

# Table of Contents

File            FPA-1995-120

Date            9/8/99

<b>P</b>	<b>S</b>	<b>A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS retrieval system. In some instances, not all entries designated to be scanned, are present in the file. There are also documents specific to certain files, not found on the standard list. For this reason, a checklist has been included.</b>
		<b>Remaining items, (not selected for scanning), will be marked present on the checklist. This index can serve as a quick guide for the contents of each file.</b>
		<b>Files denoted with (**) are to be located using the ISYS Query System. Planning Clearance will need to be typed in full, as well as other entries such as Ordinances, Resolutions, Board of Appeals, and etc.</b>
X	X	<b>*Summary Sheet – Table of Contents</b>
X	X	Application form
		Receipts for fees paid for anything
X	X	<b>*Submittal checklist</b>
X	X	<b>*General project report</b>
		Reduced copy of final plans or drawings
X		Reduction of assessor's map
		Evidence of title, deeds
X	X	<b>*Mailing list</b>
		Public notice cards
		Record of certified mail
X	X	Legal description
		Appraisal of raw land
		Reduction of any maps – final copy
X	X	<b>*Final reports for drainage and soils (geotechnical reports)</b>
		Other bound or nonbound reports
		Traffic studies
X		Individual review comments from agencies
X	X	<b>*Consolidated review comments list</b>
X	X	<b>*Petitioner's response to comments</b>
X	X	<b>*Staff Reports</b>
		<b>*Planning Commission staff report and exhibits</b>
		<b>*City Council staff report and exhibits</b>
		<b>*Summary sheet of final conditions</b>
		<b>*Letters and correspondence dated after the date of final approval (pertaining to change in conditions or expiration date)</b>
<b><u>DOCUMENTS SPECIFIC TO THIS DEVELOPMENT FILE:</u></b>		
X	X	Letter to City Council from Frank F. Spiecker – 8/3/95
X	X	Letter from Richard F. Dewey – 8/2/95
X	X	Letter from Garrison C. Cavell and William P. Suffa – 6/30/95
X	X	Letter from R.C. Cornforth – 7/26/95
X	X	Letter from Younge & Hockensmith – 7/20/95
X	X	Letter from Kenneth & Hilda Hetzel to Planning Commission – 7/24/95
X	X	Letter from JBI Associates, Inc. to Planning Commission – 7/20/95
X	X	Letter from Kirk Rider & Younge & Hockensmith – 9/7/96
X		Quit Claim Deed – 8/23/96
X	X	Letter from Kathy Portner to Paul Fee – 9/29/95
X	X	Planning Commission - ** - 8/1/95
X	X	City Council Minutes - ** - 8/16/95
X		Posting of Public Notice Signs
X	X	Copy of Addresses from Younge & Hockensmith
X	X	Letter from Kirk Rider & Younge & Hockensmith to Kathy Portner – 5/18/95
X	X	Aerial Photo
X		Title Ins. Policy
X		Treasurer's Certificate of Taxes Due – 6/27/95
X	X	Site Plan





# DEVELOPMENT APPLICATION

Community Development Department  
 250 North 5th Street, Grand Junction, CO 81501  
 (303) 244-1430

Receipt 2583  
 Date 7-5-95  
 Rec'd By me  
 File No. FPA-95-120

We, the undersigned, being the owners of property situated in Mesa County, State of Colorado, as described herein do hereby petition this:

PETITION	PHASE	SIZE	LOCATION	ZONE	LAND USE
<input type="checkbox"/> Subdivision Plat/Plan	<input type="checkbox"/> Minor <input type="checkbox"/> Major <input type="checkbox"/> Resub				
<input type="checkbox"/> Rezone				From: To:	
<input checked="" type="checkbox"/> Planned Development	<input type="checkbox"/> ODP <input type="checkbox"/> Prelim <input checked="" type="checkbox"/> Final	<i>~4 acres</i>	<i>25 1/2, N of ERA</i>	<i>PB</i>	<i>Broadcast Tower</i>
<input type="checkbox"/> Conditional Use					
<input type="checkbox"/> Zone of Annex					
<input type="checkbox"/> Variance					
<input type="checkbox"/> Special Use					
<input type="checkbox"/> Vacation					<input type="checkbox"/> Right-of Way <input type="checkbox"/> Easement
<input type="checkbox"/> Revocable Permit					

<input checked="" type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> DEVELOPER	<input checked="" type="checkbox"/> REPRESENTATIVE
<u>Mustang Broadcasting Company</u>		<u>Kirk Rider</u>
Name	Name	Name
<u>715 Horizon Drive, Suite 430</u>		<u>200 Grand Avenue, Ste. 500</u>
Address	Address	Address
<u>Grand Junction, CO 81506</u>		<u>P.O. Box 1768</u>
City/State/Zip	City/State/Zip	City/State/Zip
<u>(970) 243-1230</u>		<u>(970) 242-2645</u>
Business Phone No.	Business Phone No.	Business Phone No.

NOTE: Legal property owner is owner of record on date of submittal.

We hereby acknowledge that we have familiarized ourselves with the rules and regulations with respect to the preparation of this submittal, that the foregoing information is true and complete to the best of our knowledge, and that we assume the responsibility to monitor the status of the application and the review comments. We recognize that we or our representative(s) must be present at all required hearings. In the event that the petitioner is not represented, the item will be dropped from the agenda, and an additional fee charged to cover rescheduling expenses before it can again be placed on the agenda.

<u>Kirk Rider</u>	<u>6-30-95</u>
Signature of Person Completing Application	Date
<u>Paul J. Lee</u>	<u>6/30/95</u>
Signature of Property Owner(s) - attach additional sheets if necessary	Date

**MUSTANG BROADCASTING CO.  
TOWER HEIGHT CHANGE  
GENERAL PROJECT REPORT**

Introduction

Petitioner Mustang Broadcasting Company currently operates two (2) AM radio towers approximately one mile apart just north of Patterson Road. A 434' tower is located on a 3½ acre site on 24½ Road north of the old Western Federal office building. This tower also broadcasts an FM signal. That property is not involved in this application, at least not directly.

Petitioner also owns a 4.7 acre site just off 25½ Road north of the Foresight Village soccer park facility now being leased by the City of Grand Junction. This property is approximately 200' east of 25½ Road, and is occupied by a second AM broadcast antenna that is 206' high. This site is the subject of Petitioner's application.

The 25½ Road site is zoned planned business, and is occupied only by the broadcast tower and a small ancillary building housing electronics. The development plan was amended some years ago to allow for the construction of studio and broadcast facilities at the site, but those improvements have not been pursued or completed. Petitioner does not propose to proceed in accordance with the existing development plan. Petitioner seeks to amend the existing plan to call for extending the existing 206' antenna to 434'.

In fact, Petitioner will relocate the existing antenna at 24½ Road to this site, and will discontinue the radio antenna use at 24½ Road. The land use at the 25½ Road site will not be changed from the present use, and both AM signals and one FM signal will be broadcast from the 25½ Road site. A new and slightly larger electronics shelter will replace the current hut at the base of the tower. It will not be 50% larger than the existing hut.

A. Project Description

1. Location.

The subject property is located about 1/8 mile north of Patterson Road and 200' east of 25½ Road, just north of the Foresight Village soccer field leased by the City of Grand Junction from Richard and Jacquelyn Dewey.

2. Acreage.

The property consists of 4.7 acres in an almost square configuration plus a 30' flagpole access road about 300' long.

### 3. Proposed Use.

The proposed use will not change from the existing use, a commercial radio broadcast tower.

#### B. Public Benefit

A limited but undeniable public benefit will attend this proposed tower relocation. As areas West of 26 Road have urbanized, antenna towers have become non-conforming uses at both the 24½ Road site and the 25½ Road site. By combining these broadcast facilities, the non-conforming uses can be reduced by 50%, from 2 to 1.

Furthermore, this property is presently accessible only by a narrow "flagpole" roadway combined with private easements to Patterson Road. The northern edge of the property, however, lies along the path of F¼ Road which, it may be expected, will be developed eventually. Petitioner would be willing to dedicate a portion of its property along this 400' line for right-of-way purposes.

Furthermore, consolidating radio towers in this way reduces aviation hazards, and concentrates the one remaining antenna closer to the existing large television broadcast tower on Hillcrest Drive ¾ mile southeast from the 25½ Road site.

#### C. Project Compliance, Compatibility, and Impact

##### 1. Adopted plans and/or policies.

(At the suggestion of Grand Junction Community Development staff, the following discussion will apply the City's conditional and special use criteria to this project.)

a. Impacts in terms of noise, dust, odor, lighting, traffic, etc. The appearance and operations of the site will be unchanged except for the placement of a new electronics hut and the height of the broadcast tower.

b. Adequacy of design features of the site, such as service areas, pedestrian and vehicular circulation, safety provisions, accessory uses, access ways to and from the site, buffering, etc. should not be subject to question. Pedestrian and vehicular circulation are not required. Open space buffering of the tower from adjoining lands is necessary for the operation of the transmitter facility. It would not be possible, for example, to conduct other land uses on the 4.7 acres surrounding the broadcast tower. This is because AM radio transmitters consist of a vertical tower and a "spider web" of buried cables radiating from the tower base. Any additional construction on the site would

interfere with transmitter operations. Please see the report of Petitioner's engineers attached to this Project Report.

c. Accessory uses. As stated above, no accessory uses are compatible with a broadcast tower facility.

d. Adequate public services must be available. The existing and proposed use does not require sewage or other waste disposal, domestic or irrigation water, or gas. Existing electrical service may have to be upgraded slightly, but ample three-phase power is available in the 25½ Road right-of-way 200' from the property boundary. The property has historically not required police or fire protection services, and Petitioner sees no reason for that to change as a result of the tower height increase.

e. Availability of support services and uses. The property does not require the presence of schools, parks, hospitals, business and commercial facilities, transportation facilities, etc.

f. Provisions for proper maintenance. Broadcast towers are the subject of scheduled maintenance and inspection, because continuous broadcast operations are so crucial. When the tower is relocated, all existing fasteners will be inspected and all guy wire materials replaced. The electronics hut will be constructed of more attractive and lower maintenance materials than are presently at the current facility.

g. Other applicable regulations of the development code. The existing plans, policies and requirements for parking, loading, signage, etc. of the Grand Junction Community Development Code have very little applicability to the existing and proposed use. All policies and requirements of the Code will be fully observed.

## 2. Land use in the surrounding area.

South of this property lies the Foresight Park soccer field leased by the City of Grand Junction from Richard and Jacquelyn Dewey. East of the property and north of the property lie agricultural lands zoned by the County of Mesa as AFT (agricultural/forestry transitional). Between the west boundary of the property and 25½ Road, a distance of about 200', lie two vacant parcels zoned by the City of Grand Junction as PR 18 (planned residential). Across 25½ Road to the west lies Foresight Industrial Park, zoned by the City of Grand Junction as PI (planned industrial). Lying southwest of the property's southwest corner lies an apartment building now under construction, on property zoned by the City of Grand Junction as PR 18 (planned residential). Further on south of the soccer field are assorted uses along Patterson Road on property zoned by the City of Grand Junction as RSF 8 (residential single family--8 units per acre).

3. Site access and traffic patterns.

This property currently has rather marginal access, consisting of a private easement coming north from Patterson Road to a narrow "flagpole" lane some 300' long. A portion of F $\frac{1}{4}$  Road appears to extend to the northwest corner of the property, and Petitioner would be willing to dedicate a portion of this right-of-way further along the northern boundary of the subject property.

The traffic to and from the tower site is very, very minimal, with less than one visit per month on average. Although existing access is adequate for this minimal traffic, almost no other use would be served by such minimal access. Traffic is presently very light on 25 $\frac{1}{2}$  Road, because the road essentially ends at F $\frac{1}{4}$  Road. As the development of Foresight Park is completed, and as development eventually proceeds on adjoining farm grounds, 25 $\frac{1}{2}$  Road may be extended to F $\frac{1}{2}$  Road to the north. However, this property would not appreciably contribute to road or other infrastructure needs for the reasons already given.

4. Availability of utilities, including proximity of fire hydrants.

The only utility required for this land use is electricity. Three phase electric current is available in the 25 $\frac{1}{2}$  Road right-of-way, 200' from the property. The antenna is a steel structure not susceptible to fire, and the electronics hut is masonry construction surrounded by a cleared area.

5. Special or unusual demands on utilities.

This land use makes a uniquely limited demand on utilities. No water or sewage requirements attend a radio tower, nor any other utility except electricity. Overall, electric requirements for the facility would, according to Petitioner's engineers and Public Service Company, amount to 150 amp service supplying 750 kilowatt hours per month.

6. Effects on public facilities.

This facility requires no sanitation, roads, parks, schools, irrigation, etc. Its historic requirements for police and fire service have been nil, and Petitioner sees no reason for that to change.

7. Site soils and geology.

Site soils present no obstacle to the current and proposed use of a radio broadcast antenna. A new up-to-date SCS map has been promised for this property. No maps currently exist.

8. Impact of project on site geology and geological hazards, if any.

There will be no impact on site geology resulting from the increased antenna height, nor are geological hazards a factor on this level property.

9. Hours of operation.

The antenna facility will be operational 24 hours per day, but no signs of human activity will be present during regular operations.

10. Signage plans.

The antenna site will not bear signage of any kind, except small warning signs will appear at the base of the facility. There will not be call letters displayed on the broadcast tower. The tower will bear some illumination as required by FCC regulations in coordination with the FAA to prevent aircraft impacts. This lighting is not designed to provide illumination at ground levels, but only to be seen by aircraft at flight levels. Since the upper portions of broadcast towers receive the greatest illumination, the higher tower will actually have less illumination close to the ground than the present tower. The illumination effect of this lighting on the ground will be nil.

#### D. Development Schedule and Phasing

Once approval for the tower relocation has been granted, approval must be obtained by Petitioner from the FCC and FAA. The FCC has responsibility for determining that the relocation will not create problems of radio interference, etc. The FCC also takes care to insure that the tower installation is properly engineered in accordance with existing standards and guidelines. The FAA will review the location to be certain no inconvenience results to the flying public.

Petitioner anticipates that, upon receiving local land use clearance, the FCC application can be filed within 4 to 6 weeks, after engineering studies are complete. FCC approval may be forthcoming in six to twelve months. Following receipt of FCC approval, and assuming that annual ratings periods are not underway, the tower relocation from 24½ Road to 25½ Road would take 60 days to complete, including power upgrades, new electronics shelter, erection, inspection and testing.



UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

NATURAL RESOURCES  
CONSERVATION  
SERVICE

2754 Compass Drive, Suite 170  
Grand Junction, CO 81506  
(303) 242-4511

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June 30, 1995

Michael Davies  
200 Grand Avenue, Suite 500  
Grand Junction, Colorado

Attached you will find soils information for the area you requested in the Foresight area.

I have included a photo copy of the soil survey field sheet and map unit descriptions for the soils in this area.

If you have any questions, please give a call.



David K. Alstatt, Project Leader

The United States Department of Agriculture (USDA) Prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs and marital or familial status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-5881 (voice) or (202) 720-7808 (TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

NONTECHNICAL SOILS DESCRIPTION REPORT  
FOR DESCRIPTION CATEGORY - ALL

Survey Area- GRAND JUNCTION AREA, COLORADO

Map Symbol	Description
Bc	<p>SAGERS SILTY CLAY LOAM, 0 TO 2 PERCENT SLOPES</p> <p>This unit is suited for irrigated crops. It has few limitations. Furrow and sprinkler irrigation is suited to this soil. Irrigation water needs to be applied at a rate that insures optimum production without increasing deep percolation, runoff, and erosion. Use of pipe or ditch lining reduces water loss and deep percolation. Tillth and fertility can be improved by returning crop residue to the soil and using a suitable rotation. It is important to time tillage operations based upon proper soil moisture conditions to avoid development of adverse field conditions such as cloddiness. Excessive cultivation can result in the formation of a tillage pan. This pan can be broken by subsoiling when the soil is dry.</p> <p>This unit consists of very deep, well drained soils on old alluvial fans and low terraces. These soils formed in alluvium derived dominantly from Mancos shale. The surface layer is silty clay loam 12 inches thick. The upper 13 inches of the underlying material are silty clay loam, and the lower part to a depth of more than 60 inches is silty clay loam with few fine gypsum crystals. Permeability of this soil is slow. Available water capacity is high. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight.</p> <p>This unit is considered prime farmland.</p> <p>Capability Subclass 2E; irrigated; 7C; nonirrigated</p> <p>Capability classification is the grouping of soils to show, in a general way, their suitability for most kinds of farming. It is a practical classification based on limitations of the soils, the risk of damage when they are used, and the way they respond to treatment. The soils are classified according to degree and kind of permanent limitation, but without consideration of major and generally expensive landforming that would change the slope, depth, or other characteristics of the soils; without consideration of possible unlikely major reclamation projects.</p>

NONTECHNICAL SOILS DESCRIPTION REPORT  
FOR DESCRIPTION CATEGORY - ALL

Survey Area- GRAND JUNCTION AREA, COLORADO

Map Symbol	Description
---------------	-------------

Class II - Some limitations that reduce the choice of crops or require moderate conservation measures.

Class VII - Not suited for cultivation. Very severe limitations. Suited for range, woodland or wildlife uses if carefully managed. Usually cannot apply physical practices such as pitting, furrowing, seeding, etc.

E - Erosion by wind or water is the major problem.

C - Climate is the major hazard. Growing season may be very short; there is a shortage of rainfall or both.

BcS SAGERS SILTY CLAY LOAM, SALINE, 0 TO 2 PERCENT SLOPES

This unit is poorly suited for irrigated crops. The main limitation is salinity. Most areas will need extensive reclamation before crops can be grown. A combination of leaching and drainage will be required for reclamation. Salinity can be reduced by leaching salts from the soil using irrigation water that is low in content of salts. Tile drainage can be used to lower the water table if a suitable outlet is available. Intensive management is required to reduce the salinity and maintain soil productivity.

This unit consists of very deep, well drained soils on old alluvial fans and low terraces. These soils formed in alluvium derived dominantly from Mancos shale. The surface layer is silty clay loam 12 inches thick. The upper 13 inches of the underlying material are silty clay loam, and the lower part to a depth of more than 60 inches is silty clay loam with few fine gypsum crystals. Permeability of this soil is slow. Available water capacity is moderate. Effective rooting depth is 60 inches or more. Runoff is slow, and the hazard of water erosion is slight. Salts moderately to severely affect plant adaptation, growth, and water availability. Salts are also severely corrosive to concrete and untreated steel pipe.

Capability Subclass BS; nonirrigated

NONTECHNICAL SOILS DESCRIPTION REPORT  
FOR DESCRIPTION CATEGORY - ALL

Survey Area- GRAND JUNCTION AREA, COLORADO

Map Symbol	Description
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Capability classification is the grouping of soils to show, in a general way, their suitability for most kinds of farming. It is a practical classification based on limitations of the soils, the risk of damage when they are used, and the way they respond to treatment. The soils are classified according to degree and kind of permanent limitation, but without consideration of major and generally expensive landforming that would change the slope, depth, or other characteristics of the soils; without consideration of possible unlikely major reclamation projects.

Class VIII - Not suited for cultivation, range, pasture or woodland. Suited only for recreation, wildlife, water supply or esthetic purposes.

S - Major problem is in the soil. It may be too shallow, too heavy, stony, low in fertility, salty, alkaline or have low moisture capacity.

Ra TURLEY CLAY LOAM, 0 TO 2 PERCENT SLOPES

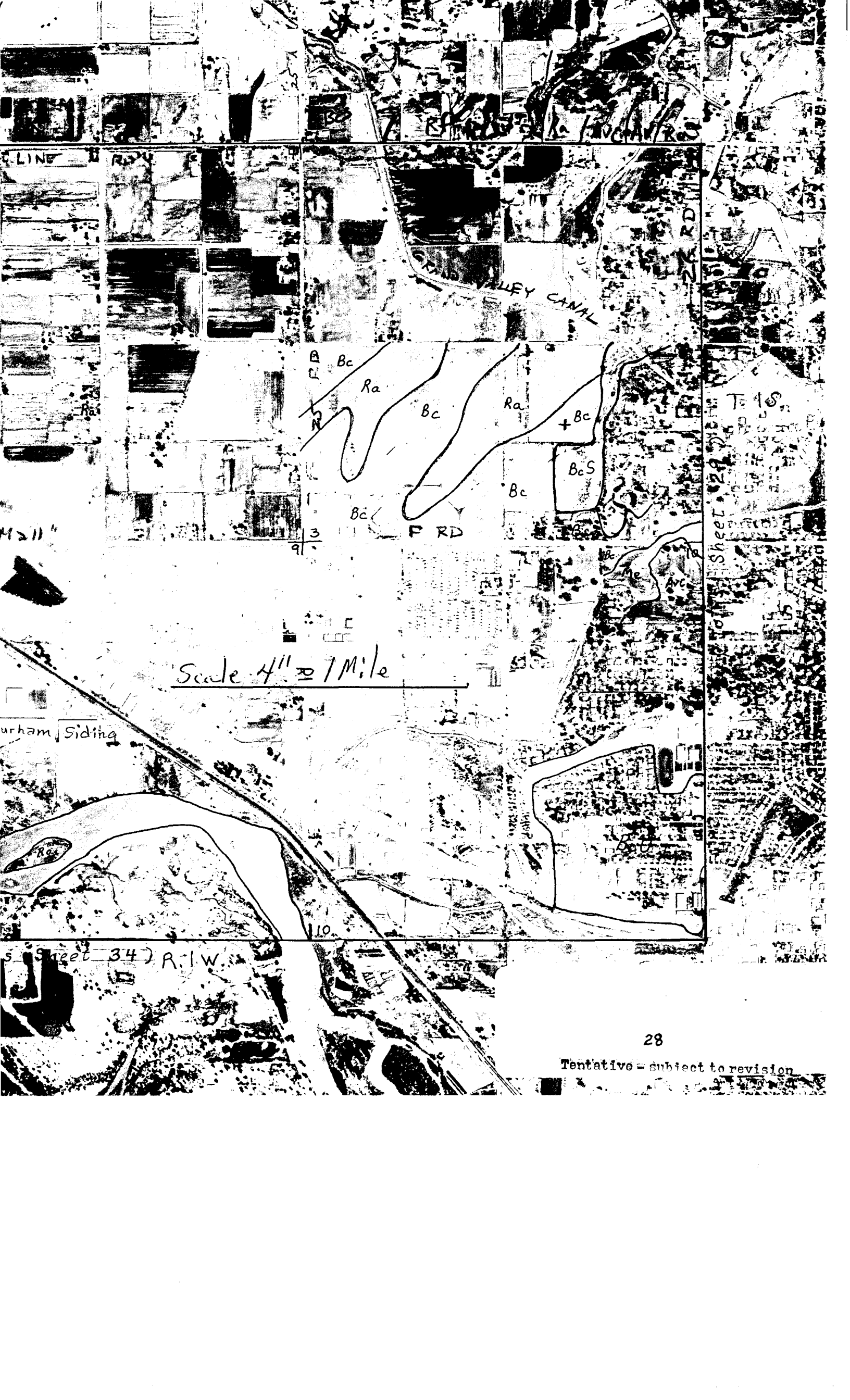
This unit is suited for irrigated crops. It has few limitations. Furrow and sprinkler irrigation is suited to this soil. Irrigation water needs to be applied at a rate that insures optimum production without increasing deep percolation, runoff, and erosion. Use of pipe or ditch lining reduces water loss and deep percolation. Tillth and fertility can be improved by returning crop residue to the soil and using a suitable rotation. Excessive cultivation can result in the formation of a tillage pan. This pan can be broken by subsoiling when the soil is dry.

This unit consists of very deep, well drained soils on alluvial fans and terraces. These soils formed in mixed alluvium derived from sedimentary rock sources. The surface layer is clay loam about 18 inches thick. The upper 29 inches of the underlying material are clay loam with strata of loamy sand. Below this to a depth of more than 60 inches is sandy loam and sandy clay loam. Permeability of this soil is moderately slow. Available water capacity is high. Effective rooting depth is 60 inches or more. Runoff is slow, and the

NONTECHNICAL SOILS DESCRIPTION REPORT  
FOR DESCRIPTION CATEGORY - ALL

Survey Area- GRAND JUNCTION AREA, COLORADO

Map Symbol	Description
	<p data-bbox="324 430 1380 470">hazard of water erosion is slight. Piping is a hazard.</p> <p data-bbox="324 497 1071 537">This unit is considered prime farmland.</p> <p data-bbox="324 564 1307 604">Capability Subclass 2E; irrigated; 7C; nonirrigated</p> <p data-bbox="324 631 1347 1008">Capability classification is the grouping of soils to show, in a general way, their suitability for most kinds of farming. It is a practical classification based on limitations of the soils, the risk of damage when they are used, and the way they respond to treatment. The soils are classified according to degree and kind of permanent limitation, but without consideration of major and generally expensive landforming that would change the slope, depth, or other characteristics of the soils; without consideration of possible unlikely major reclamation projects.</p> <p data-bbox="324 1034 1347 1115">Class II - Some limitations that reduce the choice of crops or require moderate conservation measures.</p> <p data-bbox="324 1142 1380 1303">Class VII - Not suited for cultivation. Very severe limitations. Suited for range, woodland or wildlife uses if carefully managed. Usually cannot apply physical practices such as pitting, furrowing, seeding, etc.</p> <p data-bbox="324 1330 1282 1370">E - Erosion by wind of water is the major problem.</p> <p data-bbox="324 1397 1380 1464">C - Climate is the major hazard. Growing season may be very short; there is a shortage of rainfall or both.</p>



GRAND VALLEY CANAL

F RD

Scale 4" = 1 Mile

Durham Siding

Sheet 34) R.I.W.

Sheet 29

DAN G. GRIFFIN  
KIRK RIDER  
RONALD W. GIBBS  
EARL G. RHODES  
YEULIN V. WILLETT

**YOUNGE & HOCKENSMITH**  
PROFESSIONAL CORPORATION

OF COUNSEL  
THOMAS K. YOUNGE  
FRANK M. HOCKENSMITH

ATTORNEYS AT LAW

200 GRAND AVENUE, SUITE 500

P. O. BOX 1768

GRAND JUNCTION, COLORADO 81502-1768

303-242-2645 FAX 303-241-5719

BRENT A. CARLSON \*  
DOUGLAS E. BRIGGS  
J. MARTELLE DANIELS  
KEVIN R. KENNEDY \*

\* ALSO ADMITTED IN CALIFORNIA

May 18, 1995

Ms. Katherine Portner  
Community Development  
CITY OF GRAND JUNCTION  
250 N. 5th Street  
Grand Junction, CO 81501

RE: Mustang Broadcasting/25½ Road Tower Site

Dear Kathy:

We would like to meet with you for a preapplication conference on this tower extension project. I have received a date for this meeting already, at 2:00 p.m. on June 20, 1995. If you have a cancellation in the meantime, I ask that you give me a call (242-2645) in the hope of moving this meeting up in time.

When we spoke earlier this week, you asked for the exact height of the current antenna and the height of the antenna following this proposed change. The height of the present antenna is 206 feet. The height of the taller tower is 434 foot. The dimensions of the small hut that houses the broadcast electronics are about 12' by 14', and the size of the new electronics hut will be less than 150% of that. I look forward to our meeting.

Very truly yours,

YOUNGE & HOCKENSMITH,  
Professional Corporation

By   
Kirk Rider

KR/pll

xc: Mustang Broadcasting Company

G:\DATA13\13070006\PORTNER1.LTR

# REVIEW COMMENTS

Page 1 of 1

FILE #FPA-95-120

TITLE HEADING: Amendment to Approved Final Plan

LOCATION: 25 1/2 Road, North of F Road

PETITIONER: Mustang Broadcasting

PETITIONER'S ADDRESS/TELEPHONE: 715 Horizon Drive, Suite 430  
Grand Junction, CO 81506  
243-1230

PETITIONER'S REPRESENTATIVE: Kirk Rider

STAFF REPRESENTATIVE: Kathy Portner

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**NOTE: THE PETITIONER IS REQUIRED TO SUBMIT FOUR (4) COPIES OF WRITTEN RESPONSE AND REVISED DRAWINGS ADDRESSING ALL REVIEW COMMENTS ON OR BEFORE 5:00 P.M., JULY 24, 1995.**

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CITY PARKS & RECREATION DEPARTMENT

7/14/95

Shawn Cooper

244-1549

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Does not appear to have any impact, so long as the guying does not extend into the park and precautions are taken to insure, in case of failure, the tower will not fall into the park.

CITY DEVELOPMENT ENGINEER

7/17/95

Jody Kliska

244-1591

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1. Since Dewey Court has been constructed, it may be possible to abandon the access easement south of Dewey Court to Patterson Road, since access is available through Dewey Court.
2. Dedication of right-of-way for F 1/4 Road as proposed by the petitioner in the narrative is acceptable. Dedication should be for 30' width, half the width of a collector street standard.

COMMUNITY DEVELOPMENT DEPARTMENT

7/17/95

Kathy Portner

244-1446

---

See attached.

TO DATE, COMMENTS HAVE NOT BEEN RECEIVED FROM:

City Property Agent  
City Attorney



LATE COMMENTS:

**WALKER FIELD AIRPORT AUTHORITY**  
**Marcel Theberge**

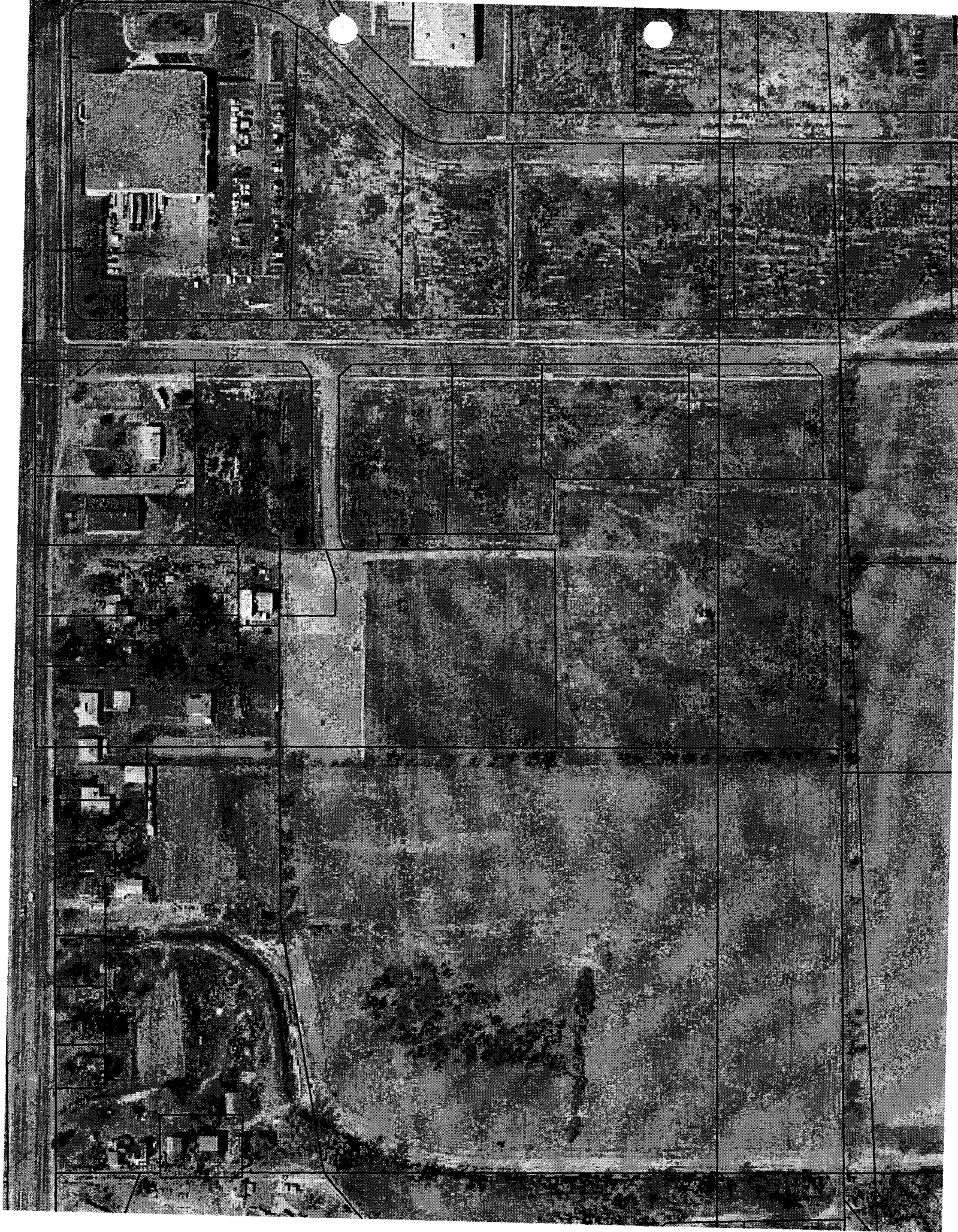
**7/27/95**  
**244-9100**

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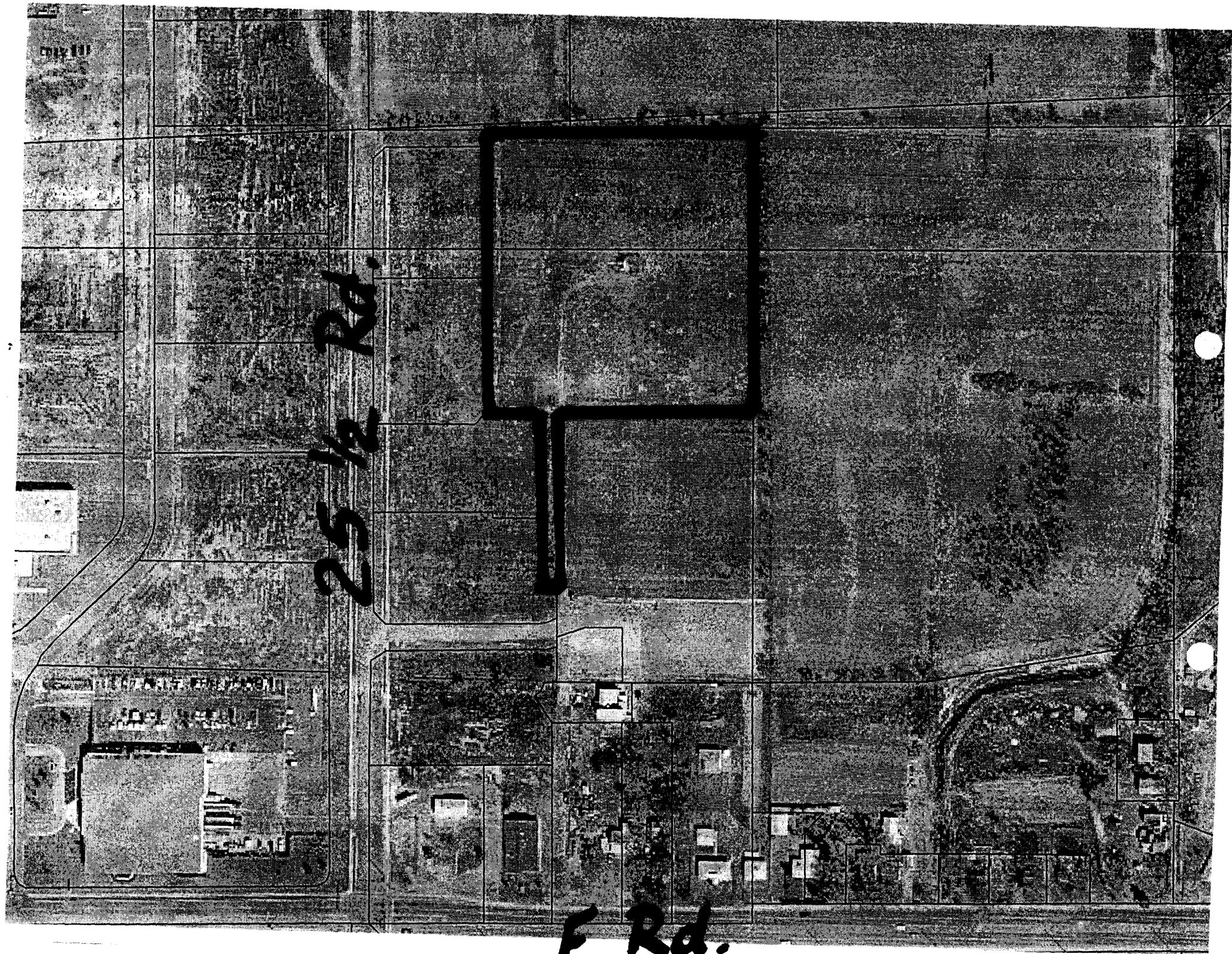
Walker Field Airport has no objections to the relocation of the 434' tower unless it will impact or interfere with any flight pattern, runway approaches, instrument landing systems, or radio interference with the FAA control tower communications.

A notice of Proposed Construction or Alteration Form will be required to FAA with a copy to Walker Field Airport. The form is FAA Form 7460-1.

If any of the above items are impacted, then Walker Field Airport Authority objects to this proposed project.







25 1/2 Rd.

F Rd.

25.5 Road and North of F Road - Increase in height of radio tower



JUL 24 RECD

PETITIONER'S RESPONSE TO REVIEW COMMENTS

PETITIONER, MUSTANG BROADCASTING CO., makes the following responses to the Review Comments, which are attached to this response for the reader's convenience.

1. City staff has wondered why the 24½ Road tower site is not being used for the combined transmitter operations rather than the 25½ Road site. There are several reasons for Petitioner's decision to consolidate transmitters at the 25½ Road site. First, the 24½ Road site is suited to much higher land use development. Its highest and best use is definitely not as an antenna site. The property is located directly on 24½ Road and enjoys ample infrastructure right at the property line. By contrast, the 25½ Road site has very limited access, consisting of a private easement off Patterson Road and a narrow 30' "flagpole" roadway. It is at least 200' from water, gas, sewer or a hard surface road.

Petitioner does not share the view of staff that this tower site location is incompatible with residential development. The developer of the multi-family housing directly west of the site agrees, and has no objection to this height increase. Likewise, the owners of the large parcel lying directly north of the tower site, who intend to eventually develop their property, have no objection to this height increase. Petitioner would also point out that substantial residentially zoned property lies to the north and east of the 24½ Road tower site. If concerns about residential compatibility are valid at all, they are equally valid at each site.

In addition, the 25½ Road ground antenna system (a network of buried cables fanning outward from the tower base) is a superior ground antenna installation.

2. If access to the tower site from Dewey place can be confirmed, Petitioner would be willing to terminate its private easement rights across lands fronting Patterson Road.

3. Petitioner will dedicate a 30' right-of-way along the north boundary of the tower site for the eventual F¼ Road. However, Petitioner would like some assurance that, so long as the property is used as a tower site, Petitioner will not be required to pay for F¼ Road improvements that may be made.

4. The increased tower height will not increase the likelihood of interference with surrounding electronic equipment. At the time any tower installation is approved by the FCC, the FCC requires adherence to strict engineering and filtration standards to prevent interference. If interference does occur following the installation of a transmitter, the FCC can and does require the operator to take the necessary steps to eliminate interference. It goes almost without saying, but these standards were previously met

in connection with the installation of the two existing facilities, which produce no interference so far as Petitioner knows. Various means exist to address interference problems if they occur. These include the installation of transmitter filters, conventional tuning operations, and sometimes the simple replacement of affected cheap portable phones with better ones, at the broadcaster's expense. Again, the lack of interference from the two existing facilities is the best indicator that interference won't occur when they are combined.

5. The increased height of the tower will not increase the amount of electromagnetic energies emitted from the facility at all.

6. It's only natural to present concerns concerning the safety of a 434' tower. However, Petitioner offers the following responses on this issue.

First, the existing 24½ Road site where the 434' tower stands is considerably smaller than the 25½ Road site being proposed. Thus, the likelihood is less of the tower falling outside of property boundaries at the 25½ Road site than at the 24½ Road site in any case.

Second and most important, guyed towers virtually always break along their length as a result of flexing, either from impacts or tornados. They do not topple over like a pencil standing on end. When these collapses occur, the broken sections are still held by the cables, and collapse around the tower base. Petitioner will be supplementing this response with a site specific report from a structural engineer specializing in broadcast towers. That report will also contain research data showing that, rare as they are, guyed transmitter tower collapses: 1) fall within the circumference described by their guy anchors; and 2) fall within a radius no greater than 50% of their height. The risk of collapse is simply not a substantial one; for example, Petitioner's \$1,000,000.00 - \$2,000,000.00 liability insurance attributable to both antenna sites carries a \$49.00 annual premium.

Third, tower integrity will only be improved by the relocation, as a new base is engineered and installed, new anchors, cables and fittings are installed, and new insurance inspections are performed.

Petitioner suggests that some comparison be made of this proposed installation to the existing installation of KREX on Hillcrest Manor, in which studio facilities and even residences are actually constructed within the area described by the guy wires of that 363' tower.

We trust that these responses are satisfactory, and we invite City staff to call us if any questions remain.

YOUNGE & HOCKENSMITH, P.C.

By *Kirk Rider*  
Kirk Rider  
Representative for Petitioner

G:\DATA13\13070006\COMMENTS.RSP



STAFF REVIEW

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FILE: #FPA-95-120

DATE: July 17, 1995

STAFF: Kathy Portner

REQUEST: Revised Final Plan--Radio Tower

LOCATION: 25 1/2 Road, North of F Road

APPLICANT: Mustang Broadcasting Company

---

EXISTING LAND USE: Radio Tower--206' high

PROPOSED LAND USE: Radio Tower--434' high

SURROUNDING LAND USE:

NORTH: Agricultural

SOUTH: City Soccer Fields and Multi-family Residential

EAST: Agricultural

WEST: Undeveloped Multi-family Residential

EXISTING ZONING: PB (Planned Business)

PROPOSED ZONING: PB (Planned Business)

SURROUNDING ZONING:

NORTH: Mesa County AFT (Agricultural/forestry transitional)

SOUTH: PR-18 (Planned Residential, 18 units per acre)

EAST: Mesa County AFT

WEST: PR-18

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RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area.

STAFF ANALYSIS:

Mustang Broadcasting Company is proposing to replace an existing 206' high radio broadcast antenna with a 434' tower at their site north of F Road and east of 25



1/2 Road. In 1984 the site was rezoned from RSF-4 to PB (Planned Business) to allow for the future construction of a radio station/office facility. At the time of the rezone the 206' tower and concrete block transmitter building was in existence and was a non-conforming use. Although the PB designation isn't appropriate for the broadcast tower because communication towers are not allowed in any of the business zones, staff is assuming that at the time of the rezone to PB it was assumed that the use was allowed in the zone. Therefore, to increase the height of the tower approval of a revised plan for the site is required.

The 434' tower to be moved to this site is currently located on a 3 1/2 acre site on 24 1/2 Road north of Patterson Road. That site was recently zoned PB as a part of the Northwest Enclave Annexation. As agreed to by the owner of the site, the PB zoning approval did not include communication towers as an allowed use. Therefore the removal of the tower from this site will eliminate one non-conforming use.

Staff has the following concerns with the proposal:

1. Since the function of the two towers can now be accomplished with the one tall tower please justify why the taller tower should be moved to the 25 1/2 Road site instead of just leaving it in place and removing the smaller tower. The 24 1/2 Road site seems more appropriate for the tower location since the area around the 25 1/2 Road site is starting to develop residentially.
2. The access easement to the 25 1/2 Road site all the way to Patterson Road seems unnecessary, especially since Dewey Place has been improved. The City would like to see the Patterson Road access eliminated to further the goal of limiting access onto an arterial roadway.
3. 30' of ROW is necessary for the half section of F 1/4 Road adjacent to this property which the owner has offered to dedicate.
4. How does the owner propose to deal with complaints of interference to surrounding electronic equipment? Does the higher tower greatly increase the likelihood of there being problems?
5. Does the increased height of the tower greatly increase the amount of electromagnetic energy emitted from the facility?
6. The existing 206' tower would be confined within the property boundaries if it were to fall. However, the 434' tower would not. The supplemental materials provided indicate that such structural failure is very rare and if it does happen the guy wires usually prevent sections of tower from traveling far since they act as "leashes". Please expand on that specific to this proposal and show it graphically if possible.

**STAFF RECOMMENDATION:**

Staff will make a recommendation upon reviewing the petitioner's response to comments.

STAFF REVIEW

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FILE: #FPA-95-120  
DATE: July 26, 1995  
STAFF: Kathy Portner  
REQUEST: Revised Final Plan--Radio Tower  
LOCATION: 25 1/2 Road, North of F Road  
APPLICANT: Mustang Broadcasting Company

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EXISTING LAND USE: Radio Tower--206' high

PROPOSED LAND USE: Radio Tower--434' high

SURROUNDING LAND USE:

NORTH: Agricultural  
SOUTH: City Soccer Fields and Multi-family Residential  
EAST: Agricultural  
WEST: Undeveloped Multi-family Residential

EXISTING ZONING: PB (Planned Business)

PROPOSED ZONING: PB (Planned Business)

SURROUNDING ZONING:

NORTH: Mesa County AFT (Agricultural/forestry transitional)  
SOUTH: PR-18 (Planned Residential, 18 units per acre)  
EAST: Mesa County AFT  
WEST: PR-18

---

RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area.

STAFF ANALYSIS:

Mustang Broadcasting Company is proposing to replace an existing 206' high radio broadcast antenna with a 434' tower at their site north of F Road and east of 25 1/2 Road. In 1984 the

site was rezoned from RSF-4 to PB (Planned Business) to allow for the future construction of a radio station/office facility. At the time of the rezone the 206' tower and concrete block transmitter building was in existence and was a non-conforming use. Although the PB designation isn't appropriate for the broadcast tower because communication towers are not allowed in any of the business zones, staff is assuming that at the time of the rezone to PB it was assumed that the use was allowed in the zone. Therefore, to increase the height of the tower approval of a revised plan for the site is required.

The 434' tower to be moved to this site is currently located on a 3 1/2 acre site on 24 1/2 Road north of Patterson Road. That site was recently zoned PB as a part of the Northwest Enclave Annexation. As agreed to by the owner of the site, the PB zoning approval did not include communication towers as an allowed use. Therefore the removal of the tower from this site will eliminate one non-conforming use.

Staff had the following concerns for the petitioner to respond to. The petitioners response to each concern is included.

1. Since the function of the two towers can now be accomplished with the one tall tower please justify why the taller tower should be moved to the 25 1/2 Road site instead of just leaving it in place and removing the smaller tower. The 24 1/2 Road site seems more appropriate for the tower location since the area around the 25 1/2 Road site is starting to develop residentially.

Response--The 24 1/2 Road site is suited to much higher land use development because of its frontage on 24 1/2 Road and the availability of infrastructure. The 25 1/2 Road site has limited access and does not have infrastructure available in close proximity. The existing ground antenna system at the 25 1/2 Road site is superior.

2. The access easement to the 25 1/2 Road site all the way to Patterson Road seems unnecessary, especially since Dewey Place has been improved. The City would like to see the Patterson Road access eliminated to further the goal of limiting access onto an arterial roadway.

Response--The petitioner has agreed to terminate its private easement rights across lands fronting Patterson Road if access to the tower site from Dewey Place can be confirmed.

3. 30' of ROW is necessary for the half section of F 1/4 Road adjacent to this property which the owner has offered to dedicate.

Response--The petitioner reconfirmed a commitment to dedicate a 30' right-of-way along the north boundary of the tower site for F 1/4 Road. The petitioner also asked for assurances that as long as the site was used for the tower that the owner would not be required to pay for F 1/4 Road improvements.

The road improvements will not be required for this development. However, the City cannot guarantee that the petitioner's property would never be a part of a surrounding

property owner initiated improvements district to improve F 1/4 Road.

4. How does the owner propose to deal with complaints of interference to surrounding electronic equipment? Does the higher tower greatly increase the likelihood of there being problems?

Response--The petitioner has responded that the increased tower height will not increase the likelihood of interference with surrounding electronic equipment. The FCC regulates installation and requires the operator to respond to complaints of interference.

5. Does the increased height of the tower greatly increase the amount of electromagnetic energy emitted from the facility?

Response--The increased height of the tower will not increase the amount of electromagnetic energy emitted from the facility.

6. The existing 206' tower would be confined within the property boundaries if it were to fall. However, the 434' tower would not. The supplemental materials provided indicate that such structural failure is very rare and if it does happen the guy wires usually prevent sections of tower from traveling far since they act as "leashes". Please expand on that specific to this proposal and show it graphically if possible.

Response--The petitioner's engineer reported that a tower failure is highly unlikely. But if it were to fail, the tower would fall in sections with the sections still being attached to cables. The petitioner will provide more information on this at the hearing.

#### STAFF RECOMMENDATION:

Staff recommends approval of the revised final plan to allow the replacement of the 206' tower with a 434' tower with the following conditions:

1. 30' of right-of-way be dedicated along the north side of the property for F 1/4 Road as proposed by the petitioner.
2. Access to the tower site be from Dewey Place and the private easement south of Dewey Place to Patterson Road be terminated.
3. The petitioner will respond promptly to complaints of interference to surrounding electronic equipment.

#### RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item #FPA-95-120, a revised final plan for the radio tower, I move we approve the final plan to increase the tower height subject to staff recommendation.

STAFF REVIEW

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FILE: #FPA-95-120  
DATE: August 10, 1995  
STAFF: Kathy Portner  
REQUEST: Revised Final Plan--Radio Tower  
LOCATION: 25 1/2 Road, North of F Road  
APPLICANT: Mustang Broadcasting Company

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EXECUTIVE SUMMARY:

Appeal by an adjacent property owner of a Planning Commission decision to approve the replacement of an existing 206' broadcast tower with a 434' broadcast tower at 25 1/2 Road, north of F Road.

EXISTING LAND USE: Radio Tower--206' high

PROPOSED LAND USE: Radio Tower--434' high

SURROUNDING LAND USE:

NORTH: Agricultural  
SOUTH: City Soccer Fields and Multi-family Residential  
EAST: Agricultural  
WEST: Undeveloped Multi-family Residential

EXISTING ZONING: PB (Planned Business)

PROPOSED ZONING: PB (Planned Business)

SURROUNDING ZONING:

NORTH: Mesa County AFT (Agricultural/forestry transitional)  
SOUTH: PR-18 (Planned Residential, 18 units per acre)  
EAST: Mesa County AFT  
WEST: PR-18

---

RELATIONSHIP TO COMPREHENSIVE PLAN:

No Comprehensive Plan exists for this area.

## STAFF ANALYSIS:

Mustang Broadcasting Company is proposing to replace an existing 206' high radio broadcast antenna with a 434' tower at their site north of F Road and east of 25 1/2 Road. In 1984 the site was rezoned from RSF-4 to PB (Planned Business) to allow for the future construction of a radio station/office facility. At the time of the rezone the 206' tower and concrete block transmitter building was in existence and was a non-conforming use. Although the PB designation isn't appropriate for the broadcast tower because communication towers are not allowed in any of the business zones, staff is assuming that at the time of the rezone to PB it was assumed that the use was allowed in the zone. Therefore, to increase the height of the tower approval of a revised plan for the site is required.

The 434' tower to be moved to this site is currently located on a 3 1/2 acre site on 24 1/2 Road north of Patterson Road. That site was recently zoned PB as a part of the Northwest Enclave Annexation. As agreed to by the owner of the site, the PB zoning approval did not include communication towers as an allowed use. Therefore the removal of the tower from this site will eliminate one non-conforming use.

Staff had the following concerns for the petitioner to respond to. The petitioners response to each concern is included.

1. Since the function of the two towers can now be accomplished with the one tall tower please justify why the taller tower should be moved to the 25 1/2 Road site instead of just leaving it in place and removing the smaller tower. The 24 1/2 Road site seems more appropriate for the tower location since the area around the 25 1/2 Road site is starting to develop residentially.

Response--The 24 1/2 Road site is suited to much higher land use development because of its frontage on 24 1/2 Road and the availability of infrastructure. The 25 1/2 Road site has limited access and does not have infrastructure available in close proximity. The existing ground antenna system at the 25 1/2 Road site is superior.

2. The access easement to the 25 1/2 Road site all the way to Patterson Road seems unnecessary, especially since Dewey Place has been improved. The City would like to see the Patterson Road access eliminated to further the goal of limiting access onto an arterial roadway.

Response--The petitioner has agreed to terminate its private easement rights across lands fronting Patterson Road if access to the tower site from Dewey Place can be confirmed.

3. 30' of ROW is necessary for the half section of F 1/4 Road adjacent to this property which the owner has offered to dedicate.

Response--The petitioner reconfirmed a commitment to dedicate a 30' right-of-way along the north boundary of the tower site for F 1/4 Road. The petitioner also asked

for assurances that as long as the site was used for the tower that the owner would not be required to pay for F 1/4 Road improvements.

The road improvements will not be required for this development. However, the City cannot guarantee that the petitioner's property would never be a part of a surrounding property owner initiated improvements district to improve F 1/4 Road.

4. How does the owner propose to deal with complaints of interference to surrounding electronic equipment? Does the higher tower greatly increase the likelihood of there being problems?

Response--The petitioner has responded that the increased tower height will not increase the likelihood of interference with surrounding electronic equipment. The FCC regulates installation and requires the operator to respond to complaints of interference.

5. Does the increased height of the tower greatly increase the amount of electromagnetic energy emitted from the facility?

Response--The increased height of the tower will not increase the amount of electromagnetic energy emitted from the facility.

6. The existing 206' tower would be confined within the property boundaries if it were to fall. However, the 434' tower would not. The supplemental materials provided indicate that such structural failure is very rare and if it does happen the guy wires usually prevent sections of tower from traveling far since they act as "leashes". Please expand on that specific to this proposal and show it graphically if possible.

Response--The petitioner's engineer reported that a tower failure is highly unlikely. But if it were to fail, the tower would fall in sections with the sections still being attached to cables. The petitioner will provide more information on this at the hearing.

#### STAFF RECOMMENDATION:

Staff recommends approval of the revised final plan to allow the replacement of the 206' tower with a 434' tower with the following conditions:

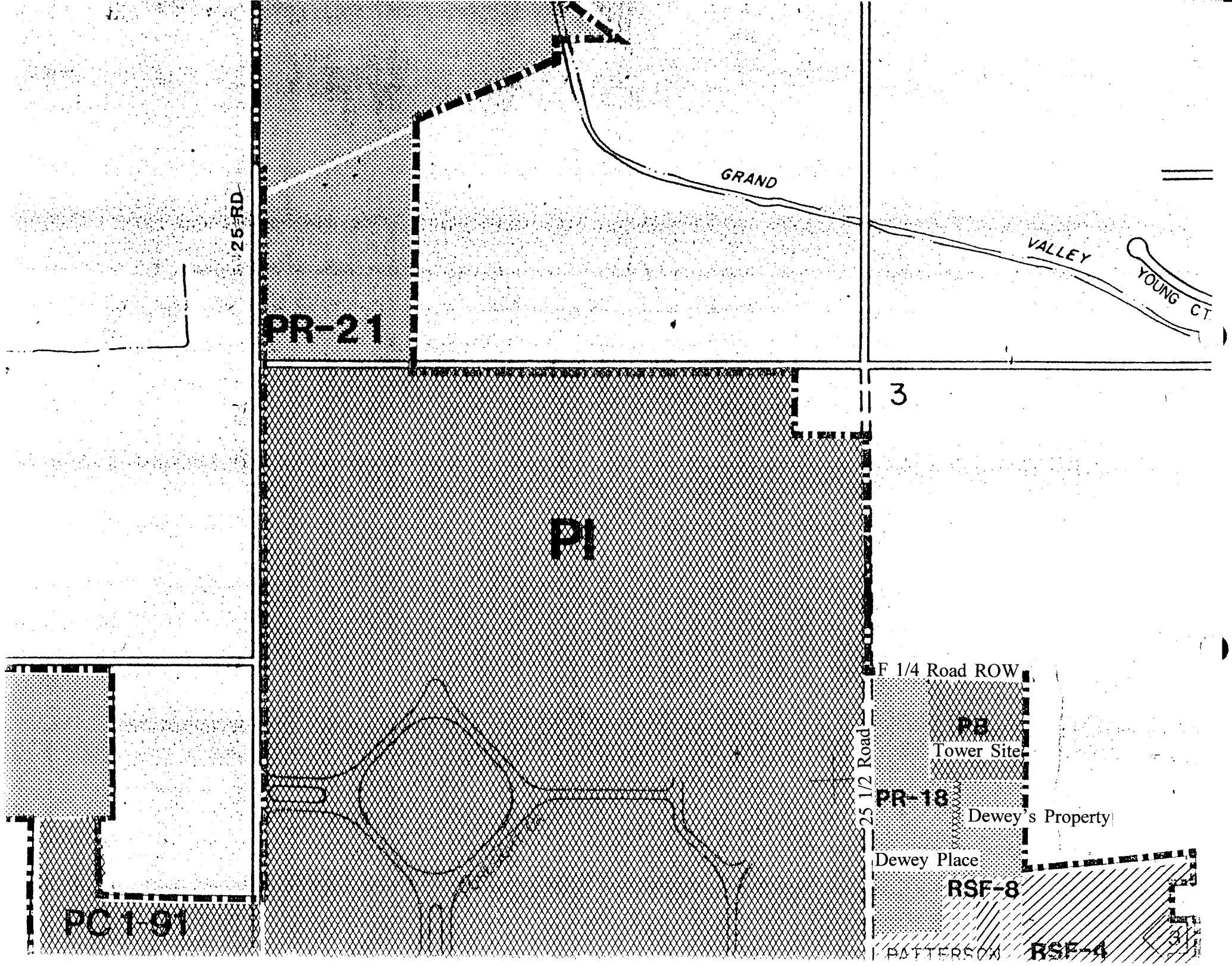
1. 30' of right-of-way be dedicated along the north side of the property for F 1/4 Road as proposed by the petitioner.
2. Access to the tower site be from Dewey Place and the private easement south of Dewey Place to Patterson Road be terminated.
3. The petitioner will respond promptly to complaints of interference to surrounding electronic equipment.

#### PLANNING COMMISSION DECISION:



At their August 1, 1995 hearing, the Planning Commission approved the revised plan to allow the increased tower height by a vote of 5-1.

**The Planning Commission decision has been appealed by Richard Dewey, the owner of property to the south of the tower site that currently has City soccer fields on it. Mr. Dewey is concerned that the taller tower will negatively impact the development potential of his property if it is ever developed in the future.**



25 RD

PR-21

GRAND

VALLEY

YOUNG CT

3

PI

F 1/4 Road ROW

PB

Tower Site

PR-18

Dewey's Property

Dewey Place

RSF-8

PC 191

PATTERSON

RSF-4

To: larryt  
Cc: johns  
From: Kathy Portner  
Subject: radio towers  
Date: 5/09/95 Time: 4:59p

I'd like to summarize our discussion on the status of the radio towers at 24 1/2 Road, north of Patterson (site 1) and east of 25 1/2 Road, north of Patterson (site 2). Communication towers are allowed in the C-2, I-1 and I-2 zones and require a Conditional Use Permit in the H.O. zone and Public Zone.

Site 1 was recently zoned PB (Planned Business) as a part of the Northwest Enclave Annexation. The property was zoned AFT prior to the annexation. The AFT zoning allows communication towers with a Conditional Use Permit. It is not clear if a CUP was ever issued for the radio tower by the County. The Planned Business zoning applied by the City to the property, as agreed upon by the owner, does not include communication towers as an allowed use in the zone. So, the radio tower at site 1 is legally non-conforming.

Site 2 was rezoned from RSF-4 to PB (Planned Business) in 1984 (City Development File #13-84) to allow for the future construction of a radio station/office facility on the site. At the time of the proposed rezone the 200' radio tower and concrete block transmitter building was in existence. The facility was a non-conforming use in the RSF-4 zone. It is not clear if the tower ever had any kind of formal approval in previous zoning.

The zoning ordinance for the PB zoning did not list specific approved uses; however, the approved site plan showed the proposed new office building and the existing communication tower. Technically the tower probably should not have been approved in a PB zone because communication towers are not allowed in any of the business zones but it appears it might have been.

The owner of both towers has requested that we allow the taller tower at site #1 to be moved to site #2 to replace the tower at site #2. My understanding is that we decided that since the shorter tower to be replaced is in a PB zone that to increase the height of the tower a revision to the final plan would be required. That review would include a hearing before Planning Commission.

Let me know if this is how you remember the decision. I assume I should then put this in writing to Kirk Rider.

**Suffa and Cavell, Inc.**

Garrison C. Cavell  
Joseph M. Davis, P.E.  
Robert M. Gates  
Dennis L. Kronenberg  
Richard H. Mertz  
Curtis L. Perryman  
J. Michael Perryman  
William P. Suffa, P.E.

**Consulting Engineers**  
10300 Eaton Place  
Suite 450  
Fairfax, VA 22030

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Office Line 703-591-0110  
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D.C. Line 202-332-0110

June 30, 1995

Mr. Paul F. Fee  
Mustang Broadcasting Company  
715 Horizon Drive, Suite 430  
Grand Junction, CO 81506

Dear Mr. Fee:

This is in response to your inquiry regarding various issues that should be considered when exploring the feasibility of consolidating your transmitting operations in Grand Junction. Specifically, you are contemplating the relocation of Radio Station KQIL(AM)/KQIX(FM) to the KEXO(AM) site. As requested, permission is herewith granted for the release and sharing of this correspondence with the City of Grand Junction.

First, with respect to the roadway and pedestrian traffic impact of the proposed combined facility, it is believed that there will be no material change from that presently experienced. The transmitting facility will be unattended, typically requiring only periodic visits<sup>1</sup> by a single individual for routine maintenance and equipment checks; additional visits may be necessitated in instances where equipment malfunctions require attention before the next scheduled visit (ie: emergency repairs). Such "emergencies" are infrequent with modern broadcast equipment.

The nature of the proposed operation is believed to have low (little) impact with respect to surrounding community, and will certainly not substantially increase the impact presently being experienced with the existing KQIL facility. Other than the proposed extension of the tower, little additional space will be required for housing the additional equipment items. A small expansion of the existing enclosure should be sufficient.

Further, this facility does not, and will not in its modified form, consume water, will not require sewerage service, does not emit smoke, vapor or fumes (ie: has no smoke stacks, intentional combustion processes, or routine use of large volumes of hazardous chemicals).

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<sup>1</sup> usually no more than once a week, and perhaps as little as once a month for a period of one-half hour to eight hours, except during the facility installation/modification

Regarding public safety, there are three areas for consideration: a) structural safety of the tower and buildings, b) protection of the general public from electromagnetic energy, and c) protection of the general public from accidental shocks and burns.

While this firm is in the business of electrical rather than structural engineering, we can draw upon our many years of experience and knowledge of the industry to point out that structural failures of properly designed, properly maintained towers are extremely rare<sup>2</sup>. Any such failures are usually provoked, that is to say they are usually caused by tornados, impact of the tower or its ancillary equipment by vehicles, or outright vandalism. The latter two concerns can be largely forestalled through the use of suitable (small) post barriers and/or fencing. Further, industry experience suggests that any failure of a "guyed" tower generally results in the tower falling well within the radius of the involved guy wire anchors.<sup>3</sup>

Regarding the matter of electromagnetic energy, it is well known that radio stations emit electromagnetic energy (radio waves) in the course of broadcasting to the public. As charged by Congress, the Federal Communications Commission ("FCC") strictly regulates such radio and television stations, thus any proposal for changes in any operation must be submitted to that agency for review and approval prior to the commencement of construction.<sup>4</sup> Accordingly, the proposed operation will be evaluated by the FCC for, among other things, the potential for excessive human exposure to radiofrequency energy (pursuant to 47 CFR §1.1307(b) of the FCC's Rules.) A federal construction permit will not be issued unless the requirements are satisfied.

Specifically, the applicant must demonstrate to the FCC, using the procedures outlined by that agency in its publication OST Bulletin No. 65 ("OST 65") that the facility meets established safety standards. OST 65 describes a means of determining whether a proposed facility exceeds the radiofrequency exposure guidelines adopted in the ANSI guideline

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<sup>2</sup> It should be noted that the insurance carriers of the tower design/specification firm, the tower manufacturer, the tower erection company, and the proponent will require that the tower alteration and installation be done in accordance with nationally recognized and publicized standards.

<sup>3</sup> The guy wires usually prevent sections of tower from traveling far since they act as "leashes"

<sup>4</sup> Furthermore, the FCC closely collaborates with the Federal Aviation Administration ("FAA") and the Environmental Protection Agency ("EPA") regarding the regulation and control of such stations.

limits.<sup>5</sup> Under present FCC policy, a facility may be presumed to comply with the ANSI guideline if it satisfies the exposure criteria set forth in OST 65. If a proposed transmitting system does not comply with the adopted guidelines of ANSI C95.1-1982, a permit to construct the facility will not be issued by the FCC, absent a compelling public interest or a specific requirement that the site be measured for compliance. (Typically, actual measurements of the radio energy show exposure levels as being lower than the levels predicted to exist using the conservative methods described above.)

Such compliance also requires that the proponent limit access to the tower itself through the use of a locked fence. This also effectively addresses the potential for casual shock and burns (which could occur if someone accidentally touched the tower while it was in use). Additionally, appropriate, albeit small, warning signs must be posted at ground level on the fence to warn members of the general public, not unlike that posted at conventional power company stations.

Another matter of concern is the potential for the proposed joint facility to create interference to consumer electronic equipment (ie: radios, televisions, etc.) in the vicinity of the station. Such interference to neighboring homes and businesses is also governed by the FCC. Specifically, FCC Policy and 47 CFR §73.88 and 73.318 address such matters and requires that a licensee resolve instances of interference to the extent described. Further, *Mustang Broadcasting* will probably want to embrace a "good neighbor policy" and resolve any such instances of its own accord. Finally, it may also be argued that the aggregate interference may be lessened under this proposal as one nexus of potential problems (the existing KQIL tower) is being combined with an existing tower operation, which is understood to be less densely populated with homes or businesses.

A question was raised regarding the extent of cabling being placed upon the ground, the possible heating effects, etc. Typically, no cables or wires will be permanently placed upon the ground in such an installation. Any cables and wires that may be employed are usually buried well below the frost line (in conduit) to protect them from damage. In this same vein, the existing station employs an extensive grounding system consisting of a number of wires (extending out from the tower base) which are buried below the frost line. The proposed operation will continue to employ this grounding system. No major augmentations are expected to be necessary; any that are required will be installed below ground and within the existing property limits. Furthermore, these grounding wires do not normally carry sufficient

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<sup>5</sup> The "Radio Frequency Protection Guides" recommended in "American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz" (ANSI C95.1-1982), issued by the American National Standards Institute (ANSI), have been adopted by the FCC as the maximum allowable exposure level for humans in the vicinity of transmitting antennas.

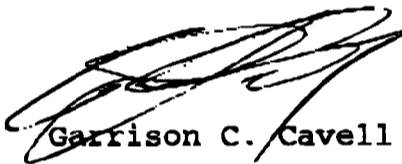
electrical currents to create thermal heating. The aforementioned cables, if properly sized and installed, will also not create any meaningful thermal effects.

Regarding power supply requirements, the local electric company in concert with a qualified power engineer and local electrical contractor are your best source for information about your particular installation. However, based upon our experience in similar circumstances, it is expected that the worst case impact might involve the "changing out" of transformers on a nearby power pole and increasing the diameter of the power company wiring feeding your building.


One final thought. Most jurisdictions seem to prefer the consolidation of facilities to minimize the proliferation of towers. Since your proposed combined operation would occur near a television station tower, your proposal would have such a desirable effect. The FCC also embraces such consolidations (Note 1 of 47 CFR §1.1306(b) states that the use of existing towers and buildings, such as in the case at hand, is environmentally desirable).

We trust that this preliminary information has been responsive to your questions and concerns. Should you need additional information or particular studies, please feel free to call.

Sincerely,



Garrison C. Cavell



William P. Suffa, P.E.

JBI Associates, Inc.  
2324 N. Seville Circle  
Grand Junction, Colorado 81506-8455

July 20, 1995

Grand Junction Planning Commission  
250 N. 5th  
Grand Junction, CO 81501

RE: 25½ Road Tower Site

Dear Commission Members:

JBI Associates owns the property adjoining the Mustang Broadcasting tower site on the west and extending further south along 25½ Road. We have reviewed Mustang's proposal to increase the height of the existing tower at the facility from 206 feet to 434 feet, and we have examined the 24½ Road tower which is proposed for this purpose. JBI Associates has no objection to this increased tower height and to the final plan amendment being presented to you. From an aesthetic standpoint, as well as from a safety, noise, and traffic standpoint, this land use is less objectionable than many permitted uses, at least in our opinion. Please contact me if you have any questions.

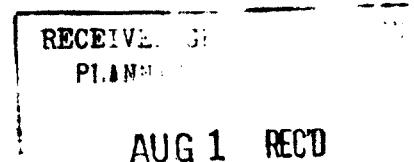
Very truly yours,

JBI ASSOCIATES, INC.

By 

JBI/pll

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**YOUNGE & HOCKENSMITH**  
PROFESSIONAL CORPORATION

DAN G. GRIFFIN  
KIRK RIDER  
RONALD W. GIBBS  
EARL G. RHODES  
YEULIN V. WILLETT

OF COUNSEL  
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ATTORNEYS AT LAW

200 GRAND AVENUE, SUITE 500

P. O. BOX 1768

GRAND JUNCTION, COLORADO 81502-1768

970-242-2645 FAX 970-241-5719

BRENT A. CARLSON \*  
DOUGLAS E. BRIGGS  
J. MARTELLE DANIELS  
KEVIN R. KENNEDY \*

\* ALSO ADMITTED IN CALIFORNIA

July 20, 1995

Kenneth M. and Hilda L. Hetzel  
514 River View Drive  
Grand Junction, CO 81503-1414

RE: Mustang Broadcasting Tower Change

Dear Mr. and Mrs. Hetzel:

It was nice to see you again last week when Paul Fee spoke to the neighbors surrounding his broadcast site. I have enclosed page one of the City's review comments, in which the FM Road right-of-way dedication is discussed. I believe this should satisfy the wish you expressed to have this right-of-way dedicated to make sewer available more economically. I do confirm to you that the 30' right-of-way will be granted along the entire northern edge of the tower site property.

The City Planning staff has expressed some minor concerns about the tower height increase. We would be very grateful if you would send to the City Planning Commission a letter stating that you do not object to this tower height increase. I have enclosed a sample of such a letter if you would like to make use of it. I thank you very much for your cooperation and I ask that you give me a call if you have any questions.

Very Truly Yours,

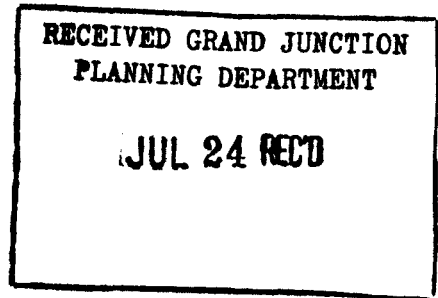
YOUNGE & HOCKENSMITH,  
Professional Corporation

By  
Kirk Rider

KR:pl1  
Encl.  
xc: Mustang Broadcasting Company  
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KENNETH M. HETZEL AND HILDA L. HETZEL  
514 RIVER VIEW DR.  
GRAND JUNCTION, COLORADO 81503

JULY 24, 1995



Grand Junction Planning Commission  
250 N. 5th  
Grand Junction, Co. 81501

RE: Mustang Broadcasting 2512 Road Tower Site

Dear Commission Members:

Our twenty eight acre property lies directly north and east of the Mustang Broadcasting tower site. We have met with Paul Fee of Mustang Broadcasting and discussed his plans to increase the tower height.

We have two concerns to the relocation of the higher tower. We are planning to develop our property as residential property and have been told by the city that we would need to go out of our development on the south with F 14 road. Mr. Fee has assured us that he will dedicated 30 ft. of right away to the city for that purpose. Our other concern is that the tower will not interfere with television or satellite signals, or any other interference problems that the tower may cause to a residential setting. We do not feel that the tower itself is a problem as the present 2412 road sight is not very noticeable. If these two items are addressed satisfactorily, we have no objection to the relocation of the 2412 road tower.

Very Truly Yours,

*Kenneth M. Hetzel*  
Kenneth M. Hetzel

*Hilda L. Hetzel*  
Hilda L. Hetzel

26 July 1995

Younge & Hockensmith  
P O Box 1768  
Grand Junction, Colorado 81502-1768

Attn: Mr. Kirk Rider

Re: 443 foot Broadcast Tower  
Grand Junction, Colorado

Dear Mr. Rider:

I have studied data gathered from approximately 20 guyed tower collapses and that information, combined with tower design engineering experience and judgment, is the basis for opinions stated in this letter.

One of the main reasons for a building code is to provide life safety for the occupants of a building. This concern for life safety would also apply to vehicular or pedestrian traffic near a building. In the case of an unoccupied structure, such as a bridge, a transmission tower, a guyed tower, a light standard or a self-supporting tower, obviously the primary concern is for passersby. The structural design criteria in any building code is to help insure the safety of the occupants or passersby for any structure.

The basic nature of a guyed tower is that of a tall slender structure that is capable of standing only due to the lateral bracing provided by the guy cables. It is extremely unlikely that any guyed tower would be capable of falling straight out the length of the tower; in fact, it would be extremely difficult to intentionally cause a tower to do so. In photographs that I have seen and reports that I have read concerning tower collapses, it is extremely rare that any piece of the structure is found outside of a radius, from the base of the tower, greater than 20 to 30 percent of the height of the tower. In fact, I have never read a report that indicated a portion of the tower was found at a distance greater than 50 percent of the height of the tower from the base of the tower. The nature of a guyed tower structure is such that, in the event of any type of failure, the fall radius of the tower can reasonably be expected to be significantly less than 50 percent of the height of the tower.

To flatly certify that a particular guyed tower will not have any portion of the tower fall outside a radius of 50 percent of the height of the tower during a collapse is not impossible. There is no such thing as an absolute guarantee on structural failures when it comes to the whims of nature. However, with a guyed tower the odds of any portion of the tower structure falling outside a radius of 50 percent of the height of the tower from the base of the tower are so small it is probably the closest thing to a guarantee for any type of structural failure.

Mr. Kirk Rider  
443 foot Broadcast Tower  
Grand Junction, Colorado

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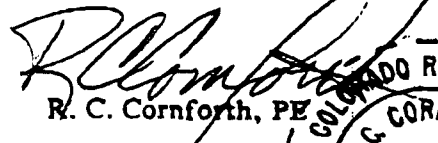
26 July 1995

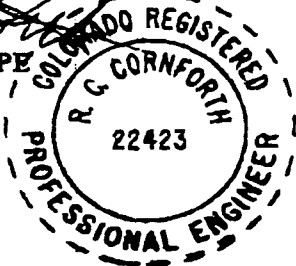
The design of a guyed tower by a qualified professional engineer will follow the building code requirements as well as the ANSI/EIA Standard for the design of a guyed tower. These standards provide for a tower structure with a structural safety factor equivalent to or greater than the minimum safety factor required for building structures. In my opinion, zoning ordinances governing the location of a guyed tower should not be based on the premise that it will collapse but on the premise that it is a properly designed structure. Using the collapse data from tower failures and the assurances of a properly designed tower, a location with a 50 percent fall radius requirement should be adequate.

In my opinion, all the safeguards are built into the approval process to give reasonable assurance that any structure including a guyed tower is safe. The particular site being proposed for the 443 foot guyed tower for Grand Junction, Colorado is a site that contains a 50 percent tower fall radius.

Respectfully submitted,

CORNFORTH ASSOCIATES

  
R. C. Cornforth, PE



22423

RCC/js  
Fallltr.rev

SPIECKER, HANLON & GORMLEY

ATTORNEYS AT LAW

FRANK F. SPIECKER  
CLAY E. HANLON  
JOHN P. GORMLEY

TELEPHONE: (303) 243-1003  
FACSIMILE: (303) 243-1011

August 3, 1995

RECEIVED GRAND JUNCTION  
PLANNING DEPARTMENT

AUG 3 REC'D

City Council  
City of Grand Junction  
Attn: Community Development Department Staff  
250 North 5th Street  
Grand Junction, CO 81501

Re: FPA-95-120 (Final Plan Amendment - Mustang Broadcasting)

Gentlemen and Ladies:

Enclosed herewith is the appeal as signed by Richard F. Dewey with respect to the above matter. This appeal is being filed on the basis that the Planning Commission arbitrarily approved the moving and relocation of the 450 foot radio tower without proper consideration of very important factors.

The primary factor is the expanded use and adverse economic effect on property values in the immediate area of the proposed relocation. The 450 foot tower as presently located near Mesa Mall is in a very commercial area and does not need to be moved to serve its purpose.

It is my understanding that this matter is set for consideration by the City Council on the evening of Wednesday, August 16, 1995.

Sincerely,

  
Frank F. Spiecker

FFS:mks  
Enclosure  
cc: Mr. Richard F. Dewey

DAN G. GRIFFIN  
KIRK RIDER  
RONALD W. GIBBS  
EARL G. RHODES \*  
YEULIN V. WILLETT

**YOUNGE & HOCKENS**  
PROFESSIONAL CORPORATION

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743 HORIZON COURT, SUITE  
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SEL  
YOUNGE  
KENS SMITH

BRENT A. CARLSON †  
DOUGLAS E. BRIGGS  
J. MARTELLE DANIELS  
KEVIN R. KENNEDY †  
ANDREW G. OH-WILLEKE ‡  
ANGELA M. LUEDTKE

\* ALSO ADMITTED IN UTAH  
† ALSO ADMITTED IN CALIFORNIA  
‡ ADMITTED ONLY IN NEW YORK

*Planning Clearance  
Can be issued for  
tower & small  
building  
- Quit ~~claim~~ deed for easement must  
be recorded.  
- Quit claim deed for  
F 1/4 Rd ROW to be held  
pending Fall Valley approval  
JK*

September 7, 199\_

Kathy Portner  
Acting Director  
Community Development Dept.  
CITY OF GRAND JUNCTION  
250 N. 5th Street  
Grand Junction, CO 81501

RE: Mustang Broadcasting 25 1/2 Road Tower Site/Planning Clearance

Dear Kathy:

We have delivered to you two instruments on behalf of Mustang Broadcasting Company to meet the requirements imposed by the City in approving the radio antenna height increase on this parcel. The first instrument is a quitclaim deed of Mustang's private easement rights running south from its property line to F Road. This deed is ready for recording, and we'll pay the recording costs if that is required.

The second conveyance is being delivered conditionally. At the time the tower height increase was approved, one requirement of the City was the dedication of 26 feet along the north boundary of the Mustang Broadcasting parcel, which would constitute 50% of F 1/4 Road if it were built. Since that time, however, a development plan has been presented for property adjoining the Mustang Broadcasting property to the north. That plan calls for F 1/4 Road to actually run through the adjoining parcel rather than along the Mustang Broadcasting property line. If that development plan or a similar one is approved, no half road dedication along the Mustang Broadcasting property line would be necessary.

I've discussed this with Dan Wilson and with you, and we have agreed that this conveyance will not be recorded for a period of two years, while the adjoining development

Kathy Portner  
September 7, 1996  
Page (2)

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works its way through the planning process. If the street scheme contained in the plan is approved within that time, the Mustang Broadcasting deed will be returned to us unrecorded. It might be well to attach a copy of this letter to the deed in your files so that it isn't inadvertently recorded. Thanks for your help and cooperation.

Very Truly Yours,

YOUNGE & HOCKENSMITH,  
Professional Corporation

By   
Kirk Rider

KR:pll

Encl.

xc: Mustang Broadcasting  
Dan E. Wilson, City Attorney

G:\DATA13\13070010\CITY.LTR

September 29, 1995

Paul Fee  
Mustang Broadcasting Company  
715 Horizon Drive, Suite 430  
Grand Junction, CO 81506

RE: File #FPA-95-120

Dear Mr. Fee:



Grand Junction Community Development Department  
Planning • Zoning • Code Enforcement  
250 North Fifth Street  
Grand Junction, Colorado 81501-2668  
(970) 244-1430 FAX (970) 244-1599

This is in follow-up to your application for a revised final plan to increase the height of the radio tower at 25 1/2 Road north of F Road. The request was approved by Planning Commission and City Council. The approved tower height is not to exceed 450'. Other conditions of approval are as follows:

1. 30' of right-of-way shall be dedicated along the north side of the property for F 1/4 Road as proposed by the petitioner.
2. Access to the tower site be from Dewey Place and the private easement south of Dewey Place to Patterson Road be terminated.
3. The petitioner will respond promptly to complaints of interference to surrounding electronic equipment.
4. Weeds shall be kept at or below 2' throughout the site and/or the height required by the City Weed Ordinance, whichever is more restrictive.
5. The plan is limited to the tower and the technical accessories or structures.

A Planning Clearance for Building Permit will be required for construction of the new tower on the site. Prior to issuance of the Planning Clearance, the 30' of right-of-way must be dedicated to the City of Grand Junction by Warranty Deed and proof of termination of the access easement to Patterson Road provided.

If you have questions, please call me at 244-1446. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Katherine M. Portner".

Katherine M. Portner  
Planning Supervisor

xc: Kirk Rider