

## 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 Manager, (also known as eTRAKiT). Once you are 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. Your 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)

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 online permit, you will be asked to remit payment (see “Fees,” below); you may make your online payment via charge card or with a check.

### 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 consultant)
- **Right-of-Way:** Review Fee: \$250 (plus fees for Right-of-Way Permit, see note below)

### Right of Way Note:

***For Telecommunications projects within an eligible City Right-of-Way, both a Telecomm Right-of-Way Permit and an Engineering Right-of-Way Permit are needed, (UNLESS the proposed installation is a valid Micro Wireless Installation, in which case only a Right-of-Way Permit is needed). Also, in most circumstances, there will be recording fees assessed, as well as the initial review/submittal fees. Typical recording fees are \$50 + \$20-per-sheet (for Mylar prints) and \$10 per letter or legal sized sheet (for electronic recording). (The recording fees are assessed once the project is ready for approval and should not be paid in advance.)***

## Checklist of Items Needed for Complete Submittals:

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

### Private Property:

- **Online Application** (WMC §11-16-6(A)(1))
- **Submittal Fees** (WMC §11-16-6(A)(1))
- **Proof of Ownership Authorization** (*Property and Tower*)
  - Authorization Letter: Letter from owner authorizing applicant to apply for the project on behalf of the owner. The letter must follow the City's format and should be on the owner's letterhead. Letter must include owner's full name, title, phone number, and email address. If the applicant is also the owner, this letter is not required.
  - If real property owner is a legal entity, applicant must provide evidence of authorization to sign on behalf of such entity. (*i.e. Articles of Incorporation, Articles of Organization, Operating Agreement, Resolution from the Board of Directors, etc.*)
- **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))

**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:

- 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, you 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  
Community Development Department  
Planning Division  
Attn: Senior Planner David German, AICP  
4800 W. 92nd Avenue  
Westminster, CO 80031  
Phone: 303-658-2479  
**Email: [dgerman@cityofwestminster.us](mailto:dgerman@cityofwestminster.us)**

D) If your request is denied, you will be sent written notification. A City decision to deny a request is **final** and may not be appealed.

**STAGE 2:**

E) If your Request receives initial acceptance, you will be sent written notification. 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 a \$2500.00 deposit to the City's telecom consultant, Ken Fellman, Esq., Kissinger & Fellman, P.C. (the "Consultant"). \$500.00 of the deposit amount will go to the City as a fee for the City's internal review, while \$2000.00 will go to Consultant as a deposit toward the cost of negotiating a site agreement.

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](http://www.kandf.com)**  
**[kfellman@KANDF.com](mailto: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, you 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 initial deposit amount, you will receive a refund for the difference at the conclusion of the process.

H) When complete, a final negotiated Site Agreement - signed by you - 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, you shall obtain 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:**

- All items required under Private Property (see above);
- Additionally, the applicant must separately complete and be approved for a Right-of-Way (ROW) Permit through the City's Engineering Department. The ROW Permit will have its own fees that must be paid, and its own requirements that must be fulfilled, in order to be approved. Right-of-Way installations may NOT be constructed without both an approved Telecommunications Right-of-Way Permit AND an approved Right-of-Way Permit. This permit should NOT be applied for until the Telecommunications Right-of-Way Permit is approved.

**Right of Way Note:**

***For Telecommunications projects within an eligible City Right-of-Way, both a Telecomm Right-of-Way Permit and an Engineering Right-of-Way Permit are needed, (UNLESS the proposed installation is a valid Micro Wireless Installation, in which case only a Right-of-Way Permit is needed). Also, in most circumstances, there will be recording fees assessed, as well as the initial review/submittal fees. Typical recording fees are \$50 + \$20-per-sheet (for Mylar prints) and \$10 per letter or legal sized sheet (for electronic recording). (The recording fees are assessed once the project is ready for approval and should not be paid in advance.)***

**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))