



WIRELESS COMMUNICATION FACILITIES User's Guide

**NOTE: FOR DETAILED PROCEDURES,
REFER TO CHAPTER 13 OF THE
UNIFIED DEVELOPMENT CODE**

**Town of Erie
Planning & Development – Planning Division
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This document is available on our web site. Go to www.erieco.gov/Planning
Click on Development User Guide & Fees> Scroll down and click on Wireless Communications Facilities

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WIRELESS COMMUNICATION FACILITIES

Purpose

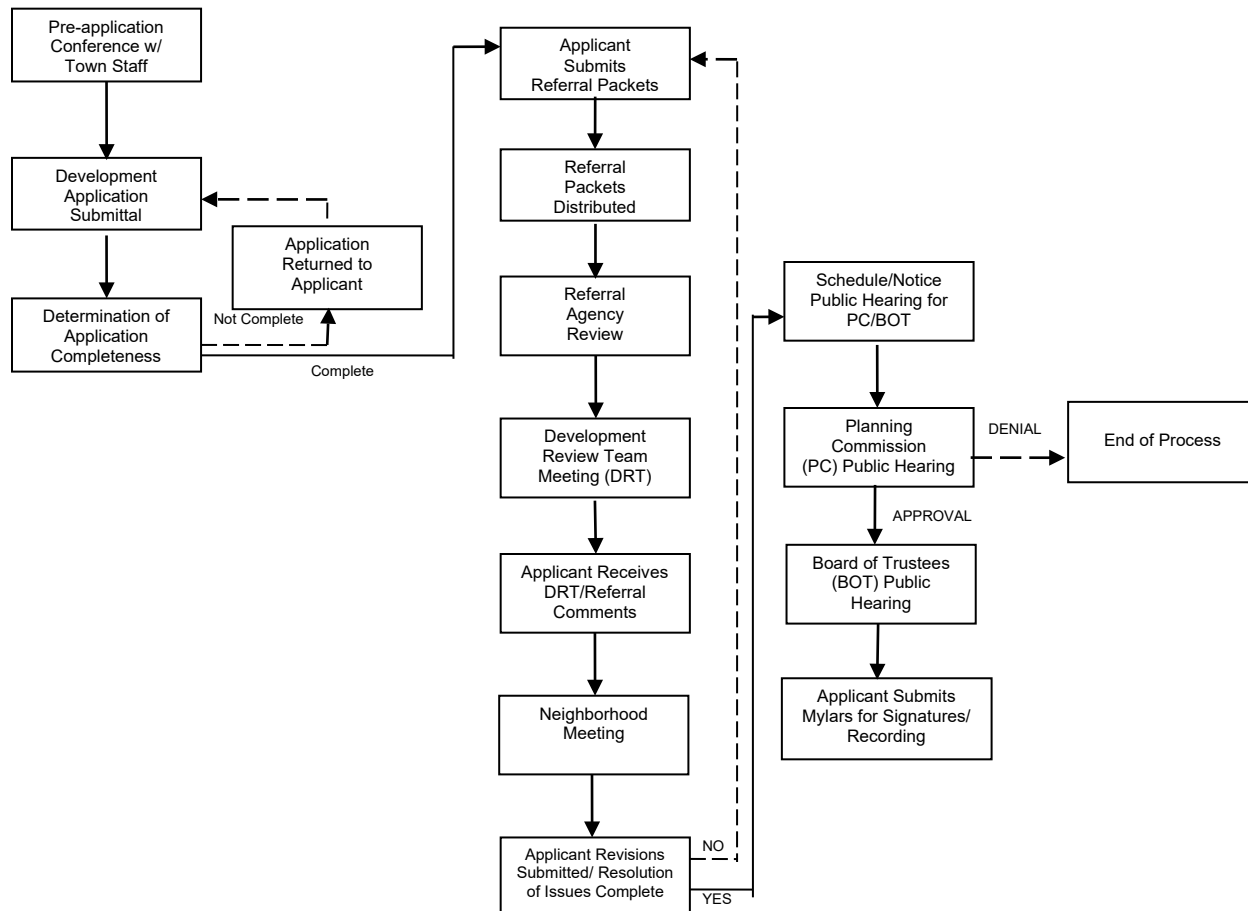
The purpose of this section is to accommodate the communications needs of residents and businesses while protecting the public, health, safety, and general welfare of the community. For additional information, refer to Section 10.13.1.

Applicability

See Unified Development Code, Section 10.13.1.B of the Erie Municipal Code

Process Summary

The following is a brief summary of the typical Wireless Communication Facilities review process.



Approval Criteria

See Unified Development Code Section 10.13.3 of the Erie Municipal Code.

Review Procedures

The Planning & Development staff shall review each Wireless Communication Facilities Application relative to the submittal requirements listed in the UDC and shall act to approve, approve with conditions, or deny the application.

In all zone districts, eligible facilities requests shall be considered a permitted use, subject to administrative review.

The town shall require submittal of information necessary for the town to determine whether an application is an eligible facilities request, as set forth in the WCF user's guide. Such required information may include without limitation whether the project constitutes a substantial change, or violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety, or both. The application shall not require the applicant to demonstrate a need or business case for the proposed modification or collocation.

Upon receipt of an application for an eligible facilities request, the town shall review such application to determine whether the application so qualifies. Subject to subsection (3) hereof, within 60 days of the date on which an applicant submits an application seeking approval under this subsection, the town shall approve the application unless it determines that the application is not covered by this subsection, or otherwise is not in conformance with applicable codes.

The review period begins to run when the application is filed, and may be tolled only by mutual agreement of the town and the applicant, or in cases where the town notifies the applicant that the application is incomplete.

To toll the timeframe for incompleteness, the town must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application. The timeframe for review begins running again the following business day after the applicant makes a supplemental written submission in response to the town's notice of incompleteness.

Within ten days of a supplemental submission, the town will notify the applicant if the supplemental submission did not provide the information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection a. hereof. In the case of a second or subsequent notice of incompleteness, the town may not specify additional missing information or documents that were not delineated in the original notice of incompleteness.

If the town fails to act on a request seeking approval for an eligible facilities request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The request becomes effective when the applicant notifies the town in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

Interaction with Section 332(c)(7) of the Telecommunications Act. If the town determines that the application is not an eligible facilities request, the presumptively reasonable timeframe under Section 332(c)(7) of the Telecommunications Act, as prescribed by the FCC Order entitled "In the Matter of Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance, Declaratory Ruling, WT Docket No. 08-165, FCC 09-99 (rel. Nov. 18, 2009)", will begin to run from the issuance of the town's decision that the application is not an eligible facilities request. The town may request additional information from the applicant to evaluate the application under Section 332(c)(7) reviews.

Each new WCF or modification of an existing WCF that is not an eligible facilities request shall comply with the following:

Subject to tolling as provided for below, and unless a longer review period is agreed to by the applicant, applications for WCFs shall be subject to a review period as follows:

- a. One-hundred and fifty days for a new WCF other than a small cell facility in a right-of-way;
- b. Ninety days for a small cell facility in a right-of-way;
- c. Ninety days for modifications to or collocations with WCFs that do not qualify as an eligible facilities request.

The review period begins to run when the application is filed and may be tolled where the town determines that the application is incomplete, or by mutual agreement of the town and the applicant.

For specific review procedures, see Unified Development Code Section 10.13.6.D of the Erie Municipal Code.

Submittal Requirements

All submittals shall be sent to the Planning Division electronically. To request an upload link, please submit your request to planningapplication@erieco.gov. Please contact the Planning Technician at 303-926-2770 if you have any questions. **Applications will not be accepted for review unless all information is submitted.**

1. **Completed Land Use Application (signed)** [Land Use Application](#)
2. **Application fee** See Land Use Application for fees.
3. **Written Narrative** describing the scope of the project.
4. **Plot Plan/Site Plan** showing location of structure.
5. **Plans** including structure elevations.
6. Site Lease Agreement
7. Memorandum of License.
8. **Submittal of Building Permit Application** to be concurrent with the Land Use Application submittal.

Any additional information or documents as required by the Planning & Development Director in order to process the Land Use Application may be requested.

Links to Online Resources

1. Unified Development Code
[Unified Development Code](#)
2. Land Use Application
[Land Use Application](#)
3. Development Agreement Templates, Exhibit B Templates, Letter of Credit Template, Street Naming and Addressing Policy
[Standard Forms & Templates](#)

4. Town of Erie Standards of Specifications
[Town of Erie Standards and Specifications](#)
5. Town of Erie Parks and Trails Master Plan
[Parks, Recreation, Open Space, and Trails Master Plan](#)
6. Public Improvement Permit Application
[Public Improvement Permit Application](#)