

City of Westminster Telecommunications Permit: A Guide for Applicants

Thank you for your interest in developing new (or making changes to existing) telecommunications facilities in the City of Westminster!

To Get Started:

Please contact the Planning Division and ask to be setup as a Professional User in our Online Permitting system, (known as eTRAKiT). Once set up, login to this application on our website, and then select the appropriate type of Telecommunications Permit from the choices listed in the PERMIT Type drop-down menu. The possible telecommunication permit choices are:

- **Telecom Private Property** (Any property owned by a private entity)
- **Telecom City Property** (Any property owned by the City – EXCLUDING City-owned Rights-of-Way)
- **Telecom Right of Way** (Any eligible City-owned Right-of-Way) (for ABOVE-GROUND small cell installations only—see more information on page 4)

Fill out all of the applicable screens in the online permit application form, and upload all required attachments. ***Incomplete Applications will not be processed.*** At the end of the application process, payment of fees shall be required (see “Fees,” below); online payment may be made via charge card or check. *(Note: there will be a 2.85% service fee assessed on charge card payments.)*

Fees:

All fees are non-refundable, and are based on permit type, as follows:

- **Private Property:** Review Fee: \$250
- **City Property:** Investigation Fee: \$250 (TUPP, Stage 1)
Review Fee: \$2,500 (TUPP, Stage 2)
(Note: the Stage 2 Review Fee is a deposit only; more costs may be incurred from City’s legal consultant)
- **Right-of-Way:** Review Fee: \$500 (includes a Telecommunications Permit, a ROW Permit, and Building Permit for a final electrical inspection)

Checklist of Items Needed for Complete Submittals:

The following items are needed for a complete submittal, broken down by submittal type:

Private Property:

- **Make online application for “TELECOM PRIVATE PROPERTY” (TPRI) Permit using eTRAKiT** (*Westminster Municipal Code (WMC) §11-16-6(A)(1)*)
- **Submittal Fees** (*WMC §11-16-6(A)(1)*)

- **Proof of Ownership Authorization** (*Property and Tower*)
- **Proof of Agent Authorization** (*to act on Carrier's behalf*)
- **Applicant Certifications** (*Federal Requirements, Radio Frequency Standards, Legal Access, Operation and Maintenance, Abandonment and Removal*) (WMC §11-16-4(1)(2)(4)(5) and (6))
- **Signal Interference Letter** (WMC §11-16-4(3) and 11-16-6(A)(1))
- **Scaled Site Plan Drawing(s)** (WMC §11-16-6(A)(1))
- **Scaled Elevation Drawing(s)** (WMC §11-16-6(A)(1))
- **Photo Simulations** (WMC §11-16-6(A)(1))
- **Supporting Drawings, Calculations, and other Documentation** signed and sealed by appropriate qualified professionals showing locations and dimensions of all planned improvements, tower/facility height, setbacks, access drives, parking, fencing, landscaping, drainage, adjacent uses, topography, radio frequency coverage, and any other information deemed by the City Manager to be necessary to assess compliance with Section 11-16 of the Westminster Municipal Code (WMC §11-16-6(A)(1))
- **Inventory of Existing Sites** (WMC §11-16-6(A)(2))
- **SUE (Subsurface Utility Engineering Plan)** submit with application as required by Colorado State Law (SB18-167). (A level "A" or "B" plan is required; please contact Lonnie Henderson at 303-658-2134 for any questions.) *A SUE is required whenever any infrastructure that will cross City utility lines is proposed OR whenever any work is done in the public ROW.*
- **Notice Letter to Adjacent Property Owners** (see template online)

Special Note: For applicants making an **"Eligible Facilities Request"** pursuant to Section §11-16-6(A)(5) of the Westminster Municipal Code, the **Inventory of Existing Sites** shall not be required. The need for other **Supporting Documents** may also be reduced or eliminated, if the other required items are enough to establish that the proposed application, if approved, will NOT result in a Substantial Change (*See Definition of "Substantial Change" in WMC §11-16-2*)

City Property:

- **Make online application for "TELECOM CITY PROPERTY" (TCIT) Permit using eTRAKiT**
- All items required under Private Property (see above);
- Additionally, the application is processed using the "TUPP" (Telecomm Use of Public Property) procedure, as follows:

THE "TUPP" (TELECOMM USE OF PUBLIC PROPERTY) PROCEDURE

A) During the entire course of review and negotiations, the applicant must use one contact person who has full authority to bind the intended facility or equipment owner.

STAGE 1:

B) Complete the Stage 1 online-application request (along with all of the required items under "Private Property") for the use of City (Public) Property for the siting of the new telecommunications facility. This application must be accompanied by payment of a \$250.00 non-refundable Investigation Fee. The Community Development Department will use the information submitted to determine whether the proposed site is available for negotiations.

C) DURING STAGE 1, ALL COMMUNICATIONS SHALL BE DIRECTED TO:

City of Westminster Planning Division
Community Development Department
Attn: Senior Planner David German, AICP
4800 W. 92nd Avenue
Westminster, CO 80031
Phone: 303-658-2479

Email: dgerman@cityofwestminster.us

D) If the applicant's request is denied, a written notification will be provided. A City decision to deny a request is **final** and may not be appealed.

STAGE 2:

E) If the applicant's request receives initial acceptance, a written notification will be provided. To initiate the negotiation and review process, complete the Stage 2 online-application for the use of City (Public) Property for the siting of the new telecommunications facility. This application must be accompanied by payment of \$2500.00. Of this amount, \$500.00 will go to the City as a fee for the City's internal review, while \$2000.00 will be held as a deposit to pay the City's telecommunications legal consultant ("Consultant") as he negotiates a site agreement between the carrier and the City. The City's telecommunications legal consultant is Ken Fellman, Esq., of *Kissinger & Fellman, P.C.*

F) DURING STAGE 2, ALL COMMUNICATIONS SHALL BE DIRECTED TO THE CITY'S CONSULTANT:

KEN FELLMAN, ESQ.
KISSINGER & FELLMAN, P.C.
PTARMIGAN PLACE, SUITE 900
3773 CHERRY CREEK NORTH DRIVE
DENVER, COLORADO 80209
303-320-6100 / toll free 1-877-342-3677
www.kandf.com
kfellman@KANDF.com

G) The Consultant will keep track of all time spent on each negotiation, and if the Consultant's total fees exceed the initial \$2000.00 deposit amount, the applicant will be billed for an additional deposit amount. **No further services will be rendered by the City or the Consultant until such additional amounts are paid.** If the time spent results in a fee of less than the amounts the applicant has deposited, the applicant will receive a refund for the difference at the conclusion of the process.

H) When complete, a final negotiated Site Agreement - signed by the applicant - will be forwarded by the Consultant to the City for final approval by City Council and execution by the City Manager. No final City approval will be scheduled for Council approval until the Consultant is paid in full.

- I) At that time an additional recording fee (usually \$10.00/page) will be due to cover the City's cost of recording a Memorandum of Site Agreement in the County's real property records.
- J) Following approval of the Site Agreement, the applicant shall obtain and pay for all required building permits before commencing onsite preparation or construction.
- K) Prior to commencing commercial operation, the owner of the telecommunications facility will be required to, at their own cost, provide proof of on-site testing by a nationally-recognized rating agency to ensure compliance with all FCC, EPA, and other federal requirements governing RF emissions.

Right-of-Way (ROW):

- **Make application for "TELECOM RIGHT OF WAY" (TROW) Permit using eTRAKiT**
- All items required under Private Property (see above);
- A Pre-Construction Meeting **MUST** be scheduled with the Engineering Inspector before permits will be approved. Please contact Lonnie Henderson at 303-658-2134 for more information.
- Additionally, part of the TROW permit includes a ROW permit component. (The applicant does **not** need to apply for a separate ROW permit—the TROW permit is all-inclusive.) The applicant should furnish Traffic Control Plans (TCPs) as part of their application. *Any company working in the City's public ROW is required to demonstrate possession of a valid Class D (public way contractor) license before any site work may commence.*
- **IMPORTANT:** *This permit-type is **NOT** used for underground-only wire, ethernet, or cable installations. It is only used for above-ground small cell wireless installations. For underground-only installations, contractors should apply for a standard Right of Way (ROW) Permit. Contractors must have Professional login credentials to access this permit-type in eTRAKiT.*

Signal Interference Letter:

One of the required submittal items for all applications is a Signal Interference Letter, defined in the Westminster Municipal Code as follows:

*All WCFs shall be designed and sited so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. **The Applicant shall provide a written statement** from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the City to monitor interference levels with public safety communications during this process. **Additionally, the Applicant shall notify the City** at least ten calendar days prior to the introduction of new service or changes in existing service, and shall allow the City to monitor interference levels with public safety communications during the testing process. (WMC §11-16-4(3))*

Permit Expirations:

Approved permits must be acted upon within 180 days, or shall become null and void with no fees refunded. Please see WMC §11-16-6(A)(10) for additional information.