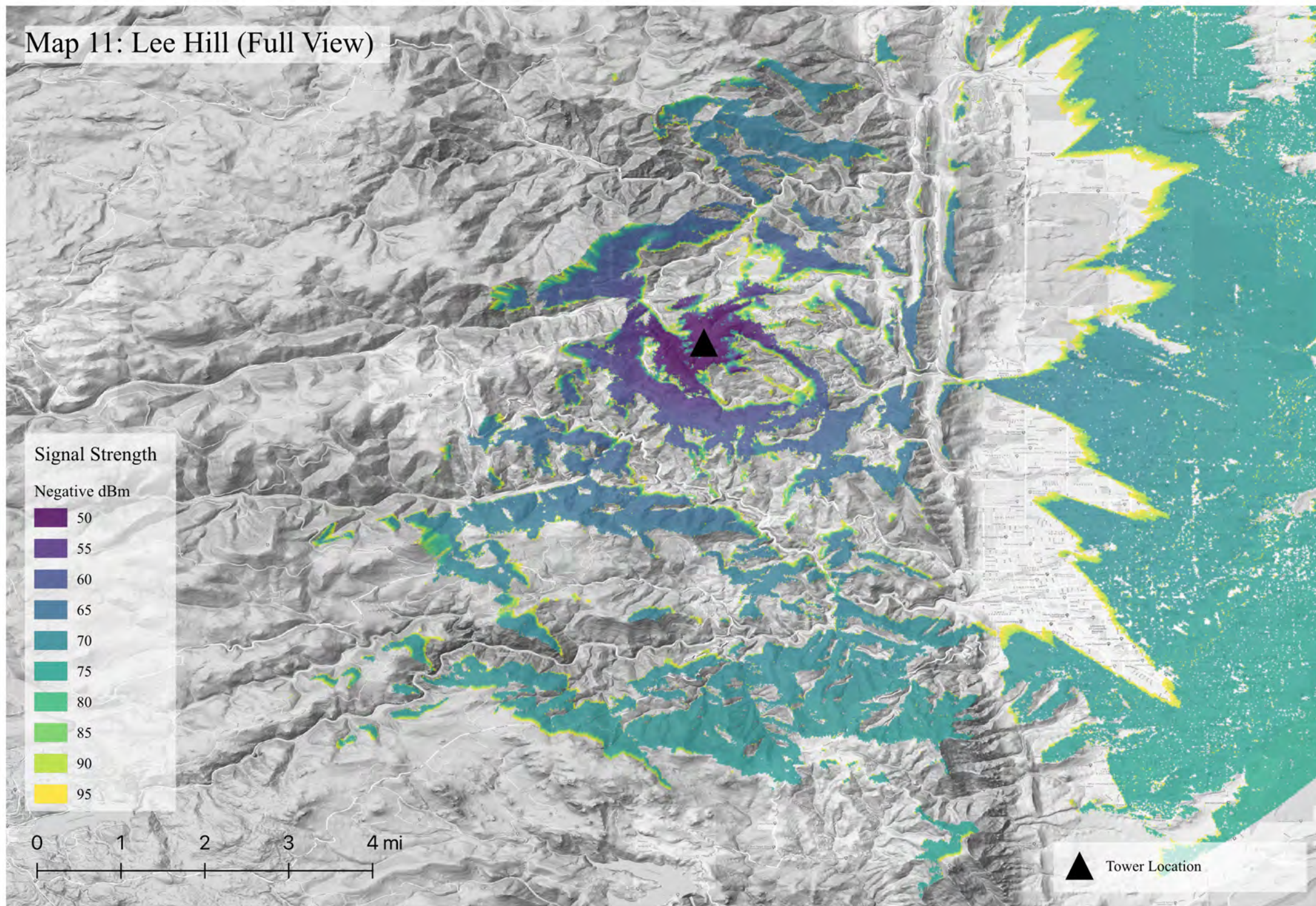


Map 10: Bow Mountain (Pine Brook Hills)



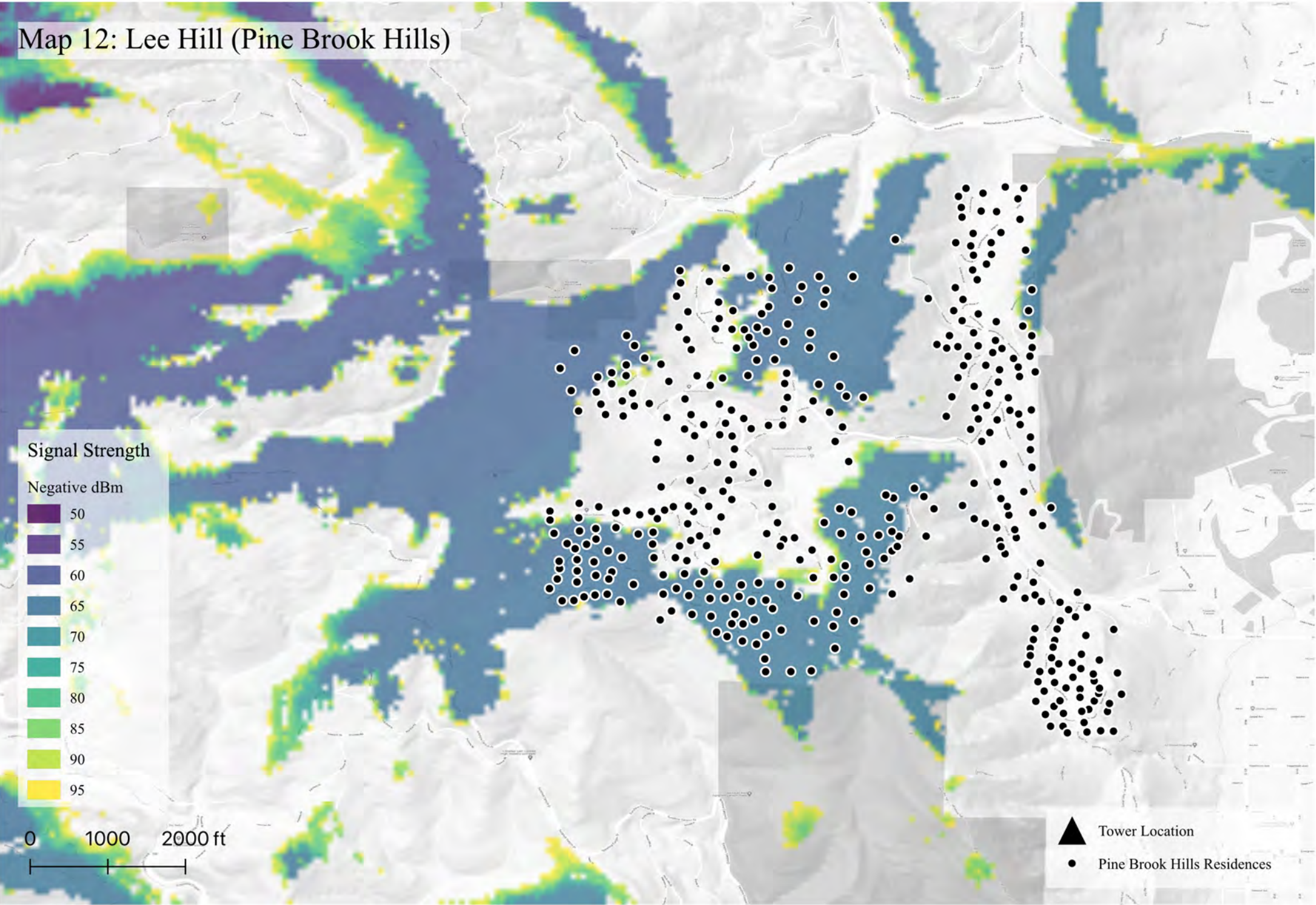


Map 11: Lee Hill (Full View)





Map 12: Lee Hill (Pine Brook Hills)





**From:** [Mike D](#)  
**To:** [Ott, Jean](#)  
**Subject:** Re: Please Protect Our Comp Plan - Reject the SU-20-0001 Atlas Tower Telecommunications Facility Application  
**Date:** Tuesday, February 25, 2020 5:05:44 PM

---

Hi Raini,

Thanks for getting back to me and also for the 2 mile viewshed map. I know you must have a lot to do and appreciate your time.

Also thank you, if you would add this email to the public record, the salient unaddressed issues would appear at the top, with the thread below. Here are the concerns I would hope staff might consider:

### **A. Incomplete Analysis**

The viewshed maps fail to address these concerns, preventing an informed assessment.

#### **1. What is the impact for 105 Feet?**

Although the application is for 85 feet, I believe the County has said on record that a 20 feet extension is allowed without further public input. I understand that the County could not prevent this extension. **The potential impact of permitting this use would be a 105 foot tower** (plus 4' lightning rods).

But the viewshed analysis that is being reviewed is for 85 feet, so it is difficult to assess the complete potential impact. The 85' maps show the initial impact, but a second 105' analysis is necessary to evaluate the longterm potential impact, especially on **public lands, open space, and other high-value scenic resources**.

#### **2. What is the impact Beyond 2 Miles?**

Furthermore a two mile study area is insufficient. I have taken photos from high-traffic public sites outside the 2 mile map where the tower would be clearly visible. These include Chautauqua Trailhead. The photo below was taken inside Boulder City. **What would be the impact on sites such as Chautauqua Trail inside the County? We can't know without a viewshed analysis beyond 2 miles.**



Additionally, the FAA requires lit structures to be visible for up to 3.1 miles. An L-810 Obstruction Light (specified for structures up to 150 feet) indeed has a nighttime visibility of 3.1 statute miles.

Source: [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC%2070%207460-1K.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC%2070%207460-1K.pdf) A2-1. The FAA further specifies that lighting requirements are determined by terrain: "The FAA may also recommend marking and/or lighting a structure that does not exceed 200 (61m) feet AGL or 14 CFR part 77 standards because of its particular location." **At 7000 base elevation and 1,200 feet from an emergency landing zone, FAA lighting is a very real possibility.** A minimum 3.1 mile viewshed analysis is needed to address potential FAA lighting impacts.

### **B. Inadequate Visualizations**

As a geographer and former GIS Manager, I am concerned that the maps produced do not properly display impacts, even within their area boundaries. **The impact on public lands, open space, and scenic corridors is hard, if not impossible to discern on these maps.** It is the most important question the map addresses, but the hardest to answer. If we look for instance at the high value View Protection Corridor near Crawford (value 2.66), is this view impacted? Both the roads feature and value score obscure the data here and at other important sites (e.g. east of Stevens, value 2.99).

Likewise the visually impacted areas within Benjamin and Betasso Reserve are faint enough that an untrained eye might overlook them entirely. Yet these are important scenic areas. **The impact on the City of Boulder is not shown at all.** While outside the joint management area, wouldn't decision makers and citizens want to know this impact?

I know the pressures county GIS departments face in meeting the expansive demands made, and tight deadlines given them. This is in no way a criticism of staff. Given the value both Boulder County and the City of Boulder have placed on scenic resources, and the considerable potential impact this tower could have, it does seem the better part of wisdom to allocate the time required to generate maps that unambiguously portray all potential impacts at appropriate scales and extents.

Respectfully,

Mike DeHart

On Mon, Feb 24, 2020 at 7:10 AM Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Hi Mike,

Thank you for the concern. We are swamped, as usual.

The viewshed maps were created based off of the application submitted, not the potentially modified height. So it is for an 85-foot tower since the four-foot lightening rod is considered an appurtenance, not part of the tower structure itself. I've also attached the two-mile map that was made. Would you like me to add your email below to the record as well?

Thanks!

Raini

**From:** Mike D <[mdehart88@gmail.com](mailto:mdehart88@gmail.com)>

**Sent:** Saturday, February 22, 2020 12:51 PM

**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>

**Subject:** Re: Please Protect Our Comp Plan - Reject the SU-20-0001 Atlas Tower Telecommunications Facility Application

It's Saturday! I love the quick response but hope you don't spend too much of your weekend on work stuff.

Below is therefor for Monday... :)

Is this an 85, 89, or 109 foot analysis?

I've been at multiple public sites beyond the range of this map where the tower would be visible. These aren't on the above map so how can a complete assessment be made? The tower would be small, e.g. from Route 36 or CU, but if the FAA requires lighting this would not be a small point.

Thanks so much for your time!

m

On Sat, Feb 22, 2020 at 11:58 AM Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Hello Mike,

Your original email has been added to the record for consideration by staff, the Planning Commission, and the Board of County Commissioners. I've also attached a viewshed map that our GIS division created to help us understand the potential impacts on the surrounding area. We (staff) will be formally considering this application next week and discussing our recommendation to the Planning Commission.

Thanks!

Raini

**From:** Mike D <[mdehart88@gmail.com](mailto:mdehart88@gmail.com)>

**Sent:** Saturday, February 22, 2020 10:37 AM

**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>

**Subject:** Fwd: Please Protect Our Comp Plan - Reject the SU-20-0001 Atlas Tower Telecommunications Facility Application

Hi Ms. Ott,

If it's possible I'd like to know if the concern below about impacts on County Open Spaces, public lands, and scenic corridors could be forwarded to appropriate county departments or experts prior to a recommendation being forwarded to the Planning Commission. Is that possible?

I'm also wondering if the County plans to do a viewshed analysis showing impact on the above resources. If not, is this a map I could request from our County GIS unit?

This is regarding SU-20-0001.

Thanks for your time and consideration.

Mike DeHart

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

From: **Mike D** <[mdehart88@gmail.com](mailto:mdehart88@gmail.com)>

Date: Wed, Feb 19, 2020 at 2:49 PM

Subject: Please Protect Our Comp Plan - Reject the SU-20-0001 Atlas Tower Telecommunications Facility Application

To: <[planner@bouldercounty.org](mailto:planner@bouldercounty.org)>

Dear Boulder County Planners, Planning Commissioners, and Board of County Commissioners,

I respectfully submit these concerns about the SU-20-0001 application and hope you will give them careful consideration. I believe you will find compelling reasons to deny this application.

I am concerned that the proposed 109' tower will have a profound negative impact on Boulder County's invaluable, cherished scenic resources. I believe it is in conflict with the Comprehensive Plan and may establish precedent or weaken the Comp Plan, leading to future towers along ridgelines that degrade the County's uniqueness. I also believe that without a detailed viewshed analysis of impacts and consequent notification to relevant stakeholders, that the process is incomplete and therefore should not move forward. This last point becomes particularly salient absent an FAA determination on lighting.

### **Negative Scenic Impact**

I have personally visited high-value public sites in Boulder County and confirmed that the tower will be visible from scenic overlooks, parks and hiking trails, and public roadways. These include Chautauqua Park, Chautauqua Trail, and multiple public access points

along Flagstaff Road. Without a proper 109' viewshed analysis it is difficult to know all the other resources impacted, but I believe this to include at least Betasso Park, Bald Mountain Scenic Area, Mount Sanitas Trail, and Sunshine Canyon. I use the 109 foot height because it is my understanding that a 20 foot tower extension would be allowed by-right. If the tower is required to be marked or lit by the FAA now or at a later date, these impacts will be even more severe, likely making the tower visible at night from Route 36 approaching Boulder.

### **In Conflict with the Comprehensive Plan**

Has a viewshed analysis at 109 feet been completed to show the impact on public lands, County Open Space, Natural Landmarks, View Protection Corridors, and other scenic resources cited as deserving protection in the Comprehensive Plan? If a viewshed analysis is or will be completed, would stakeholders for resources shown to be impacted be notified? Would the proposed tower be consistent with the following provisions of the Comprehensive Plan?

- OS1.02.02 (Preserve Valuable Scenic Vistas)
- OS1.02.01 (Protect Views from View Protection Corridors)
- ER 1.04 (Preserve Scenic Vistas)
- B6 (Protect Scenic Resources)

I believe this application to be in direct conflict with the Plan; the exact type of use that the above sections were written to prevent.

### **A Weakened Comprehensive Plan Becomes Indefensible**

Having lived and worked in Loudoun County, Virginia when it was the nation's fastest growing, I know that any precedent or deficiency in an application can be used in later applications. If we are to maintain Boulder County's truly unique value, we must vigorously defend our Comprehensive Plan. And the pristine views we enjoy aren't intangible values, they are pull factors - part of the economic engine that drives our tremendous success. Without a detailed analysis (and discussion) of impacts on scenic resources, we can only expect more ridgeline tower applications.

### **No Publicly Available Viewshed Analysis & No Clear FAA Determination**

I am not aware of a viewshed analysis of the impact this tower would have on public lands, County Open Space, Natural Landmarks, View Protection Corridors, and other scenic resources. Without this information, stakeholders can not make informed decisions about this proposal. At a 50 foot nominal height above treeline, even a monopine tower will degrade scenic resources. But if the FAA now or at a later date requires lighting (perhaps after a helicopter near miss during an emergency operation), there is no doubt that a much larger swath of Boulder County residents and businesses would oppose this application. If the tower is approved assuming the FAA does not require lighting, would that prevent the FAA from requiring lighting at a later date? All of these unknowns need

to be addressed by stakeholders.

Thank you for your time and careful consideration for these concerns.

Respectfully yours,

Mike DeHart

521 Valley View Drive

Boulder, Colorado 80304

Please enter my name and comments (except email address) into the public record.

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“There isn't time, so brief is life, for bickerings, apologies, heartburnings, callings to account. There is only time for loving, and but an instant, so to speak, for that.”

— Mark Twain

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“There isn't time, so brief is life, for bickerings, apologies, heartburnings, callings to account. There is only time for loving, and but an instant, so to speak, for that.”

— Mark Twain



To whom it may concern,

We, the residents of 161 Bristlecone way

**STRONGLY OPPOSE** and ask that the **commission REJECT**

the cell tower in Docket #: SU-20-001 for the following reasons

- 1) Indicating it would serve fire stations is a scare tactic and similar to using the word “safe” Once someone says it, they cannot unsay it, and it puts any other argument at a disadvantage. We have not heard that it will be a problem to stay connected in the foothills from the fire departments, and they do it today. Additionally during the sunshine canyon fire, there was no report of decreased connectivity as a problem.
- 2) There are no provisions in place to prevent this homeowner from putting up this tower and selling their land immediately. We are worried that the owners are looking to move out of the area and no longer care about the neighborhood, putting their current neighbors at a disadvantage.
- 3) The Atlas Tower company has indicated their tower is 3/4g, not 5g, so they are planning to install equipment that is antiquated. There would be a tremendous effort to install a tower that isn't needed, and isn't up to today's technology standards.
- 4) According to public data, 5g wideband service is already covering the area where the proposed tower will be installed (available online to see: 5G technology is already in Nederland: <https://www.speedtest.net/ookla-5g-map>) it does not appear it that the tower will serve a “need” as carriers continue to light up their 5g service. T-mobile, for example (not a proposed carrier for this tower) has 5g coverage that already covers this area.
- 5) The proposed tower is galvanized in color, not painted like other towers, meaning it will be reflective and unsightly.
- 6) The tower is 85' tall, common towers of this structure are 65' tall, and the average height of trees in the area (yes we've measured) is 50', meaning this unsightly structure will stick up approximately 35' above the top of trees, looking quite unnatural.
- 7) Homeowners in the area are not asking for better cell service, all have found solutions that do not involve construction and increased traffic for this unsightly tower. It is a solution in search of a problem
- 8) Offering to neighbors that they can replace hard-wired internet connections (Xfinity, century link, att, etc) with a replacement wireless service is again misleading. These

services are throttled, bandwidth capped, and do not allow access to the same internet speeds as hard wired lines. It's an incorrect and unfounded statement to say they are the same.

- 9) If supporting the local fire departments is of paramount importance to the owners, we ask that they donate all revenues from this tower installation perpetually to the local fire departments.

Sincerely,  
Mike Mullins and Merrin Collins  
161 Bristlecone Way  
Boulder Co, 80304

**From:** [Mitra Adams](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** "Docket #SU-20-0001: Atlas Tower." / Pine Brook Hills cell phone towers  
**Date:** Tuesday, February 11, 2020 6:51:59 PM

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To whom it may concern,

I have been told that additional cell phone towers are proposed for the Pine Brook Hills area.

And that comments are due by February 19th.

Please give more time for research to be done about the impact of more cell phone towers in that neighborhood.

Thank you,

Mitra Adams  
303-250-7005

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Saturday, February 15, 2020 9:20:22 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also concerned about health impacts. EMF radiation is known to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Molly Greacen

EMAIL: [mollygreacen@womanmedicine.com](mailto:mollygreacen@womanmedicine.com)

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](https://twitter.com/LandUsePlanner)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Saturday, February 15, 2020 3:54:35 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company. We live a six minute drive from the proposed location and vehemently OPPOSE it. I have googled living in close proximity to a cell phone tower and there is nothing good about it. I can't believe everyone in our PBH neighborhood is not even aware this is going on.

NAME: Nancy Solomon

EMAIL: [nancyhsol66@gmail.com](mailto:nancyhsol66@gmail.com)

ZIPCODE: 80304

PUBLIC RECORD:

- Please include my comments in the public record.

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [Paige Larson](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket#: SU-20-0001: Atlas Tower  
**Date:** Monday, February 17, 2020 3:02:19 PM

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Dear Raini (Jean Ott),

2 Hawk Lane is my address which is close to the proposed Atlas tower.

I am wary of the presence of the tower in a pine forest and the danger of wild fire. Wildfire is our biggest danger up here and a tower above the trees even with lightening protection is no guarantee that it does not present an increased danger of wildfire. I grew up on a farm and our barn (the highest point on the farm) had all kinds of protection from lightening but it still caught fire during a thunder storm. The pine forest surrounding the tower is fuel for a fire.

I hope the planning department will take this into consideration before approving the tower.

Sincerely,

Paige Larson  
2 Hawk Lane  
Boulder 80304

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Wednesday, February 19, 2020 10:00:23 AM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

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NAME: Peggy McCarty

EMAIL: [margmusic@yahoo.com](mailto:margmusic@yahoo.com)

ZIPCODE: 80304

PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.



Ms. Jean (Raini) Ott  
Boulder County Planning & Permitting Department  
2045 13<sup>th</sup> Street  
Boulder, CO 80302

Re: Special Use Review SU-20-0001

Dear Ms. Ott,

I am writing this letter in response to the above noted Special Use Review Application (Application) to urge staff to find it incomplete, and because of the many impacts that cannot be mitigated, I request that the Planning Commission recommend to the County Board of Commissioners that it be denied. I submit this response for the record and as a supplement to my previously submitted comments to the County.

My review of the Application raises serious concerns about its deficiency and absence of the critical information necessary for residents, Referral Agencies and the County to fully evaluate the relative merits of the project. Additionally, I have serious concerns about the negative impacts to the surrounding community and the circumstances of how this project came about.

Pursuant to Section 4-600 Uses Permitted by Special Review of the County Zoning Code, the County must assure *"the use is located, designed, and operated in harmony with neighboring development and the surrounding area and does not adversely affect the public health, safety, and welfare."* Additionally, the County must *"assure that the use can operate in a sustainable way with minimal danger or impact to the users, the natural environment, or the developed environment."*

I trust that the County will note in its review of the Application the obvious misleading claims, omission of critical facts, obfuscation of the intended criteria of the Code, lack of credible or robust technical analysis of claimed benefits, misrepresentation of the character and nature of the surrounding area and general deficiency in the Applicant's burden of proof (Ref. Zoning Code 3-205.C (8)) to show they have met all applicable criteria of the Code.

Below, I address my concerns, in turn.

**Misrepresentations and Omissions:**

Despite the County requirement that the "applicant should be as thorough as possible when describing the proposal" (Ref Zoning Code 3.210.A (1) (c)), the Applicant has omitted critical salient information necessary for the County to make a determination and misrepresents critical area characteristics and site conditions.

The Applicant's claim that the surrounding area is mostly forestry land with sparsely located residential homes is a misrepresentation of the community. In fact, the adjacent Pine Brook Hills neighborhood consists of approximately 400 homes and is considered one of the most desirable neighborhoods in Colorado because of its sense of community, quality of services, natural beauty and extraordinary views.

The Applicant's claim that "mature evergreen trees" and a "large water storage tank" will somehow hide an 89' "fake tree" is deceptive and a misrepresentation of the visual effect this project will have on the surrounding community. Attached is a to-scale representation of the relative height of the tower to the surrounding site features the Applicant claims will hide it. (See Exhibit A)

Additionally, if the tower is approved, the Applicant fails to disclose that it will gain the by-right ability to raise the tower height 20' without public input. This is explicitly allowed via language in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012; 47 CFR Sec 1.6100(b)(7)(i), (c)(1). Therefore, the County should evaluate the impacts to the surrounding area of a potentially 109' tall tower.

The Applicant claims that the project has the support of the Pine Brook Hills HOA, Water District and Boulder Mountain Fire District Referral Agencies, yet fails to disclose that these bodies have not openly deliberated this matter in any public forum or Board meeting and that the landowner is a Board member of each of the Agencies with a clear conflict of interest.

The landowner's signature on the application form attests that the information submitted is true and correct and indicates concurrence with all submissions and commitments made by their designated agent, Atlas Tower, Inc. This raises serious questions about how Agency support was obtained, despite no known prior recusal from the landowner, or public deliberation on the merits of the Application by these Agencies.

Due to the conflict of interest and demonstrated undue influence of the landowner over these Agencies, the County should discount as tainted by these facts, any written support or interpretation of "no-conflict" through lack of response (Ref. Zoning Code Subsection 3-204.C (1) (b)).

Additionally, please confirm whether the Applicant has complied with the following submittal requirement in the Zoning Code:

3-202.A (15) (g) If the application anticipates new surface development, certification of compliance with Article 65 .5 of Title 24, C.R.S. (see Section 3-203 .A .1 .d .i .), except that such certification shall not be required for applications solely for electric lines, natural gas pipelines, chilled and other water pipelines, or appurtenances to said lines or pipelines.

**Visual Impact is contrary to Comprehensive Plan and not in character with the surrounding area:**

The Applicant does not provide supporting evidence that an 89' tall cell tower "disguised as a fake tree" is compatible with the surrounding area or that views will not be impacted and therefore, the Application must be deemed deficient and incomplete. Mitigation or minimizing of what is obviously an unnatural tower is not possible; therefore, the County is compelled by the Comprehensive Plan to **avoid** this impact entirely.

**Use is not compatible with surrounding area:**

Because of the unique and specific nature of this area, any noise above ambient levels is unacceptable for the use. The nearby StarHouse and Bristlecone Lane is used for meditation and contemplative walks in nature and the interruption of mechanical sounds is inconsistent with this preexisting use and enjoyment of the land. In the rules giving residents access to Bristlecone Lane, the land owners, of which the landlord is included, specifically state: *"No shouting on this property. Not even loud conversations on still days. It's astonishing how your voices carry to other residences."*

**Property values will be negatively impacted:**

Several studies show that home values are negatively impacted when located near cell towers. Because comparative prices in the mountain communities are scarce, any localized drop in home values will have a ripple effect throughout a greater area. The County should also consider and study as an economic impact, the resultant loss in tax revenues.

**Cell tower poses increased hazard and safety risk:**

The Applicant lacks any fact based analysis or evidence that there will be no increased safety or hazard risk. They simply imply that the County and residents are to believe them simply because they say it's so. Numerous residents have submitted and referred to research and outlined scenarios that raise a credible concern of increased risk as a result of this project. The County must apply to the Applicant its strict standard of burden of proof, especially with an application full of blatantly misleading statements and omissions.

**Inadequate analysis of Alternate Sites:**

The Alternate Site study submitted by the Applicant is intellectually dishonest, lacks technical rigor and is not a true study of available and viable alternative sites. The County requires a comprehensive approach to cell tower siting, including the co-location with existing infrastructure. The inherent bias of a company specializing in

the construction of cell towers towards building new cell tower facilities does not allow for the true comprehensive analysis required by the County.

**Benefits to community are not supported by analysis:**

Again, the Application is completely devoid of any analysis, technical or otherwise, to support their claim of significantly increased cell coverage to the community or enhanced emergency communications.

For these reasons, I request that the Planning Department find the Application Deficient and Incomplete.

For your review and hopefully, convenience, I've categorically stated below my concerns with the Applicant's responses to the review criteria and code requirements.

## **4-601 Review Criteria**

**Subsection A (1)** - The Applicant claims the proposed telecommunications facility will comply with all minimum zoning requirements set forth in Forestry Zoning, however, it does not cite the Forestry Zoning purpose or requirements, nor how this use is compatible. The Boulder County Zoning Code states in Section 4-101 Forestry (F) District A. Purpose: Rural areas established for the purpose of efficiently using land to conserve forest resources, protect the natural environment, and preserve open areas. As it will be established further in this response to the Application, this project will harm the natural environment and have a significant visual impact on, and thus degrade open space and natural areas.

**Subsection A (2)** - This section of the Boulder County Code requires that the project be compatible with the surrounding area. The Code goes on to include the following considerations in determining compatibility:

1. location of structures and other improvements on the site; the size, height and massing of the structures;
2. the number and arrangement of structures; the design of structures and other site features;
3. the proposed removal or addition of vegetation
4. the nature and intensity of the activities that will take place on the site.

The Applicant's claim that the 89' tall cell tower "*disguised as a fake pine tree*" will be "*hidden*" behind a water tank does not provide a true and accurate description of the project in relation to other structures or site features on the site and omits key information needed for the County to evaluate the Application, including the size, height and massing of the referenced water tower and surrounding tree canopy.

The Applicant does not address the removal of vegetation that is typically required by the Wildfire Mitigation Coordinator defensible space around the tower structure, support buildings, both sides of the access drive to the tower site.

Furthermore, the Applicant mischaracterizes the current intensity of use of the existing parcel by claiming that a single-family residence on a 35-acre parcel is “extensively developed.” Certainly by any standard within the County Zoning code, this characterization is false.

Additionally, the Applicant fails to cite or address the other requirement of this section, which states: *“In determining the surrounding area, the Board should consider the **unique location** and environment of the proposed use; assess the **relevant area** that the use is expected to impact; and take note of important features in the area including, but not limited to, **scenic vistas**, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the **characteristics of nearby development and neighborhoods;**”*

The cell tower project will negatively impact a **relevant area** that extends well beyond the project site. The tower will stand at least 50’ above the surrounding tree canopy and be the only unnatural structure visibly projecting above the **uniquely** natural Boulder Canyon valley ridgelines. It will block **scenic vistas** of the Indian Peaks for many residents and be visible from: 1) the grounds of the **unique** and culturally significant StarHouse property; 2) the Bald Mountain Scenic Area; 3) the Betasso Preserve; 4) Sunshine Canyon Sanitas Trails; and 5) from several of the Boulder County Protected View Corridors (Exhibit B) designated in the County’s implementation of Policy 1.02.01 of the Open Space Element of the Comprehensive Plan, which states “the county shall **avoid**, minimize, or mitigate impacts on views from view protection corridors.”

The negative impacts to the quiet and scenically beautiful **characteristics of the nearby** StarHouse and Pine Brook Hills neighborhoods must be considered.

Pine Brook Hill is a mountain community of approximately 400 homes sited on a minimum of one-acre lots. It was established in 1960 and is highly valued for its peaceful forest living and scenic views of Boulder Valley, the Flatirons, Flagstaff ridgeline and the Continental Divide. The 89’ tall cell tower will block the scenic vistas of the Indian Peaks of several residents within Pine Brook Hill, and will expose residents to the potentially harmful effects of EMF radiation. These facts will serve to significantly impact the property values of nearby homes.

In a 2014 survey by the National Institute for Science, Law & Public Policy, 94% of the 1,000 respondents reported that cell towers and antennas in a neighborhood or building would impact interest in a property and the price they would be willing to pay for it. This reinforces a study published in *Appraisal Journal* in 2006, finding

that buyers would pay as much as **20% less** for homes in a neighborhood with a cell tower.

While the greatest expected home value loss would be nearest the cell tower, appraisals are based on nearby sales comparisons, so the negative financial impact would likely eventually impact the entire adjacent Pine Brook Hill and Sunshine Canyon neighborhoods.

The 89' tall cell tower "disguised as a fake pine tree" would be highly visible from grounds of The Star House and is a use that is incompatible with this unique cultural institution and resource to Boulder County, whose location and grounds are central to the practice of spiritual activities. It has been zoned a "Use of Community Significance" by the County, and has been a spiritual sanctuary since 1990, serving thousands of residents and visitors each year who use its grounds for meditation, healing and contemplative walks in nature.

The Applicant does not provide supporting evidence that an 89' tall cell tower "disguised as a fake tree" is compatible with the surrounding area and, therefore, must be deemed deficient and incomplete. Mitigation or minimizing of what is obviously an unnatural tower is not possible; therefore, the County is compelled by the Comprehensive Plan to **avoid** this impact entirely.

**Please require that the Applicant provide factual evidence that the project is compatible with the surrounding area to prove this criterion is met.**

**Subsection A (3)** – The use will be in accordance with the Comprehensive Plan:

*TE 1.01 Boulder County Land Use Code shall regulate Telecommunications Facilities...so as to assure compatibility with surrounding land uses and safety from hazards.*

The Applicant merely "acknowledges and accepts this requirement," yet neglects to show how compatibility with surrounding land uses is assured, nor does it identify significant documented safety hazards associated with cell tower projects. The burden of proof is on the Applicant to show compatibility and safety from potential hazards associated with this project.

Potential hazards may include but are not limited to:

- Increased Fire Risk –  
The cell tower site is located on a hogback ridge that is exposed to frequent high velocity westerly winds. A fire ignition near that location would be catastrophic due to the limited escape routes available to nearby residents.

Credible published research shows that an increase lighting strike frequency correlates with the location of nearby cell towers. Additionally, the presence of high current electrical equipment and motors in a forested area and the possibility of equipment failure pose an additional risk that must be considered.

<https://eos.org/research-spotlights/antenna-towers-attract-additional-lightning-strikes>

Any incremental increase in what is already a high risk of fire near hundreds of homes with limited escape routes could trigger potential consequences that far outweigh any perceived benefits to Boulder County and its residents.

- Air traffic impact –

The tower is located within close proximity to a Fire District helicopter landing zone on the adjacent StarHouse property. This landing zone is designated for use in emergency situations, which would include wildfire evacuations. A tower that potentially could project up to 70' by-right above the tree canopy after County approval is a potential safety hazard that should be studied further. It is possible that the FAA might not require an indicating light at 89' feet tall, but could retroactively require one for a 109' tower. In this scenario, the County would have no jurisdiction to mitigate this concerning visual impact to the nearby residents who enjoy the night skies, relatively un-impacted by light pollution.

**Please require that the Applicant provide evidence to support their claim of compatibility with the surrounding area and safety from all potential hazards to prove this criterion is met.**

**Please consider the possibility that the FAA could require identification lighting of the tower in your analysis for the decision makers.**

*TE 1.02 Consideration of applications for Special Review shall normally include alternate siting and design studies for the purpose of providing information that can assist in the review of the proposal and a consideration of alternate sites and alternate designs that may be more acceptable to Boulder County*

The Applicant states in its Alternative Site Analysis Report that the project goal is to fulfill the Applicant's need to provide the most expansive coverage to the "Pine Brook Hills Subdivision," yet does not provide a technical analysis showing signal propagation, and more importantly, does not quantify an incremental increase to current cellular service to the Pine Brook Hills neighborhood as a result of the project.



**Please require that the Applicant correct this notable omission and provide an independent 3<sup>rd</sup> party technical study of the proposed site's cellular service coverage to prove this criterion is met.**

*TE 1.03 County should accommodate adequate telecom facilities while avoiding, where possible, or minimizing any negative impacts associated with telecom facilities.*

Other than the Applicant's false claim in prior sections that they can "hide" an 89' tall monopine tower behind a 30' tall water tower or disguise it as a "fake tree" so it will "blend in" with the surrounding 35' to 40' tall real trees, they offer no factual analysis or good-faith effort to avoid or minimize the project's negative visual impacts. Disguising an 89' tall tower as a fake tree is not an adequate mitigation for blocked scenic vistas or diminished natural character of neighborhood.

The Applicant's claim that it already has support from the local fire districts, water district and HOA community is irrelevant to the minimization of negative impacts. Reviews of board minutes for each of these Agencies reveals that the cell tower project has not been discussed, therefore Applicant should provide documentation to support its claim.

An adequate mitigation of the visual impacts is not possible at this site and the Applicant has not demonstrated through a robust and thorough analysis that it cannot avoid these impacts by locating this facility at alternative sites.

Additionally, the Applicant provides no technical analysis to support its claim of improved cellular service and better public safety communications. It is important to note that the Chief of the Boulder Mountain Fire Protection District has publicly stated that, absent a technical analysis, he is not sure that this particular location is the best to serve the District's emergency communication needs.

Absent this information the County cannot properly analyze the claimed benefits to serving the needs of governments, businesses and citizens of Boulder County, or to public safety and emergency response usage.

**Please require that the Applicant provide a comprehensive and rigorous technical analysis to prove this criterion is met.**

*TE 1.04 County should accommodate use of current and evolving new telecom technologies*

The Applicant states that the facility is designed to be "compatible with all known future telecommunication technologies" but lacks an analysis of how evolving new telecom technologies would be accommodated by this project. .

**Please require that the Applicant provide a comprehensive and rigorous technical analysis to prove this criterion is met.**

TE 1.05 *“Aesthetic and environmental quality of county shall be given full consideration when locating, designing or upgrading . . . so as to avoid any significant adverse impacts.”*

The Applicant’s claim that the mono-pine design aids in “camouflaging by blending in the tower with the surrounding evergreen trees” is deliberately misleading given the relative dimensions of the tower, tanks and surrounding trees (See Exhibit A) and should call into question the Applicant’s credibility in the entirety of its application.

This project will have a broader County impact on aesthetic quality that must be considered. The proposed tower will project approximately 50’ as applied for, and potentially 70’ by-right, above the surrounding trees. It will be visible from Betasso Preserve, the Bald Mountain Scenic Area, roadways designated as Protected View Corridors by the County, as well as from numerous private residences and public roadways in the Pine Brook Hills neighborhood. The adverse impacts to views to and from of the otherwise pristine ridgeline will be long lasting and will change the character of the surrounding area.

**Please require that the Applicant provide factual visual evidence that an 89’ tower will be hidden and blend in with 40’ trees to prove this criterion is met.**

TE 1.06 *Consolidation of multiple telecommunications facilities onto common towers, when feasible and not otherwise detrimental, shall be strongly encouraged by Boulder County.*

This project does not serve to consolidate existing multiple telecommunications, but rather expands to a completely new and incompatible location in a residential community. For example, Applicant has not explored co-location with existing towers at Lee Hill or a television tower on Bow Mountain. The Applicant has failed to do any technical analysis of opportunities to consolidate facilities or support its claim that the named fire stations will be served. Based on the mountainous terrain and location of the named fire stations, it is unlikely that a tower at the proposed location would serve all.

**Please require that the Applicant provide a comprehensive and rigorous technical analysis of the feasibility of consolidation and/or co-location with other existing towers to prove this criterion is met.**

TE 1.08 *Where a telecommunications system utilizes a network of facilities, a comprehensive approach shall be taken for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact.*

Applicant acknowledges, but doesn't address this criterion. Instead, it provides the non-response: "Applicant has made all efforts to make sure any visual impact of the proposed facility is greatly mitigated to the nearby community through the site location and tower design."

Any cellular carrier will be utilizing a network of facilities, however, the Applicant provides no evidence of a comprehensive approach to the location of this tower or in the study of alternative sites.

**Please require that the Applicant provide a rigorous technical analysis of alternative sites that incorporates a comprehensive approach to the evaluation of the Bristlecone site as compared to other potential sites to prove this criterion is met.**

**Subsection A (4)** – *The use will not result in an over-intensive use of land or depletion of natural resources.*

*The Board should consider:*

- 1) the effect on significant natural areas and environmental resources;*
- 2) the disturbance of plant and animal habitat*
- 3) the relationship of the proposed development to natural hazards*
- 4) the addition or restoration of natural features and screening*

The project site and immediate surrounding area consists primarily of forested lots with single-family residences, roads with Protected View Corridors and a culturally sensitive spiritual site, The StarHouse. The area is known for natural scenic vistas of the canyons, forest and mountain peaks and the Applicant's proposed disguising of the cell tower as a fake tree is by definition not the addition of a natural feature or screening. There are no other 89' tall fake trees in the surrounding area for this tower to blend in with or be screened by.

Studies have shown a high level of damage to trees exposed to long-term Radiofrequency radiation from the close proximity to cell towers and in pine plants under laboratory controlled exposure. This is especially concerning given that unhealthy trees are more susceptible to disease and fire ignition.

Anecdotal observations from long time neighbors to the project site also indicate that the proposed site is a regular breeding ground for ladybugs and pollinating bees that would be exposed to the harmful effects of Radiofrequency radiation.

**Please require that the Applicant provide an independent 3<sup>rd</sup> party scientific study of these and other potential disturbances to plant and animal habitat to prove this criterion is met.**

**Subsection A (5)** Boulder County Code Subsection 4-601(A) (5) actually states: *"The use will not have a material adverse effect on community capital improvement programs."*

The Applicant erroneously addresses this section as A (4) and does not identify whether any community capital improvement programs exist.

**Please require that the Applicant study whether community capital improvement programs exist and analyze whether this project will have any adverse effect to prove this criterion is met.**

**Subsection A (8)** (Applicant erroneously labeled this Subsection) *The use will not cause significant air, odor, water or noise pollution*

The Applicant falsely claims "there will not be air, odor or water pollution" and that telecommunications facilities are "essentially silent."

The project will require a diesel powered emergency generator, which will create air emissions and odor. The generator would test run on a regular and frequent basis and the multiple air conditioners would be running 24/7 and not be "essentially silent." Noise from the generator and constantly running air conditioners is especially impactful in a quiet and otherwise low ambient noise level forest environment.

**Please require that the Applicant provide a technical study of acoustic and emission levels from its equipment in the context of a forest environment to prove this criterion is met.**

**Subsection A (9)** (Applicant erroneously labeled this Subsection) *The use will be adequately buffered or screened to mitigate any undue visual impacts of the use.*

See my response to TE 1.05.

**Subsection A (10)** (Applicant erroneously labeled this Subsection) *The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County*

The Applicant misrepresents that there are "no real safety or health concerns associated with the tower." Many residents have expressed real and credible concerns to the County about the potential detrimental health, safety and welfare impacts from this project. Per the County Code, the burden of proof is on the Applicant to show through rigorous analysis and fact based data that this criterion is met.

The potential for real and detrimental health, safety and welfare impacts includes:

1) a higher risk of wildfire due to potentially higher incidence of lightning strikes in the vicinity;

<https://eos.org/research-spotlights/antenna-towers-attract-additional-lightning-strikes>

2) potential health problems due to long term exposure to Radiofrequency Radiation (RFR);

In an analysis recently done for the County, the Dean of the Colorado School of Public Health, Dr. Jonathan Samet, states that “the evidence indicates the possibility of some risk.” when assessing The International Agency for Research on Cancer’s conclusions in 2011 with regard to RFR as a carcinogen to humans. He also identifies more recent and troubling studies by the National Institute for Environmental Health Sciences and The Ramazzini Institute that lead him to conclude, “the observations support the plausibility of adverse effects in humans involving the nervous system.”

3) high probability of financial impact through loss of home value.

A 2006 study showed that home values drop up to 20% when located near a cell tower. With current wide-spread concerns for health risks, the impact to values should be expected to be at least this high.

<https://www.businesswire.com/news/home/20140703005726/en/Survey-National-Institute-Science-Law-Public-Policy>  
<https://electromagnetichealth.org/electromagnetic-health-blog/survey-property-desirability/>  
<https://scientists4wiredtech.com/what-are-4g-5g/cell-tower-installation-plans-lower-property-values/>

**Please require that the Applicant provide scientific based evidence to prove this criterion is met.**

**Subsection A (11)** (Applicant erroneously labeled this Subsection) *The use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, water, land, and other finite resources*

The Applicant’s claims of improved cell coverage, faster emergency response time, and facilitation of remote working are mostly speculative and are not quantified or substantiated by any technical analysis or study.

**Please require the Applicant to provide a rigorous technical analysis or study to prove this criterion is being met.**

**Subsection A (12)** *The use will not result in unreasonable risk of harm to people or property-both onsite and in the surrounding area-from natural hazards.*

The Applicant fails to address all hazards and its general claim that there “are no real safety or health concerns associated with the tower” is unsupported by any study or analysis.

As previously stated in Subsection A (10), real safety and health risks exist.

**Please require that the Applicant provide scientific based evidence to prove this criterion is met.**

## **4-602 Special Provisions**

### **Subsection D. Special Review for a Telecommunication Facility**

**1 .** *In addition to the listing of adjacent owners required as part of the title report submitted with the Special Review application, the Land Use Staff may prepare a similar listing of all owners and their addresses of real property within one-half mile of the location of the proposed facility . This listing may be used in addition to the adjacent owner list for all referral and notice requirements of Article 3.*

The Application does not include a title report as required in this section of the provision or title information per Subsection 3-203.H of the County Zoning Code.

The Applicant’s claim that the landlord is working to inform the community about the project is irrelevant to this section. Furthermore, the landlord is a sitting member of the board of the three Referral Agencies named by the Applicant and must be recused from using his position to advocate for this project.

**2.** *In addition to compliance with those conditions required within or imposed by the Board of County Commissioners pursuant to Paragraph 4-601 (A), an applicant seeking special Review approval for a telecommunication facility shall comply with the following conditions and requirements;*

*a. Alternative site and/or design studies provided by the applicant shall show that reasonable consideration has been given to such alternative sites and/or designs and the proposal is the most acceptable alternative to Boulder County.*

The Applicant does not meet the burden of showing reasonable consideration to alternative sites, nor does it show that the proposal is the most acceptable to Boulder County.

*b. The alternative of consolidation of multiple telecommunication facilities onto a single tower, either by use of an existing tower or moving existing facilities to the proposed tower, shall be studied by the applicant or, when feasible and not otherwise detrimental, shall be considered the preferred alternative. Colocation may not be required when in the opinion of the Director or the Board of County Commissioners, as appropriate, the consolidation of facilities will create an over intensive use of the existing site, or will create a significant negative visual impact on surrounding private or public lands.*

The Applicant claims that they acknowledge this requirement, yet does not provide supporting evidence that they considered consolidation to other facilities, or that existing facilities would co-locate to the proposed project.

The Applicant does not provide supporting evidence in the form of a technical report or study showing the specific coverage to be provided and areas where coverage would overlap with existing service.

*c. When feasible, telecommunication facilities shall be located adjacent to, on, or incorporated into existing or proposed buildings or other structures.*

The Applicant does not provide supporting evidence that they have considered other sites for this project where they could incorporate the facility into existing or proposed buildings or other structures.

*d. Where a telecommunication system uses a network of facilities, the applicant shall demonstrate that a comprehensive approach for evaluating potential sites in Boulder County with a view to minimizing the number of sites required and any adverse impact has been taken.*

The Applicant “notes” this requirement, however, does not show evidence in the form of a technical report or study to demonstrate that a comprehensive approach for evaluating potential sites has been taken.

*e. Proposed landscaping and/or screening shall be in harmony with the character of the neighborhood and compatible with the surrounding area.*

The Applicant does not meet the burden of minimizing the visual impact of the project. The Applicant’s claim that an 89’ tower disguised as a fake pine tree is in itself evidence that this project will not be in harmony with the character of a surrounding area of 35’ to 40’ tall real ponderosa pine trees. The character of the neighborhood is defined by views of the mountains that are unobstructed by other towers disguised as fake trees. Moreover, according to Pine Brook Hills Community

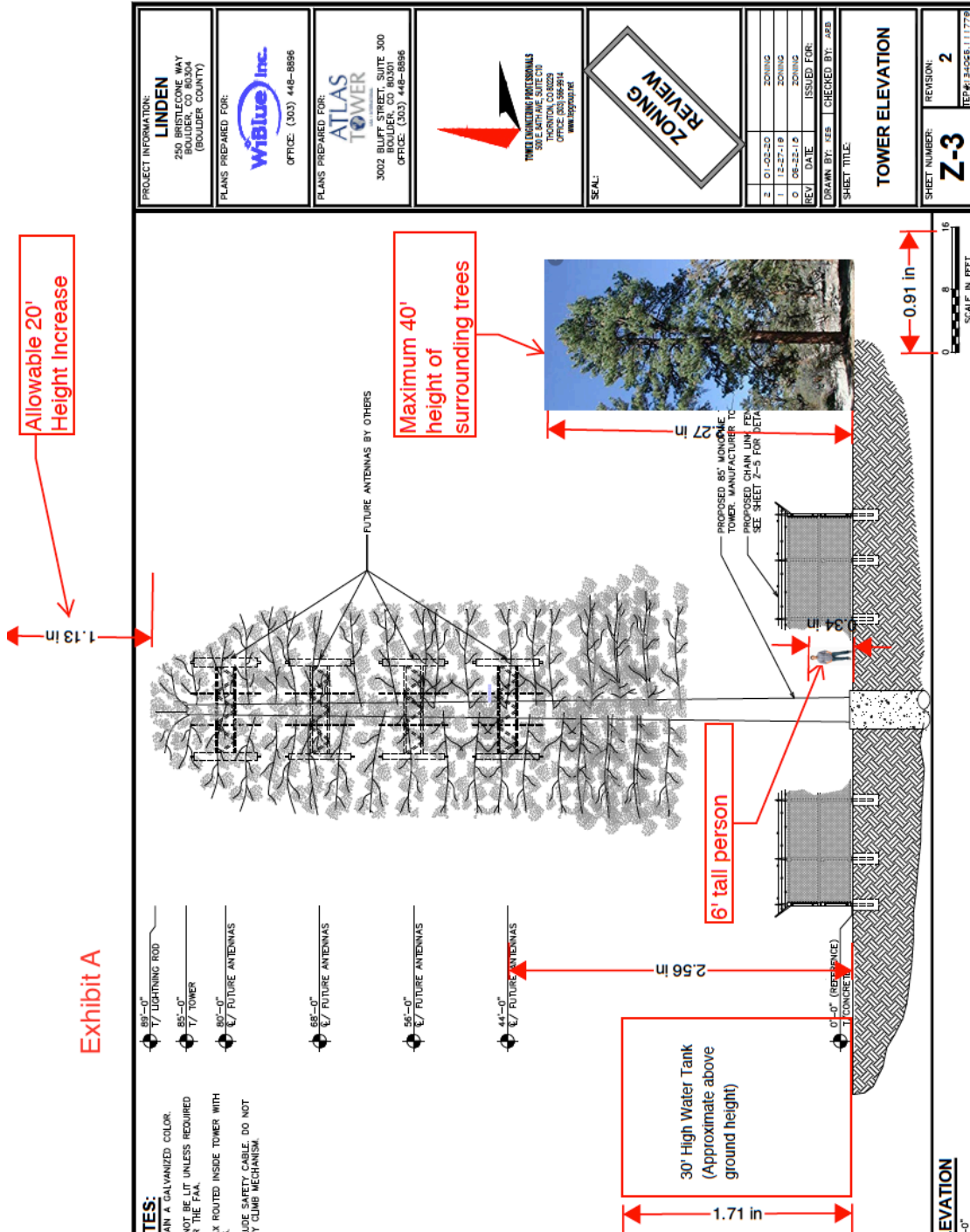


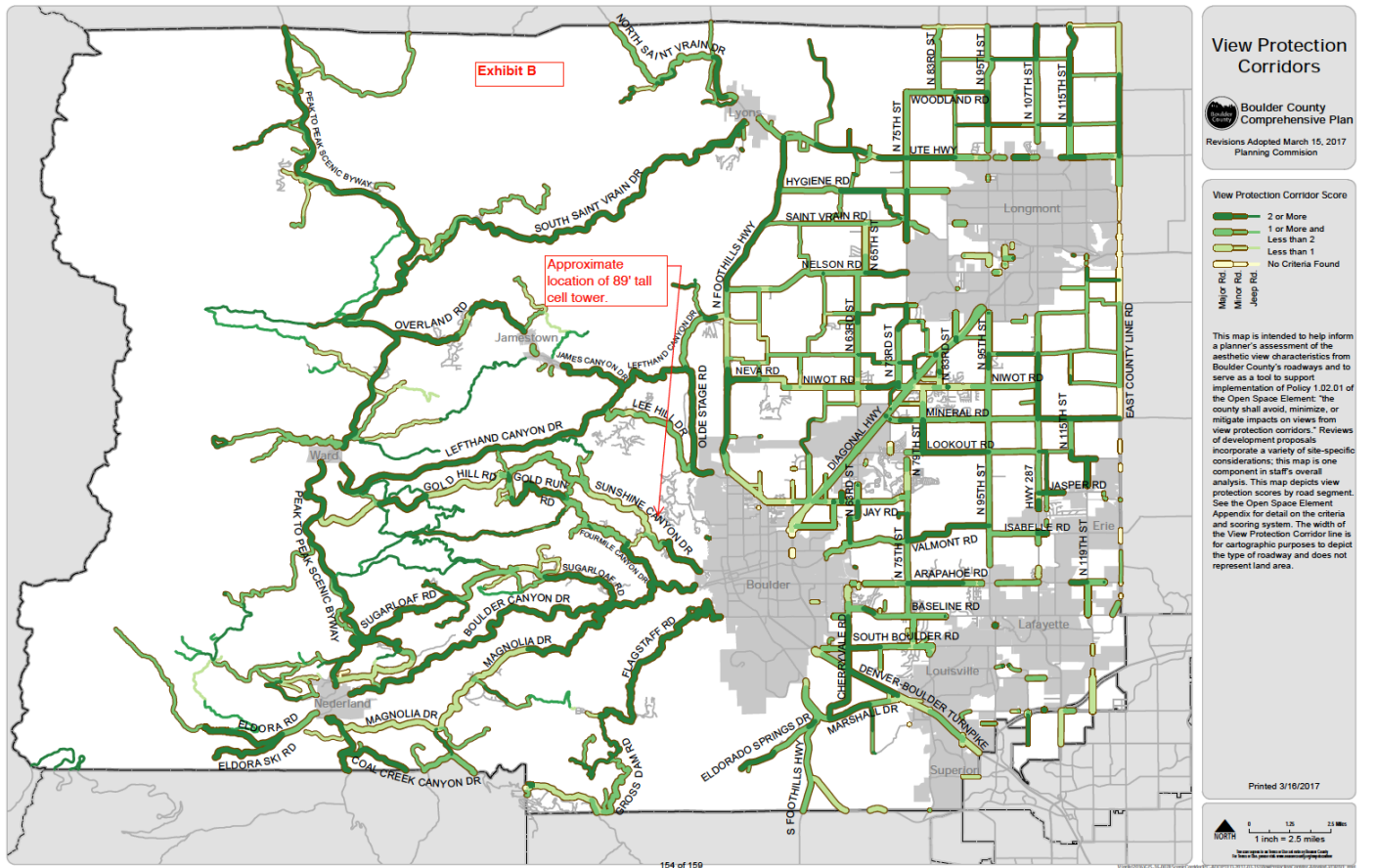
Special Use Review SU-01-0001

Standards "Chain link fencing is prohibited." PBH Community Standards (7)(f), available on the PBH HOA website.

[https://www.pinebrookhills.org/HOA/Covenants/community\\_standards.html](https://www.pinebrookhills.org/HOA/Covenants/community_standards.html)

Respectfully submitted,  
Phil Friedl  
90 Hawk Lane  
Boulder, CO





**From:** [Philip Friedl](#)  
**To:** [Ott, Jean](#)  
**Subject:** Re: SU-20-0001  
**Date:** Friday, February 14, 2020 2:32:41 PM

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Raini,

Thank you for your reply.

I understand that if approved by the County, the tower height could be further increased by an additional 20' without public review. In essence, this means that the Count would be approving the site use for a potentially 109' tall structure. Will the GIS team be studying this added height and visual impacts thereof?

Also, many of the visual impacts to neighbors are to views from private decks, living rooms, bedrooms, etc. of homes that are specifically sited to maximize and take advantage of scenic vistas of the mountains of the continental divide. The diminishing of these views will have significant financial consequences to the value of those homes. How will the Planning Department consider this very important and impactful fact in your analysis?

Thank you,  
Phil

Sent from my iPhone

On Feb 14, 2020, at 10:21 AM, Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Phil,

I spoke with the director again regarding your request to expand the notification area and he does not think it is warranted for this docket at this time. As I explained before, we have not expanded the notification area for telecom towers in the past. If you would like to discuss this with the director, you can [contact him directly](#).

I've also attached the NEPA and Phase I ESA reports, covering F.1.d and e. Cultural resources are specifically historic or archeological resources. The StarHouse is not a historic or archeological resource. It was approved as a [Use of Community Significance](#). These two documents will be included as supplemental application materials in the final staff recommendation to the Planning Commission and I will also post them on the [docket page](#) for public viewing in the meantime. I will also request an evaluation of radiation hazards, though, the county is very limited by the FCC in what we can regulate in that regard. That will be treated the same as the other two reports once received.

As for your other comments regarding the visibility analysis, I will again request more information from the applicants after sharing the public comments that have been

collected over the last week or so. However, all docket reviews include a staff site visit for this exact reason; so that we can see what the area of development actually looks like and get a sense of how the proposal would change it. I visited the site this week with our natural resources planner and have also requested that our GIS division create viewshed maps, showing the extent of the area from which the tower will be visible at the proposed maximum height based on topography (they do not account for vegetative screening).

As always, your comments have been added to the public record for consideration.

Thanks!

Raini

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**From:** Philip Friedl <[p\\_friedl@yahoo.com](mailto:p_friedl@yahoo.com)>

**Sent:** Tuesday, February 11, 2020 11:16 PM

**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>

**Subject:** Re: SU-20-0001

Ms. Ott,

I'm following up to see if the Director has made a determination on whether the County will expand the notice area.

Also, regarding the requested elevation drawing showing the relative height of the cell tower and the surrounding site features, such as the water tower and typical tree height, Paragraph A.1.c of Section 3-203 Standards for Submittal Requirements states that the applicant should be as thorough as possible when describing the proposal. A central premise from the Applicant is that the tower will be tucked, hidden and blend in as a result of its proximity to the adjacent water tower and surrounding tree canopy. It will be impossible for the decision makers to adequately judge the merits of the Applicant's assertions of minimal visual impact without this essential information and the Application must be deemed as not having met the standard of thoroughness required in the code.

Additionally, Paragraph E.2.b of Section 3-203 states that the Director may require a more detailed version of all or part of the site plan at a map scale suitable to show the particulars of the development. Again, the height of the adjacent water tower and trees are essential to show the particulars of the development. Paragraph E.2.I.(iv) and (viii) go on to describe respectively, vegetative cover and any on-site or off-site features that influence the development as a significant feature to be shown.

Furthermore, Paragraph F.1.b requires in the application "A description of site features such as...vegetative cover,...and other features that may aid in the evaluation of the proposed development." Again, the relative height of the adjacent water tank and trees will aid in the evaluation of the proposed development and the merits of a central

assertion of the Applicant.

Also missing from the Application are the requirements pursuant to Section 3-203, paragraph:

F.1.d - an evaluation of the long and short term effects on Environmental Resources through field surveys

F.1.e - the effect on significant cultural resources shall be assessed (The adjacent Star House property is zoned as a place of cultural significance)

F.1.f - an evaluation of any potential radiation hazard (Cell towers are known to emit Electromagnetic Radiation)

Please advise on whether these studies will be requested by the County and forthcoming from the Applicant.

Would you also please advise whether any of the referral agencies have responded and, if so, provide copies of their response. Additionally, has the Applicant provided to the County a NEPA report or copy if its FAA application?

As always, I request that you please submit this email to the public record and I look forward to your response.

Thank you,  
Phil Friedl  
90 Hawk Lane

On Jan 23, 2020, at 4:58 PM, Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Philip,

The department director does have discretion to expand the notification area, but we have not historically expanded the area for telecom tower proposals. I will speak with the director and see if he thinks a larger area is warranted in this case.

I also passed along your request for a rendering of the tower in situ to the applicant, but such a drawing is not a required application material, per the code.

Thanks!  
Raini

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**From:** Philip Friedl <[p\\_friedl@yahoo.com](mailto:p_friedl@yahoo.com)>

**Sent:** Wednesday, January 22, 2020 12:46 PM

**To:** Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>

**Subject:** Re: SU-20-0001

Ms. Ott,

Thank you for your response with the planning code link. This was helpful. The code section does not, however, address my fundamental question of whether you have discretion to exceed the 1500' notice requirement if the potential project impacts warrant it, and if so, why you didn't.

The Applicant has stated in their application that the project will benefit residents and neighborhoods that are far outside the 1500' notice area and they will no doubt selectively solicit and submit supportive comments from stakeholders in those areas. It seems that it would be in the County's best interest, and in the interest of a balanced and truly informed process, to give notice to residents and stakeholders in those areas so that the County can receive a more complete assessment of both the potential impact and benefits to those constituents.

At the very least, can the County include HOA's in those neighborhoods as referral agencies?

Regarding Visual Impact: The Applicant falsely asserts that the 89' foot cell tower will be inconspicuously "tucked" behind the existing water tank. It would be helpful to have a section scale drawing that shows the height of the cell tower with appurtenances next to a typical tree (the approximate tree canopy in that area is no higher than 40') and the adjacent water tank so that the Applicant's assertion can be judged on the facts.

Respectfully,  
Phil Friedl  
90 Hawk Lane  
Boulder, CO

Sent from my iPad

On Jan 21, 2020, at 8:56 AM, Ott, Jean  
<[jott@bouldercounty.org](mailto:jott@bouldercounty.org)> wrote:

Philip,

In response to the email I received from you on Sunday: Pine Brook Hills Architectural Committee is a referral agency. As such, their role is to comment on a particular proposal regarding any potential impacts or conflicts that they have identified. The Board of County Commissioners ultimately makes their decision based on the information presented at a public hearing, which includes any public and referral agency comments received. See link below for more information and please clarify if you are responding on behalf of the Pine Brook Hills Architectural Committee or as a member of the public. I have Eric Erickson listed as the contact.

The notification radius of 1,500 feet is the standard (also detailed in the link below). In addition, the extra four feet of height is due to a lightning rod, which is considered an appurtenance and not part of the tower structure. This is



similar to chimneys, which are also considered appurtenances and allowed to exceed the maximum height of a given zoning district.

Section 3-204 Referral Requirements and Agency Review:

<https://assets.bouldercounty.org/wp-content/uploads/2017/02/land-use-code-article-03.pdf#page=18>

I will add your email below to the record for consideration. Let me know if you have any additional comments or questions.

Thanks!  
Raini

Jean Lorraine Ott, AICP, CFM  
Planner II | Development Review Team  
720.564.2271 | [jott@bouldercounty.org](mailto:jott@bouldercounty.org) | she/her/hers

Boulder County Community Planning & Permitting  
2045 13th Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)  
303.441.3930 | P.O. Box 471 | Boulder, CO 80306  
Formerly Land Use and Transportation – We’ve become a new department!

-----Original Message-----

From: Philip Friedl <[p\\_friedl@yahoo.com](mailto:p_friedl@yahoo.com)>  
Sent: Tuesday, January 21, 2020 1:39 AM  
To: Ott, Jean <[jott@bouldercounty.org](mailto:jott@bouldercounty.org)>  
Subject: SU-20-0001

Dear Ms. Ott,

I have reviewed the above application and find that the visual impacts of the project will effect an area of residents significantly greater than the 1500' notice radius. Specifically, the cell tower and potential FAA required lights will be visible at a minimum from the Fourmile Canyon, Seven Hills, Magnolia Road, Poorman Road neighborhoods. There are also several areas in the Pine Brook Hill neighborhood that would have a direct line of site to the proposed tower, yet did not receive the Special Use Review Notification. Does the County have discretion to provide a

greater notification radius when the impacts warrant it? If the County has this discretion, yet chose to not exercise it in this matter, would you please explain why?

Also, the Special Use Review Notification identifies the project as an 85-foot mono-pine telecommunications tower, yet the submitted plans clearly show that the structure will be 89' above grade. This is a discrepancy that should be corrected and a corrective notice issued. Would you please confirm and advise on the corrective action the County intends to take?

Thank you,  
Phil Friedl  
90 Hawk Lane  
Boulder, CO

Sent from my iPad

<NEPA Report.pdf>

<Phase I ESA.pdf>

**From:** [Philip Friedl](#)  
**To:** [Ott, Jean](#)  
**Subject:** SU-20-0001  
**Date:** Sunday, January 19, 2020 10:41:20 AM

---

Dear Ms. Ott,

Would you please advise whether the Pine Brook Hills ARC and HOA approval is a condition precedent to the County approval of the referenced application?

Thank you,  
Phil Friedl  
90 Hawk Lane  
Boulder, CO  
310-902-4444

Sent from my iPad

**From:** [Philip Friedl](#)  
**To:** [Ott, Jean](#)  
**Subject:** Re: SU-20-0001  
**Date:** Friday, January 24, 2020 12:07:17 AM

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Ms. Ott,

Thank you for your consideration of the expanded Notice. I trust that the Director will do what is in the best interest of full and fair public review.

Regarding my request for a rendering, the Review Criteria 4-601 states that “the use will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of structures.” (Emphasis added). Additionally, “other site features” are to be considered.

The applicant has repeatedly referenced the site trees and the existing water tank as site features and structures that will serve to hide the 89’ “fake pine tree” tower structure. See below:

1. Under the heading of Visual Effect: the “tower will be surrounded by mature evergreen trees and tucked next to a large water storage tank” (Page 2, Paragraph 1)
2. In the response to 4-601 Review Criteria, Section A.2: “This tank aids in hiding the tower facility from any neighbors” (Page 3, Paragraph 2)
3. In the response to 4-601 Review Criteria, Section A.3, TE 1.05: “surrounded by mature trees and buffered by a large water storage tank” and “the chosen design of mono-pine aids in the camouflaging by blending in the tower with the surrounding evergreen trees” (Page 4, Paragraph 2)
4. In the response to 4-601 Review Criteria, Section A.8 related to buffering and screening to mitigate any undue visual impacts of the use: “The proposed facility will be located next to an existing water storage tank. The tower will be designed as a mono-pine to resemble a pine tree in order to blend in with the surrounding mature evergreen trees”.
5. In response to 4-602 Special Provisions, Section D.2.e: “and water storage tank further shields the tower from possibly being seen” .

The tallest trees in the upper Pine Brook Hills neighborhood are approximately 35’ to 40’ high and the water tank height is approximately 25’ tall. For the thorough and complete Board consideration of compatibility and visual impact, it is essential that the 89’ “fake pine tree” be evaluated in the context of the very surrounding structures and site features (water tank and trees) that the Applicant represents will “hide”, “buffer” and “camouflage”. An elevation showing the size, height, massing and relative location of the water tank and trees to the 89’ “fake pine tree” tower is the only effective means to represent this context.

I respectfully request that you compel the Applicant to provide this vital information.

Best regards,  
Phil Friedl  
90 Hawk Lane  
Boulder, CO

**From:** [Rebecca Rowe](#)  
**To:** [Ott, Jean](#)  
**Subject:** Cell Tower Proposal | SU-20-0001  
**Date:** Monday, February 17, 2020 7:15:01 PM

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Dear Raini,

I am writing to you due to my concern about the proposed cell tower off of Bristlecone Way; and I am frankly opposed to it. This tower is the antithesis of what Pine Brook is all about. We value healthy living, our incredible views and our local ecosystem. And then, there is also the financial issue -- this tower could negatively impact our property values by as much as 20%!

What research has been conducted to demonstrate the need for a cell tower in the first place? What has been done to ensure our safety will ***not*** be compromised by the increased probability of lightning strikes near the proposed tower? This is a huge concern for us; we don't want to increase the wildfire risk in an area so prone to wildfires. What is the impact to the bird life and fauna in the area? What plans are in place to mitigate increased radiation levels associated with high power cellular transmissions?

It seems to me the tower would have negative impact on ***everyone*** in Pine Brook (property values, wildfire risk, environmental impact) without any proof of its necessity.

I hope that you help voice our community's concerns and recommend ***against*** the Board of Commissioners approving Atlas Tower's Application.

Much Appreciated,

Rebecca

—

Rebecca Rowe

Member of the PBH HOA

303.246.8968

313 Alder Lane

Boulder, CO 80304

**From:** [Rich Gribbon](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket # su-20-0001  
**Date:** Wednesday, February 19, 2020 11:06:42 AM

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I am writing to add my comments in protest to the proposed cell tower in the mountains above Boulder. I am a local resident and a Realtor. I was able to find some articles about health effects of cell towers and the effects on real estate values through the National Association of Realtors. The article below shows that the vast majority of people (up to 95%) are concerned with cell towers and say the presence of a cell tower would cause them not to buy or rent nearby. Also, it states that a study showed that the presence of a cell tower can lower a property's value by up to 21%. In addition to cell towers affecting real estate values and desirability, the study shows that 57% of people have experienced cognitive effects from radiation emitted by wireless technology including cell towers and 63% of people have experienced physical effects. Please see the article below and consider how the proposed cell tower will negatively impact the neighbors and the overall community. Thanks.

## Neighborhood Cell Towers & Antennas — Do They Impact a Property's Desirability?

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- <https://www.businesswire.com/news/home/20140703005726/en/Survey-National-Institute-Science-Law-Public-Policy>
- <http://electromagnetichealth.org/electromagnetic-health-blog/survey-property-desirability/>

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.

### Study Results

- 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.
- 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

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.

**A study on property price declines was completed 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."

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**From:** [Richard Kaplan](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** "Docket #SU-20-0001: Atlas Tower."  
**Date:** Sunday, February 9, 2020 10:38:28 AM

---

we are adamantly opposed to this new cell tower .  
thank you  
richard kaplan  
925 pine brook road  
boulder 80304  
richierama@yahoo.com

**From:** [robin@copydiva.com](mailto:robin@copydiva.com)  
**To:** [#LandUsePlanner](#)  
**Cc:** [Ott, Jean](#)  
**Subject:** Docket # SU-20-0001 Atlas Tower Telecommunications Facility -OPPOSED  
**Date:** Sunday, February 16, 2020 8:34:25 PM

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To whom it may concern-

I received the postcard regarding the special review for the cell tower proposed to be built very near to my home. I am writing to express my concern and opposition to this cell tower.

I am really concerned about five things:

- **Increased fire danger:** There is [serious research done](#) which shows **the very concerning increase in electrical strikes caused by cell towers**. Considering where this proposed tower will be located -- high above a crown of pine trees - it is frightening to think of willingly adding to the fire danger in a known wildfire zone. We have had too many close calls in the neighborhood to even think of willingly increasing the fire danger in an area that is hard to protect.

- **Negative impacts to wildlife and habitat:** It is also well known that plants near cell towers suffer - see these two studies:

<https://doi.org/10.1016/j.scitotenv.2016.08.045>

<https://doi.org/10.1016/j.flora.2017.07.016>

The tower would attract more lightning to an area with injured trees, which is a concern (to put it mildly) to anyone who lives in a forested mountain community. This tower does not belong at the proposed s

- **Decreased property value:** There is a very real concern of reduction of home values for the mountain areas of Boulder County that are near the cell tower. [This research indicates a reduction of up to 20%](#) - substantial and significant - not just for us but for county tax collection.

- **Lack of alternative study:** There is no study or indication that this tower will improve cell coverage in more than a limited area. The application by Atlas provided a meager effort to find other locations. The county should delay this application to look into alternative sites that have either a reduced or no increase in fire danger and also that would perhaps help emergency responders. There is insufficient evidence that other sites might work better.

- **Conflict of interest by an elected member of the Pinebrook Water and Fire District Boards:**

I need to share concerns about how this project came about without full and fair disclosure to nearby homeowners, let alone our broader Pine Brook Hills community. The representative from Atlas told attendees at a public meeting that in 2016, he met with our Water District manager and the Lovemans, and those discussions ultimately led to Atlas' contract to build the proposed cell tower on the Lovemans' property.

Our Water District is a public body, funded by taxpayer dollars and user fees. Bob Loveman (the proposed leaseholder) is an elected official on the Water District Board. He is also Chairman of the Fire Protection District Board, another elected position within a publicly-funded entity. Neither of these Districts held public hearings on this project and we believe that they neglected to give due consideration to the appearance of conflicts of interest. It is

axiomatic that no board member should benefit personally from his or her position of trust within an organization.

Atlas has told Boulder County, in its application, that the Water District and Fire District support its Application, but Atlas did not disclose that Bob Loveman is an elected member of both of those bodies. This seems to be a clear conflict of interest.

I am asking you to please reject this application by Atlas.

Robin Seidner  
16 Hawk

February 12, 2020

Boulder County Planning Department  
P O Box 471  
Boulder, CO 80306

RE: Docket # SU – 20 – 0001: Atlas Tower

Sir:

I've lived in Colorado since returning to Fort Carson with my unit in March 1970 from Viet Nam. Unfortunately the ambiance of life here has degraded significantly over the past 50 years. What my children grew up knowing is not what my wife and I experience upon our arrival in the Spring of 1970 when John Denver was singing *Rocky Mountain High*.

For many years I've been a member of the StarHouse in Sunshine Canyon. StarHouse is a very special place of peace, tranquility, and reverence where one's soul can connect with the natural energies of the Earth and the Universe. It's a place for connecting ones spiritual energy with the Great Divine – in the absence of distracting visual, audible, and physical sensations associated with the surroundings of everyday life. StarHouse resonates with its own unique energies that are conducive to aligning ones individual spirituality with that of cosmos.

I don't disagree with the need for enhanced emergency management. However, I strongly oppose doing it on and around the StarHouse property, especially when there are numerous other sites in the vicinity that would not intrude on the natural energy of this special place. One only has to drive up Sunshine Canyon to get a visual sense of alternative sites that could serve the purpose. There's no pressing need for choosing this site, and really, a 90 foot plastic pine tree, that's like transplanting a giant Sequoia from California!

I've lived here all my adult life, 50 + years now, and the City of Boulder and Boulder County have always had a reputation, both nationally and internationally, for taking the alternative approach. I urge you to continue along this path and look seriously at other alternative sites before granting a permit on the first proposal. StarHouse is zoned for "Use of Community Significance" and placing this tower in such close proximity is an infringement on this designation and my personal use of place and space.

Thank You for giving my request due consideration! If this were the site of your spiritual community what would your position be?

With Best Regards,



Roy Wingate  
P O Box 460312  
Aurora, CO 80046

Ms. Jean Lorraine Ott  
Boulder County Community Planning and Permitting Department  
P.O. Box 4711  
Boulder, CO 80306

Docket #: SU-20-0001: Atlas Tower

Dear Ms. Ott:

I am writing to express my opposition to the proposed cell tower at 250 Bristlecone Way, Boulder. My house is within 1500' of the proposed site. I am a plant biologist.

My primary concerns are as follows:

-I fully support the desire of Boulder Mountain Fire Protection District to enhance emergency communications to residents, but I believe the proposed tower offers only marginal enhancement that is outweighed by negatives. I, along with others, am engaged in exploring alternatives to a tower with our fire department.

-There is growing evidence of the negative health impacts of electromagnetic waves on humans. These include neurological disorders, hazards to children and pregnant women, and cancer. Although some argue that many studies are inconclusive, most scientists agree that more research is needed.

-The proposed tower would loom approximately 50' over the forest canopy and would spoil cherished views not only from my home, but from Boulder vistas in general, e.g. from Chautauqua, from Boulder County Parks and Open Space trails, and from StarHouse.

I request that my comments be admitted to the public record.

Sincerely,



Sara Moore  
27 Hawk Lane  
Boulder, CO 80304

**RECEIVED**

**FEB 13 2020**

Boulder County  
Community Planning  
& Permitting Department

**From:** [Sarah Wahlert](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Atlas Tower Telecommunications Facility - 20 - 0001 Proposal  
**Date:** Monday, March 2, 2020 12:20:19 PM

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Dear Ms. Ott,

I am writing regarding docket SU-20-0001, Atlas Tower Telecommunications Facility, proposed for installation at 250 Bristlecone Way.

I am opposed to the approval of this proposal. My specific concerns are the following:

- Neighbors who will be most impacted and will bear the most burden as a result of a tower being built were not involved in the process of putting together this proposal.
- The current application is missing key components that would allow a fair cost-benefit analysis of the proposal:
  - There are no current coverage maps provide or anticipate coverage maps based on this proposed tower placement. I've heard wildly varying assertions about where new coverage will be provided and where coverage will be improved as well as how this compares to other potential sites that have currently been considered. Without the maps, it's impossible to evaluate these assertions.
  - The proposal did not include mockups showing what this mono-pine tower will look like relative to the surrounding landscape or any analysis of which areas will have views impacted (such as private properties as well as public lands). The base of the tower may be hidden from view by mature trees and a water tank, but the significant above tree-line portion will not be.
  - No mention was made of the fact that this tower sits by a major evacuation route for upper Pine Brook Hills residents. Has a full analysis about the potential impacts to this route been done?
  - The issue of whether or not such a tower would attract lightning strikes and increase fire danger was not mentioned or addressed. Does this proposed tower increase fire risk to Pine Brook Hills and the surrounding mountain areas? If it does, to what extent and what, if anything, is being done to mitigate that risk?

Thank you for your consideration in this matter.

Respectfully,  
Sarah Wahlert  
25 Alpine Way, Boulder, CO

**From:** [Shannon O'Kane](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** SU-20-0001 Atlas Tower Application  
**Date:** Friday, February 21, 2020 3:55:30 PM

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To whom it may concern at the Boulder County Community Planning & Permitting Dept,

I am writing in response to the cell tower proposal submitted to Boulder County, Docket #SU-20-0001: Atlas Tower, and oppose the construction of this tower. I am a member of the StarHouse, and co-manager of EarthStar Farms (on the StarHouse property). The StarHouse is zoned as a "Use of Community Significance" and a welcome refuge from the hustle and bustle of city life; a retreat to return to the baseline of nature's timing, where the nervous system can slow and, while many may not know why, we start to feel more sane, reconnected to ourselves, a sense of health we often didn't know was so needed. Most hikers in Boulder can relate to these necessary sanctuaries - the reason behind so many of our beautiful public trails and protected natural spaces.

The StarHouse is a spiritual resource within the Denver/Boulder community, that is incredibly unique, hosting experiences of healing, inspiration, awareness, ritual and ceremony that needs our protection. The temple of the StarHouse itself was built intentionally to help build greater awareness of the energetics of the natural world, nestled in a space that has, up until this point, been protected from the bombardment of EMF "pollution." I live in the city of Boulder and come to the StarHouse property as a sanctuary to unplug, be present with the qualities of the temple, nature, and its offerings. There is a great deal of research detailing the known negative health impacts of EMF radiation, particularly on those more sensitive, and I urge you to please consider other alternatives to this location, to protect the places in this community that are spaces of refuge from this very thing, as well as protection from the increased risk of lightning strikes and fire.

Thank you for allowing a public voice to be heard in your consideration of this proposal. I would like to request that my comments be included in the public record.

Sincerely,  
Shannon O'Kane  
741 Pearl St, Boulder



**From:** [ira becker](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Sunday, February 9, 2020 4:03:20 PM

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NO cell phone tower: "Docket #SU-20-0001: Atlas Tower."

-Sheldon Becker  
1335 Meadow Ave  
At the base of Pine Brook Hills

**From:** [Shivani Pechtl](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** "Docket #SU-20-0001: Atlas Tower."  
**Date:** Tuesday, February 18, 2020 12:52:28 PM

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Dear Commisioners

Thank you for allowing public voice's to be heard on this topic.

The StarHouse (the temple and the land) holds sacred space and energy, for not only those who come directly to the SH, but the local community, as well. It is a place for unplugging from the outside world through silence, prayer, celebration, ceremony, etc..

I oppose the idea of having a cell tower. It is a pollutant both visually and energetically. I ask you to please research other possible alternatives.

Thank you,  
Shivani Pechtl

Sent with love and grace from my iPad

**From:** [Sue Swanson](#)  
**To:** [Ott, Jean](#)  
**Subject:** Proposed Cell Tower SU-20-0001  
**Date:** Tuesday, February 18, 2020 4:48:09 PM

---

Dear Ms Ott,

Please include my letter in the public record.

I am writing as a citizen living very close to the proposed cell tower at 250 Bristlecone Way. I live at 268 Bristlecone Way. I would ask you to please consider my comments as well as those of the neighbors close by who have also written you. I am deeply concerned about the tower going in at this spot due to the following reasons.

The potential for fire in our mountain area is one of our greatest concerns living here. There are several elderly people, as well as families with small children that live close by. An 85 foot tower is a huge red flag in a forested area. Reports quickly found on the internet confirm that cell towers damage trees near them, which would increase the fuel for a fire caused by a strike. Other reputable reports on the internet clearly state that a tower of this height can increase lightning strikes to the area and therefore increase the potential of fires. Having lived at this address for over 14 years, I am familiar with storms that come through that bring both lightning strikes and intense winds. The combination of a lightning rod, ready fuel, and intense winds makes no sense for those of us who live nearby. The proposed tower is also directly adjacent to the fire/evacuation route that Pine Brook Hills has relied on in the recent flood, and would rely on if there were a fire. It would be a huge mistake to put a large lightning rod on that route blocking many from a safe escape if it was the cause of a fire.

The cell tower near my house proposes possible health risks. I understand that the applicant Atlas Tower has stated that they will be in full federal compliance for any radio frequencies that are emitted from their tower. Unfortunately, we can all come up with multiple examples of how the government does not necessarily take into account the number of studies that show how radio waves from a cell tower can be detrimental to human health (not to mention the abundance of wildlife we have living in the area). Living so close to the tower with nothing to block the waves 100 percent of the time is a huge concern to my family as well as others nearby with small children.

The value of properties near a cell tower is also concerning. I reached out to a realtor who we have done much business with, and he cited studies by the National Association of Realtors that show that most people will look elsewhere for a house when there is a tower (especially one this obvious) nearby. (Link at the end of this

paragraph). This is a major concern for me when I think of someone purchasing my house in the mountains for tranquility and all that comes with mountain living, only to discover there is an artificial tree rising 40+ feet above the existing trees. <https://scientists4wiredtech.com/what-are-4g-5g/cell-tower-installation-plans-lower-property-values/>

The cell tower in this spot has not been shown to increase coverage widely enough when it is damaging so many. Please deny the application for the cell tower at 250 Bristlecone Way due to the reasons above and so many more.

Thanks for your time.

Sue Swanson  
268 Bristlecone Way  
Boulder, CO 80304

From: [Taber Ward](#)  
To: [Ott, Jean](#)  
Subject: Docket SU-20-0001 - Material misrepresentation of fact in application  
Date: Thursday, February 27, 2020 11:58:26 AM

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Good morning, Ms. Ott:

I hope this email finds you well.

I am a member of the Pine Brook Hills HOA. The HOA shared their recent (Feb 14, 2020) correspondence with the County on Docket SU-20-0001. I am writing to clarify misleading and false information in the application. This false information subsequently led to a misinterpretation of the application by the County.

The Application states on Page 3, Question 3 (TE 1.03) that the "Applicant already has support from the local *fire districts, water district and HOA Community*."

In the February 14, 2020 correspondence from the County to the Pine Brook HOA, the County responded that the applicant's assertion of "*HOA Community*" support was likely "*referring to the Pine Brook Water District, which does support the proposal (their response also attached)*." When looking at the clear and plain meaning of the text in the application, the County's interpretation of this statement does not seem correct. On its face, the application enumerates the fire, water and HOA community as separate entities, and claims they are all in support of the tower project. There is no text in the application that would give rise to the interpretation that the HOA community somehow refers to the water district.

Further, the Applicant's assertion that the fire district and HOA community support this project constitutes a material falsification of the application. This is in direct conflict with the Application's Certification clause on Page 1. The Certification clause requires the applicant to sign, and officially attest to the veracity of the documentation, assuring the County, and the public, that the information submitted is "true and correct" to the best of their knowledge. It seems that the applicant did not uphold this oath of truthfulness when falsely stating the support of various entities that are, in fact, NOT in support of the project: the PBH HOA stated a neutral position, and the local fire district formally submitted a response indicating a conflict with the application.

How does the Land Use Department handle applications that include intentionally false and misleading statements? It seems that this is a material breach of the certification clause, and would render the application null and void.

Thank you for your time on this matter. I look forward to understanding better how the County handles breach of certification and false or misleading information in the Special Use Review applications.

Very best regards,

Taber Ward

93 Hawk Lane

**From:** [Tim Triggs](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Saturday, February 15, 2020 3:20:38 PM

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Boulder County Planning Staff, and Commissioners,

REF:

The application to Boulder County for a cell phone tower of 89 ft seems completely inappropriate.

The 89 ft tower would stand approximately 50 ft above the tops of the trees in that area.

It would compromise the view of the continental divide for many residents, as well as hikers in the area.

Placement of it in single family home zoning seems improper.

Construction of the tower would significantly lower property values.

Historically the County Commissioners have restricted any construction that would compromise views, including such things as limiting exterior windows on new homes.

Additionally, health concerns are a major issue with residents living close to the proposed location.

Many of my neighbors share my thoughts on this.

Please note that hundreds of affected homes in Pine Brook Hills were outside of your postcard mailing radius, and did not receive notification of this project.

Please help us in our fight against this project.

Sincerely

Tim Triggs

128 Alder Lane

**From:** [Timothy Dobson](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** SU-20-0001 Atlas Tower Application  
**Date:** Thursday, February 13, 2020 9:46:28 AM

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To those at the Boulder County Commission:

I am writing as a neighbor to the proposed site of the Atlas Tower project between Pinebrook Hills and Sunshine Canyon. I have lived in my mountain home for 30 years and in Boulder County for 45 years. I find this proposed tower a great concern for several reasons. Our home is only 300 meters from the site. After reading a large number of scientific reports from universities and independent laboratories around the world, my health concerns from the effects of such a tower are no longer a mere suspicion. The short term studies done by the cellular communications industry are skewed to fast forward implementation of more infrastructure without letting the public become more aware of the longer more comprehensive studies.

## **Scientific basis for our common concerns**

“Numerous recent scientific publications have shown that EMF affects living organisms at levels well below most international and national guidelines. Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and negative impacts on general well-being in humans. Damage goes well beyond the human race, as there is growing evidence of harmful effects to both plant and animal life.”  
EMFscientist.org

Beyond the health risks of long term constant exposure, I am concerned about a decrease in my property value due to perceived health risks and the view of the "monopine" tower to the east from our land. I also serve as a minister at the All Seasons Chalice/Starhouse and share other member's suspicions regarding a negative impact on those that visit this place of Special Community Significance.

Internet speed and cell phone performance are not good enough reasons to risk the impact of this tower. After listening to an informed neighbor who has served on the Pinebrook Fire Department, the alleged advantage of this tower in aiding communication in times of crisis, sounds trumped up. Both the frequency/wave form of 4G and the mountain shadow to the east of the site prevent expanded cell phone contact to be significantly increased. Complications in



over reliance on cell phones and reverse 911 calls to alert residence in case of fire have been sighted as problems in recent California firefighting efforts. More info. is available from the experts.

I am learning that legal action against municipalities that have endangered their citizens is becoming more common across the country. We can no longer trust the industry leaders that tell us that vape pens, or asbestos, or Round Up, or coal ash are safe. "Profits before People" has become too familiar in American commerce.

I am trusting Boulder community leaders to not turn a blind eye to the growing evidence of the hazards of exposure to such towers as the one being proposed,  
and to protect me and my fellow Boulderites at this crucial time of decision making by  
**DENYING PERMIT TO THE ATLAS TOWER!**

Thank you for your service in navigating this and so many other proposals that are important to the quality of life in this Boulder community.

Timothy and Vera Dobson  
3462 Sunshine Canyon Dr.  
Boulder, CO. 80302

**From:** [Tom Noyes](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #: SU-20-0001: Atlas Tower  
**Date:** Tuesday, February 18, 2020 3:42:45 PM

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Dear Ms. Ott,

First and foremost, I want you to know I am in opposition to the proposed communications tower at 250 Bristlecone way and my hope is that you deny the application entirely. I live at 268 Bristlecone way, and I personally have a lot to lose if this tower were to be built as I live only 700 feet away with a direct line of sight and sound to the tower site. A tower of this magnitude does not belong in any high density *mountain* neighborhood unless the tower was there before the neighborhood. Please add my comments to the public record.

I will be negatively affected in several ways, and below are some of my concerns:

- noise
- health risks
- visual blight
- higher wildfire danger
- reduced property values
- other location options
- future additions to the proposed tower and site
- distrust of Atlas tower company itself
- misuse of property owners public positions for personal gain, knowingly or not

**Noise:**

I live in a very quiet neighborhood. I designed my life this way. It is one of the main reasons I moved here. Atlas Tower says they will not exceed the federal level of allowable sound pollution, stating that the sound output will be no louder than the dishwasher in my kitchen. I have no reason to believe them.

In their application to the county Atlas states there will be a generator on site for emergencies that will need to be tested for a short while every month. I have learned that there will likely be at least one generator for each of the four cell companies that will rent space on the tower, possibly more, and they all need to be tested and run regularly. In emergency power

situations, which can happen with some frequency in the mountains, they are not required to abide by the federal sound levels. I occasionally use a generator when camping. Its maximum sound is 52 decibels and at night it is too loud to run. The sound carries further than you can believe.

What Atlas says in the application and what they actually do on site will likely be different. Even if this tower stays within the federal allowable sound levels, the close in neighbors will be hearing sound from the site. If the tower is approved, and it exceeds levels of sound pollution, we are stuck with it.

### **Health Risks:**

We are extremely concerned about health risks. I understand the proposed tower should stay within the allowable levels of RF allowed by the federal government, but the federal government does not even acknowledge climate change may be caused by humans. Would you willingly allow your baby or children to live this close to a tower that is emitting RF 24/7/365? I believe two houses are within 300 feet of the proposed tower. A few of my neighbors will have to make some agonizing decisions if the tower goes in regarding the health or perhaps even more important, the potential health effects on their babies and children. Trust the government or trust many of the hundreds of studies available or in progress right now. There is a lot of power in that.

Several years ago cell towers were being erected on firehouses across the nation, it was the perfect “in” for the cell phone companies. Reasons like better emergency communications, extra lease money for fire equipment, and centrally located non-private properties, made these spaces easier to lease. It was more difficult for communities to *not* support the projects. Fire fighters started feeling sick, having trouble sleeping, and just not feeling well or right. That has changed now, fire fighters have pushed back and are saying NO to the tower companies. There is now an exemption in California law that prohibits cell towers from being forced onto fire houses.

Towers were being put up at schools, but now are being removed. New applications are being denied at schools. Daycare facilities go out of business when towers are erected too close.

Is the threat real or just perceived? I understand you cannot deny an application for health reasons when the federal government’s regulations are met, but a case can be made for action on perceived or probable threats as reasons to deny an application as that is entirely

different.

### **Visual blight:**

Ugh, I know you have heard it already. This thing would stand out like a sore thumb, and would be visible from all over Boulder county - almost. It would be a daily reminder for thousands of people every day, maybe tens of thousands. Hey! I'm a fake tree. From Bald Mountain everyone would say "Wow, look at that fake tree." Betasso too. Driving and biking down Sunshine Canyon, "There's that stupid tree again." Even driving into Boulder on HWY 36 it would stand out in the skyline. If it wasn't for the telecom industry, Boulder County would never allow this to happen for any other purpose, and I hope you stand firm now and say NO tower here!

### **Higher fire danger:**

There is no denying this. It is a proven fact that we in Pine Brook Hills will be in greater fire danger if this tower is installed. About 10 years ago I watched a fire race up this hill to the exact location of this proposed tower site. This ridgeline is the front line of defense from a fire entering PBH from the west. It is well documented that these towers attract lightning and it does not always ground out through the lightning rod without fire danger to the surrounding area. A quick search on youtube will reveal dozens of images of what can happen during a lightning strike. Furthermore, it is super windy here at times, and accidents happen. Towers have been known to fall over. The generators on site supply plenty of gas for accidents to occur. Workers are not always aware of the local fire danger.

Imagine a big chunk of PBH burning to the ground. Hundreds of homes and lives lost in a 100 year storm/wind event. Tower to blame. Who is responsible? This is a risky place to erect a tower.

### **Reduced property values:**

I have bought houses in Boulder and have never even thought about their proximity to cell towers. It just hasn't occurred to me. Do properties lose value if they are close to cell

towers? Maybe or maybe not. Real estate professionals say 2% - 20%. Others, like Altas Tower, think that is ridiculous and untrue.

I believe people move up into PBH for many reasons that are not obvious or understood to those who live in town close to amenities. Traditionally housing is a bit less expensive, we have peace and quiet, big views, bigger properties with buffer zones between many of the houses, and an overall high quality of life as we see it. Most of us don't want to live near a cell tower.

My home has several bedrooms. It is a home built for a family with children. It is not made for a retired couple. We have mt. bike trails and hiking trails. We have the best alpine skiing slope this close to Boulder on our seven plus acres that I have found anywhere around.

I believe I will need to discount my property considerably to sell it to the next family who will eventually live here. People are more and more aware of the risks of living this close to a cell tower, 24/7/365, and this tower would be more dangerous than many other towers with the added fire risks. Many people would not risk the health of their children to live here and would just find a better, safer location. So what would this tower eventually cost me financially? \$100,000? \$300,000? More? I don't know that answer, but morally, I will need to disclose the tower to other potential buyers in the off chance they don't see it.

There is a law in California now that states sellers are required to disclose all nearby cell phone towers to potential home buyers. There is a really good reason for that in my opinion. There is added danger living near them even if they are following federal laws to the letter.

### **Other locations:**

We live in a high density *mountain* neighborhood above Boulder. Our neighborhood is populated with about 400 homes surrounded by acres and acres of sparsely populated land to the south, west, and north.

Logic tells me to put a tower outside of the neighborhood and beam the cell signals into the neighborhood. So why put a tower here? Because it is a high elevation location with very easy access to build on. It would make for a very profitable tower to build and there is a willing land owner. Although Atlas tower says they strive to locate parcels that create the least amount of community disturbance, a quick return on investment is clouding their judgement on this one as this is a neighborhood that is deeply disturbed.

Fortunately there is software available for regular people to use that shows line of sight shadow maps. With that I have found a better location in my opinion. This site is located just west of 7400 sunshine canyon drive. What makes it better?

- The signal originates from much higher elevation (8100 ft) several miles west of the proposed site (7010 ft) and it will have the ability to reach more places that do not already get cell signals from other towers on the plains. This will create less duplication of reception on ridgelines and a more comprehensive mesh reception, reaching down into lower lying locations facing west.
- This alternative site is very close to sunshine canyon drive with electricity nearby.
- This tower would not have to be so tall and would blend in better with the rocky hillside behind it and would not change the skyline at all.
- The land is potentially for sale with a real estate sign nearby.
- There are only two houses within 1500 feet in this sparsely populated area, neither very close compared to the 250 Bristlecone site.
- This alternative site touches two more important mountain fire houses than the proposed site, including Sugarloaf Fire Station #1 and the Magnolia fire station, neither of which are reached by the 250 Bristlecone site.
- This alternative site covers more of Sunshine Canyon including Sunshine Canyon Fire Dept.
- This alternative site covers more of Four Mile Canyon Drive including the Four Mile Fire House.
- It is an excellent location for beaming into areas in Pine Brook Hills without cell service that face west, and may actually reach more homes in PBH that do not already get coverage.
- Logan Mill road area is covered well. Even some parts of the Sugarloaf Mt. neighborhoods are covered plus many homes in the Magnolia corridor.

I am not a cell tower expert, but I believe there are better solutions for cell towers for Boulder County mountains than 250 Bristlecone way, and better solutions for PBH as a whole. Neither location will beam a signal to the PBH fire station. My alternative tower site would cost Atlas more money to build, with a longer payback period, but will be more effective for emergency services covering *two more important fire houses* and overall greater coverage in the immediate mountain area west of Boulder. It would also be *less* out of alignment with the Boulder County comprehensive plan than the proposed tower.

**Future additions to the proposed tower and site:**

I am concerned that the tower could end up 20 feet taller in the future with a bright red light on top with the county having no ability to control or stop the additional changes.

**Distrust of Atlas Tower company itself:**

After reading a few other tower company applications, reading Atlas Tower's application, and attending Atlas Tower's meeting in PBH, it is clear to me that this company can not be trusted at face value. The application underestimates impacts and is short on details that are important to all who live nearby.

The tower would be in a high density mountain neighborhood surrounded by forest. The tower is not "tucked in" next to a water tank, and will not be hidden by the tank as claimed. It is next to the water tank and stands 59 feet higher than the tank.

The application says there will be a generator on site, no louder than a loud dishwasher. More likely, there will be at least four generators on site when fully leased heard by many neighbors.

Atlas Tower's application says there will be 4-5 visits per year to the site, then 1-12 visits per carrier, and "may be more." Other applications I read say 1-4 visits per month per carrier visit the tower sites. Up to 192 visits per year, or more. Who really knows how many visits.

I have been maintaining this private road for the last 14 years, and I believe I will be dealing with the tower maintenance vehicles way too often. Furthermore these trucks are going to be tough on our dirt lane that we use and I will be the one keeping it passable as our family and neighbor use it every day.

There are no buildings shown on the blueprints, but Atlas now said there will be a "small" building. Will there be four buildings, one for each carrier? Atlas may think it is better to ask for forgiveness than ask for permission.

The application is so full of omissions and inconsistencies not only within itself, but compared to other applications I have read, that it should not even be considered. There is no reason to believe the erection of the proposed tower would be executed with any more professionalism than the meeting I attended in PBH.

The group that attended the Atlas meeting in PBH had several requests. Some requests Atlas agreed to address and others they did not. We followed up with them in writing and asked them to please follow up on the agreed requests, but they chose not to respond at all, even though they publicly agreed to. What is with that? I don't know, but clearly this demonstrates what can be expected in the future.

**Misuse of property owners public positions for personal gain (knowingly or not):**

The dynamics of how this debacle came about will never be known. One of the property owners for the site sits on the PBH Fire Board, is the Treasurer for the HOA, and is on the PBH Water Board. The fact that the application states that these entities all support the tower appears to be a real misuse of power, as this issue was not voted on by these prior to the application. Whether there was mis-use of public office by the property owners, or whether they were specifically approached by Atlas Tower because of their holding of public office is not clear. It is unknown what pressure was put on members of the Pine Brook Hills HOA, Boulder Mountain Fire, or the PBH Water Board by the property owners involved.

Unfortunately, when scrutinized today, looking at the facts, the property owners have put themselves in a position that looks very suspicious from the outside looking in. If their intentions were pure as they assert, they would have had a community meeting years ago, before contracts were signed and money spent, to get a feel for potential opposition from the community towards the idea. It would have given all of us, including the property owners a chance to understand and broaden our knowledge base of how a project of this magnitude would affect all of us as a community. That did not happen.

I request that you recommend that this application be DENIED!

Thanks You,

Tom Noyes

268 Bristlecone way

Boulder, CO 80304

--

Tom Noyes

[tominboulder@gmail.com](mailto:tominboulder@gmail.com)



[www.bloomin.com](http://www.bloomin.com)

[bloominpromotions.com](http://bloominpromotions.com)

cell 303.517.3479

fax 303.545.5273

**From:** [ProtectBoulderViews.org](http://ProtectBoulderViews.org)  
**To:** [#LandUsePlanner](https://twitter.com/LandUsePlanner)  
**Subject:** Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Tuesday, March 10, 2020 4:04:56 PM

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Dear Boulder County Planners,

Someone has sent this message via our website, [protectboulderviews.org](http://protectboulderviews.org). Contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) with concerns.

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TO: Boulder County Planning Department

SUBJECT: Please Deny SU-20-0001: Atlas Tower Telecommunications Facility Application

THEIR MESSAGE:

I STRONGLY oppose erecting an 89', let alone 109', cell tower on a Boulder ridgeline where it will rise over 50' higher than the surrounding tree line and be visible from numerous iconic hiking trails, scenic view areas and neighborhoods. Boulder is known for our natural environment and we should only build on our ridgelines after serious consideration of viable alternatives. The Cell Tower Company repeatedly asserts that their cell tower won't be visible, but that's simply not true and diminishes their credibility on other claims. Scientific, peer-reviewed research shows that cell towers are known to increase the likelihood of nearby lightning strikes, which could spark a wildfire in this forest setting that would be catastrophic for neighbors in Pine Brook Hills, Sunshine Canyon, Lee Hill, Carriage Hills and Sugarloaf, and even the City of Boulder. A fire at the cell tower site could block 1 of only 2 emergency evacuation routes for hundreds of people who live nearby. That's too risky. There is no viable reason to locate the cell tower at this site in order to achieve better cell coverage for the foothills or city. The Application contains a distressingly superficial and pro forma analysis of alternatives, which leads to the unfortunate conclusion that the best interests of the community were not the driving factors for this tower. I am also VERY concerned about health impacts. EMF radiation \*is known\* to have negative health impacts on a significant percentage of the population, including pregnant women, children, the sick and elderly, and EMF-sensitive people, all of whom live nearby. How much will the local community benefit from the tower in this location, compared with the risks? The Cell Tower Company shouldn't get to make this important decision without community input. WE, the community, should have input into what's best, after reviewing an independent scientific analysis of alternatives. This is too important to leave to a profit-driven decision by a single company.

NAME: Yvonne Short

EMAIL: [ysgb@earthlink.net](mailto:ysgb@earthlink.net)

ZIPCODE: 80466

PUBLIC RECORD:

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We apologize if you receive any off-topic messaging. Please contact [webteam@protectboulderviews.org](mailto:webteam@protectboulderviews.org) if you do.

**From:** [CARL VALLORIC](#)  
**To:** [Ott, Jean](#)  
**Subject:** Re: Boulder Sunshine Canyon cell Tower  
**Date:** Monday, March 9, 2020 11:27:40 AM

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yes thank you

also where would I request that the upper portion of Sunshine Canyon Dr (about for 2 miles) up from the Sunshine Canyon Fire Station be blacktopped. The gravel is very dangerous.

Carl Valloric

> On Mar 9, 2020, at 9:28 AM, Ott, Jean <jott@bouldercounty.org> wrote:

>

> Hi Carl,

> Are you referring to SU-20-0001 Atlas Tower located on Bristlecone Way? If so, I will add your comment to the record for consideration by staff, the Planning Commission, and the Board of County Commissioners. The project is currently on hold.

>

> Thanks!

> Raini

>

> Jean Lorraine Ott, AICP, CFM

> Planner II | Development Review Team

> 720.564.2271 | jott@bouldercounty.org | she/her/hers

>

> Boulder County Community Planning & Permitting

> 2045 13th Street | Boulder, CO | [www.BoulderCounty.org](http://www.BoulderCounty.org)

> 303.441.3930 | P.O. Box 471 | Boulder, CO 80306

> Formerly Land Use and Transportation - We've become a new department!

>

> -----Original Message-----

> From: Carl Valloric <carlvalloric@mac.com>

> Sent: Sunday, March 8, 2020 3:40 PM

> To: #LandUsePlanner <Planner@bouldercounty.org>

> Subject: Boulder Sunshine Canyon cell Tower

>

> Yes. Thank you

> We NEED this. The reception up here is basically non-existent. We also need Comcast Cable.

>

>

>>> Carl Valloric

>>> 843-367-0340

>>>

>

>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Clark Stevens - SU-20-0001  
**Date:** Monday, February 3, 2020 10:08:06 AM

---

Boulder County Property Address : 2600 Sunshine Canyon Dr.

If your comments are regarding a specific docket, please enter the docket number: SU-20-0001

Name: Clark Stevens

Email Address: crs@ionsky.com

Phone Number: (303) 939-0011

Please enter your question or comment: We are located in the notification area around the proposed development and fully support the project.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Elaine Pease](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** IMPORTANT: You must reference "Docket #SU-20-0001: Atlas Tower."  
**Date:** Monday, February 10, 2020 8:13:22 PM

---

My husband and I are all for this especially if it improves our cell service in N Boulder!

Thank you

Elaine Pease

Elaine Pease

Children's Author

[www.peasepodbooks.com](http://www.peasepodbooks.com)

**From:** [Graham](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower. BOULDER Resident vote FOR the new tower.  
**Date:** Sunday, February 9, 2020 4:00:26 PM

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2/9/2020

Dear Boulder Planning Commission:

My name is Graham Stephenson. My wife Julee and I both reside at 142 Meadowlook Way, Boulder CO 80304 since 9/2019. We receive ZERO Verizon cell service at our home 2 miles up from Broadway and Linden here in Pinebrook Hills at 6300' elevation. We cannot get a land line from Century Link. It's outrageously expensive.

We VOTE FOR, and gladly welcome any cell phone tower addition to the neighborhood. It's very frustrating to rely solely on Comcast for spotty wifi-calling with our Verizon iPhones, especially in the event of an important cell phone call or a possible emergency. I have no hesitation and no concerns about the cell tower addition or its aesthetics (we assume and trust it will blend in and look like a pine tree). This will benefit every single resident in this area who is isolated and at the mercy of Comcast for wifi calling that is spotty at best, and worthless in the event of a power outage. This is far more important than any one or few residents (such as Karen Howl) who irrationally oppose this, for a made up issue of imaginary negative "health effects".

Please, please bring new cell phone towers and coverage to Pinebrook Hills here in Boulder.

Thank you for acknowledging our two votes. We can be reached if necessary at:

Graham and Julee Stephenson  
142 Meadowlook Way  
Boulder CO 80304  
303-775-0380

**From:** [Janet Orton](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** cell towers in North Boulder  
**Date:** Sunday, February 9, 2020 2:36:06 PM

---

Please do install more cell towers for use. Our service in this area is increasing worse as the population grows and demand increases.

As with so many things in Boulder and Boulder County we can't keep the limited same services with the increase in population and usage. Let's get modern and make our cell use reliable.

Thank you.

Janet & Malcolm Orton  
3920 Orchard Court  
Boulder 80304



**From:** [Marc Vick](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Pro cell phone tower.  
**Date:** Sunday, February 9, 2020 2:01:03 PM

---

I live across Broadway from Wonderland Lake and am in favor of additional cell phone towers to improve the poor reception in our area.

Marc H. Vick  
1300 Tamarack Avenue  
Boulder, CO 80304  
303-444-6830  
mvick2@icloud.com

**From:** [Mary Blades](#)  
**To:** [Ott, Jean](#)  
**Subject:** Re: More Cell phone towers  
**Date:** Monday, February 10, 2020 9:50:32 AM

---

Yes:

Perhaps you are only asking about Atlas Tower, for which I think there is a need. I also wanted to mention N Boulder, sorely needed there too.

Thank you  
Mary

Sent from my iPhone

> On Feb 10, 2020, at 9:12 AM, Ott, Jean <jott@bouldercounty.org> wrote:  
>  
> Good morning Mary,  
> Could you please confirm if this is a comment regarding docket SU-20-0001 Atlas Tower?  
>  
> Thanks!  
> Raini  
>  
> Jean Lorraine Ott, AICP, CFM  
> Planner II | Development Review Team  
> 720.564.2271 | jott@bouldercounty.org | she/her/hers  
>  
> Boulder County Community Planning & Permitting  
> 2045 13th Street | Boulder, CO | www.BoulderCounty.org  
> 303.441.3930 | P.O. Box 471 | Boulder, CO 80306  
> Formerly Land Use and Transportation - We've become a new department!  
>  
> -----Original Message-----  
> From: Mary Blades <mbakerblades@gmail.com>  
> Sent: Monday, February 10, 2020 7:58 AM  
> To: #LandUsePlanner <Planner@bouldercounty.org>  
> Subject: More Cell phone towers  
>  
> Hello:  
>  
> North Boulder, along Broadway. And Jay Road area both have terrible cell phone coverage and could use another tower.  
>  
> Thank you  
> Mary Blades  
> Dakota Blvd  
>  
> Sent from my iPhone  
>  
>

**From:** [Matthew Connery](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Please Support SU-20-0001: Atlas Tower Telecommunications Facility Application  
**Date:** Friday, February 14, 2020 4:17:10 PM

---

Hello There,

I just wanted to register my support for the cell phone tower proposed for Sunshine Canyon. The fact that there is no cell phone reception in that area has been a significant nuisance and a safety hazard.

I know that there are several of my neighbors that support this tower but may not be inclined to speak up as much as the opposition. Please don't let a small, but vocal, minority overwhelm the greater good.

My sincerest thanks,  
Matt Connery  
182 Poorman Road  
303-895-0521

**From:** [Matthew Newell](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Re: Pinebrook Hills Cell Tower - YES!  
**Date:** Sunday, February 9, 2020 1:37:43 PM

---

re: Docket #SU-20-0001: Atlas Tower.

I forgot to include the specific item above.

On Sun, Feb 9, 2020 at 1:36 PM Matthew Newell <[matthewanewell@gmail.com](mailto:matthewanewell@gmail.com)> wrote:

Voicing support for more cell towers and subsequently better coverage.

Please consider me a vocal proponent of said proposal and encourage additional proposals for north boulder / Broadway corridor. It's like live in the stone age with lacking coverage as like other reasonably sized towns.

Matt Newell  
1060 Oakdale Pl, Boulder, CO 80304

**From:** [Nick Wilson](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** SU-20-0001 - We approve, and concerns of a disinformation campaign  
**Date:** Saturday, February 15, 2020 2:16:07 PM

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Hi Boulder County,

We wanted to write in after seeing an unusually vocal minority push disinformation to the community regarding SU-20-0001. We support (and desperately need) the construction of new cell towers here, and please be aware that there are individuals or an organization which appears to be actively spreading false information about health & safety impacts of this project to our community, and is making a large effort to gather opposition for it.

Thanks and best regards,  
Nick Wilson & Greta Parks

**From:** [Paul Mikle](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Docket #SU-20-0001: Atlas Tower  
**Date:** Sunday, February 9, 2020 2:16:58 PM

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We need more reliable cell service in Boulder, so I'm for building more towers. My only comment would be to try to do so in the most sustainable and camouflage nature as possible.

--

-Paul Mikle  
1630 Linden Ave  
Boulder, CO 80304