



TOWN BOARD WORK SESSION

August 10, 2020 - 4:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550 Zoom Meeting,
Click on the link <https://windsorgov.zoom.us/j/93726319867> OR by join by telephone
at (888) 788-0099 or (877) 853-5247 - Webinar ID:937 2631 9867

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

AGENDA

1. Park Fees 101
 - Staff Presentation: Eric Lucas, Public Services Director
2. Small Cell Facilities Follow-up Discussion
 - Staff Presentation: David Eisenbraun, Senior Planner
3. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: August 10, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From: Eric Lucas, Director of Public Services
Re: Discussion on Park Fees
Item #: 1.

Background / Discussion:

As a follow, up to last week's work session on open space and community separators and expanding on previous discussions at the strategic plan retreat, staff will present on the current funding sources used to pay for new parks, trails and open space. We will share current balances of each fund, restrictions of use and projects already identified. Additionally, staff will cover the projected buildout costs of the parks, trails and open space system as well as efforts we are currently undertaking and plans we will be requesting in an effort to identify and address system buildout needs and funding shortfalls.

Ultimately, the goal of this work session is to engage the Board on this critical infrastructure discussion as we continue to strive to meet the recreation needs of the community and identified Town Board values of small town feel and quality of life.



MEMORANDUM

Date: August 10, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From: David Eisenbraun, Senior Planner
Re: Small Cell Facilities
Item #: 2.

Background / Discussion:

The Town of Windsor as with communities across the country and around the world, are facing the next wave of communications technology. With small cell facilities as the next generation of technology for mobile device coverage and speed which supplement larger cell towers, the Town Board requested to see further details about what our municipal neighbor of Fort Collins is doing to regulate their wireless infrastructure. Because these cellular facilities are more densely placed and can be located on buildings, poles, and other built structures as well as underground, it will be key the Town takes a thorough review in our best effort at protecting the health and safety of its residents. The standards and regulations in review today will be generally broken into three categories: Location, Operation and Design Standards.

Location standards:

- Location preference standards will primarily be addressed in a lease agreement between the operator/carrier/infrastructure company and the Town. It is staff's intent to minimize the construction of new poles in the right of way and encourage the use of existing infrastructure. The proposed code language requires a 150-foot distance be kept between communication facilities, unless specified in the categories below.
- Small cell installations shall not be closer than 500 feet away from a dependent care facility, hospital, school, child care facility or nursing home. This radial measurement shall apply to any portion of the site that overlaps with the lot or tract of land containing any of the aforementioned uses.

Operational standards:

- Wireless equipment must meet all existing federal requirements, including modification to meet changes in those regulations, including radio frequency standards.
- Facilities must avoid signal interference with other licensed communications equipment, such as television, telephone, or radio services.
- Time frames, costs and liability are placed on the owner/operator when set for the removal or relocation of equipment in the event of a project that widens a road or otherwise needs the right-of-way.

Design standards:

- Antennae must not be more than five feet above a host structure, such as a street light, or more than 18 inches in diameter.
- Camouflage techniques are required for all installations. These techniques could include undergrounding, building components inside of a pole, grouping of equipment, and matching equipment to the pole or surrounding environment.

All of the standards and regulations comply with FCC regulations, however, if additional concerns are raised, below is a reminder on what the Town is allowed to regulate:

Guidelines & Requirements:

What we CAN regulate

What we CANNOT regulate

Addresses architectural consistency, protection of view corridors	No regulation may be based on the environmental effects of RF Emissions.
Addresses health and safety of the traveling public by ensuring proper sight-triangles and minimal clutter	Local Governments may not discriminate among providers.

Kept separately from Code; can be updated to keep up with the evolution of the technology	Local Government regulations and fees may not “effectively prohibit” the provision of wireless services, including both coverage and data capacity.
Clarifies the order of preference for location. For example: a. Small cell facilities shall be collocated and attached to existing and previously approved small cell facilities. b. Small cell facilities shall be attached to or replace available existing structure previously approved in the County Right of Way (ROW). c. New freestanding small cell facility poles shall be built in a manner that allows for collocation.	Local Government may not deny and shall approve any eligible facility request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, including requests for the collocation, removal, or replacement of transmission equipment.
	Local Governments must act on an application within a specified “shot clock” time.

Financial Impact:

N/a

Relationship to Strategic Plan:

Furthering the safety, health and welfare of Windsor's residents.

Recommendation:

This item is for discussion and any direction provided by Town Board or Planning Commission will be incorporated and presented at future date.

ATTACHMENTS:

- ▢ Staff Memo
- ▢ Small Wireless Facilities Presentation
- ▢ Fort Collins Design Guidelines
- ▢ Draft Ordinance



MEMORANDUM

Date: August 10, 2020
To: Mayor & Town Board
Planning Commission
From: David Eisenbraun, Senior Planner
Re: Small Cell Facilities
Item #: WKS Item # 2.a

Background / Discussion

The Town of Windsor as with communities across the country and around the world, are facing the next wave of communications technology. With small cell facilities as the next generation of technology for mobile device coverage and speed which supplement larger cell towers, the Town Board requested to see further details about what our municipal neighbor of Fort Collins is doing to regulate their wireless infrastructure. Because these cellular facilities are more densely placed and can be located on buildings, poles, and other built structures as well as underground, it will be key the Town takes a thorough review in our best effort at protecting the health and safety of its residents. The standards and regulations in review today will be generally broken into three categories: Location, Operation and Design Standards.

Location standards:

- Location preference standards will primarily be addressed in a lease agreement between the operator/carrier/infrastructure company and the Town. It is staff's intent to minimize the construction of new poles in the right of way and encourage the use of existing infrastructure. The proposed code language requires a 150-foot distance be kept between communication facilities, unless specified in the categories below.
- Small cell installations shall not be closer than 500 feet away from a dependent care facility, hospital, school, child care facility or nursing home. This radial measurement shall apply to any portion of the site that overlaps with the lot or tract of land containing any of the aforementioned uses.

Operational standards:

- Wireless equipment must meet all existing federal requirements, including modification to meet changes in those regulations, including radio frequency standards.
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- Time frames, costs and liability are placed on the owner/operator when set for the removal or relocation of equipment in the event of a project that widens a road or otherwise needs the right-of-way.

Design standards:

- Antennae must not be more than five feet above a host structure, such as a street light, or more than 18 inches in diameter.
- Camouflage techniques are required for all installations. These techniques could include undergrounding, building components inside of a pole, grouping of equipment, and matching equipment to the pole or surrounding environment.

All of the standards and regulations comply with FCC regulations, however, if additional concerns are raised, below is a reminder on what the Town is allowed to regulate:

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Addresses health and safety of the traveling public by ensuring proper sight-triangles and minimal clutter	Local Governments may not discriminate among providers.
Kept separately from Code; can be updated to keep up with the evolution of the technology	Local Government regulations and fees may not "effectively prohibit" the provision of wireless services, including both coverage and data capacity.
Clarifies the order of preference for location. For example: a. Small cell facilities shall be collocated and attached to existing and previously approved small cell facilities. b. Small cell facilities shall be attached to or replace available existing structure previously approved in the County Right of Way (ROW). c. New freestanding small cell facility poles shall be built in a manner that allows for collocation.	Local Government may not deny and shall approve any eligible facility request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station, including requests for the collocation, removal, or replacement of transmission equipment.
	Local Governments must act on an application within a specified "shot clock" time.

Recommendation

This item is for discussion and any direction provided by Town Board or Planning Commission will be incorporated and presented at future date.

Attachments

Fort Collins Design Guidelines
Draft Town Ordinance
PowerPoint Presentation



Small Wireless Facilities

David Eisenbraun, Senior Planner

Town Board & Planning Commission Work Session

August 10, 2020



Goals

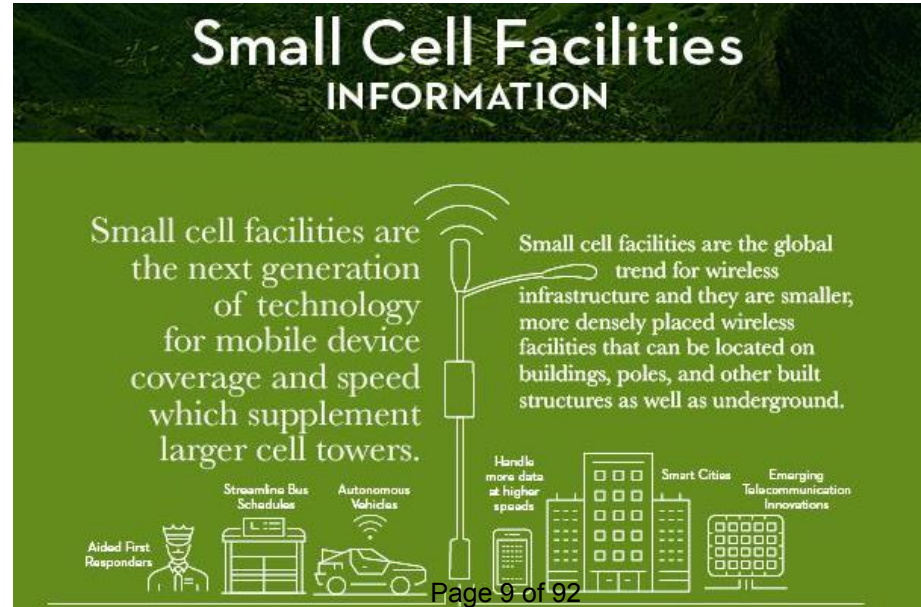
The Town Board requested to see further details about what our municipal neighbor of Fort Collins is doing to regulate their wireless infrastructure.

With small cell facilities as the next generation of technology for mobile device coverage and speed which supplement larger cell towers, it is important to understand how their use will impact the Town because these cellular facilities are more densely placed and can be located on buildings, poles, and other built structures as well as underground.

Background

The Town of Windsor as with communities across the country and around the world, are facing the next wave of communications technology. It has the potential to impact the safety, aesthetic values, and enjoyment of our community in a manner and to a degree that is far more extensive than cellular phones and other types of recent technology.

- Small cell communications can include 5G
- 5G technology utilize higher frequencies to accommodate more data than 4G/LTE tech.
- Higher frequencies require the transmitters be installed at about 300 feet.
- 4G/LTE is spaced at 2+/- miles or more.



Standards and Regulations

Based on the Board's request to see further details about what our municipal neighbor of Fort Collins is doing to regulate their wireless infrastructure, this presentation will be generally separated into three categories:

Location

Operation

Design



Location Standards

Because small cells work in tandem to create a macro network location is a key standard to review:

- General terms to be addressed in a lease agreement between the operator company and the Town. It is staff's intent to minimize the construction of new poles in the right of way and encourage the use of existing infrastructure. The proposed code language requires a **150-foot** distance be kept between communication facilities.

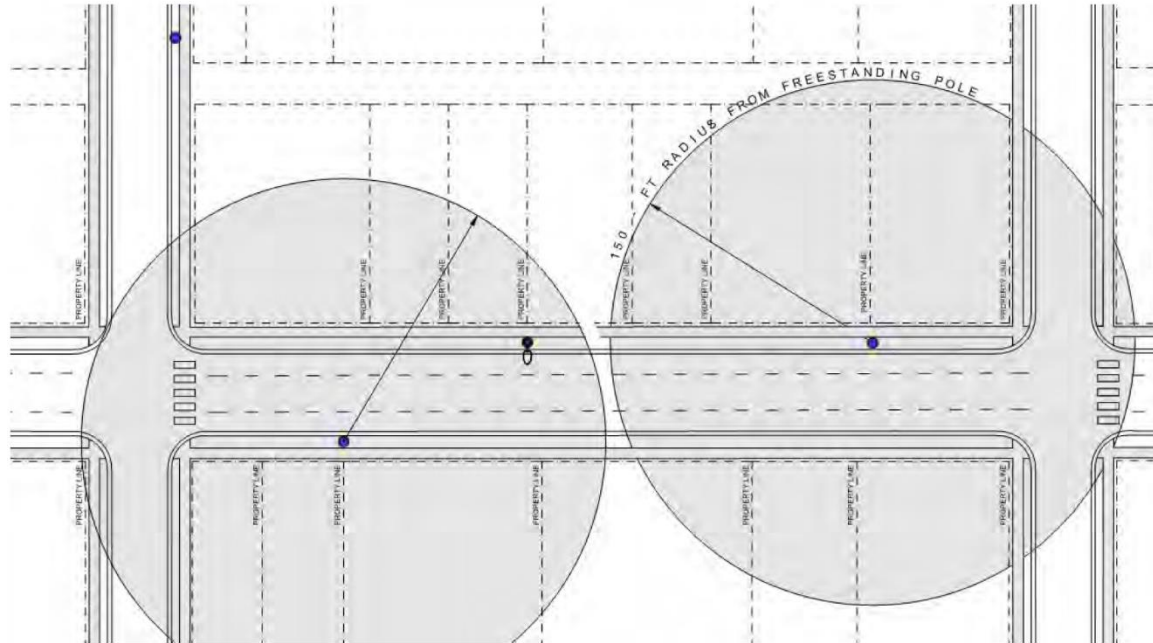
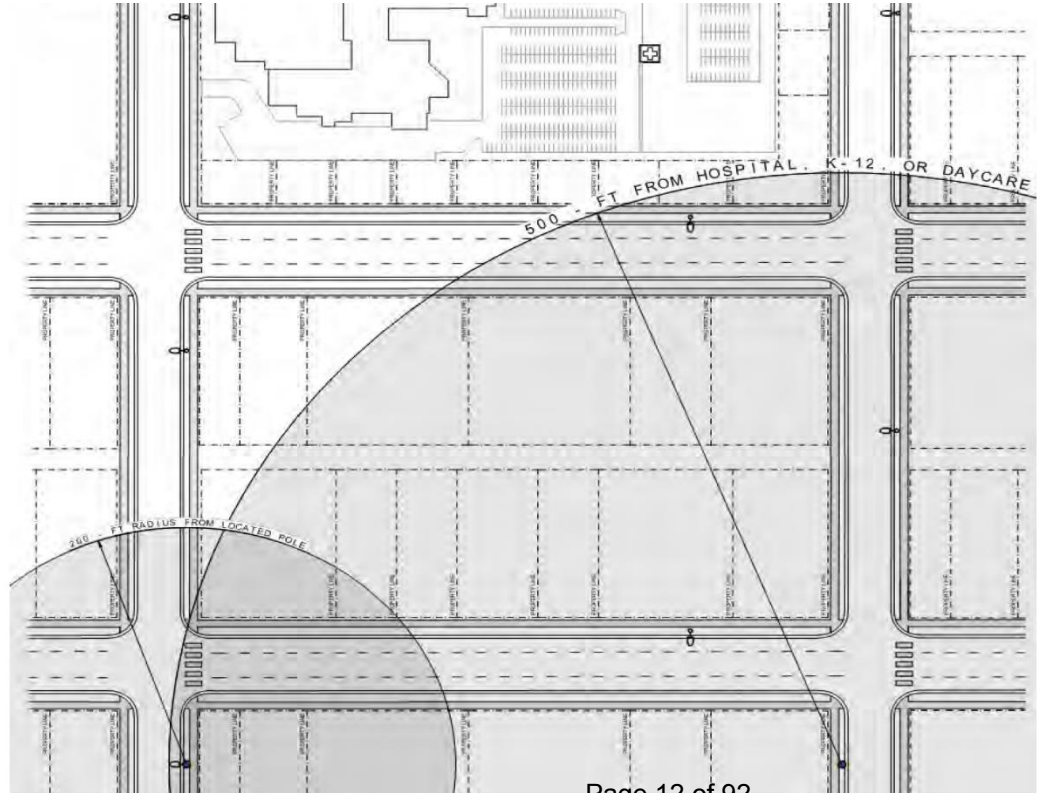


Figure 3: Radius of freestanding small cells aligned with property line

Location Standards

- Small cell installations shall not be closer than **500 feet** away from a dependent care facility, hospital, school, child care facility or nursing home. This radial measurement shall apply to any portion of the site that overlaps with the lot or tract of land containing any of the aforementioned uses.



Operational Standards

In addition to FCC regulations, all new equipment must meet the Town's minimum utility separation requirements.

- Wireless equipment must meet all existing federal requirements, including modification to meet changes in those regulations, including radio frequency standards.
- Facilities must avoid signal interference with other licensed communications equipment, such as television, telephone, or radio services.
- Time frames, costs and liability are placed on the operator when set for the removal or relocation of equipment in the event of a project that widens a road or otherwise needs the right-of-way.

Table 1: Standard Utility Clearances

	Sanitary Sewage and Storm Sewer Facilities	Gas Regulation Stations	High Pressure Gas Lines	Intermediate Pressure Gas Lines	Local Gas Utility*
Horizontal Clearance	10 Feet	20 Feet	10 Feet	5 Feet	5 Feet
Vertical Clearance	All boring crossings shall have a clearance of 18 inches above and 24 inches below pipe.				5 Feet
* Local gas utility requirements shall be subject to changes by the utility company and must be confirmed by the applicant prior to construction.					

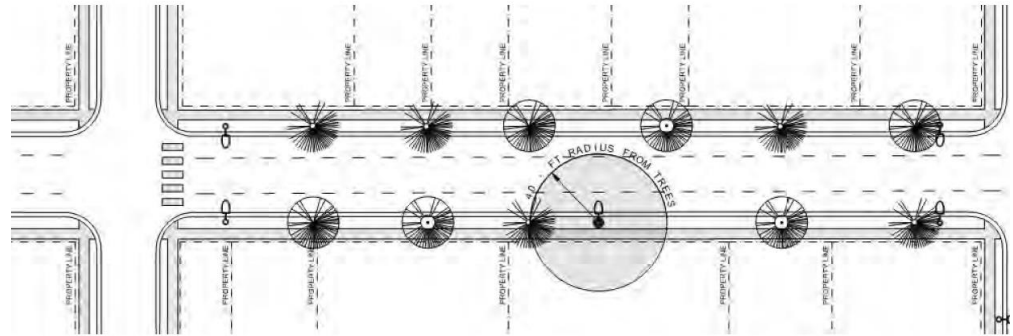
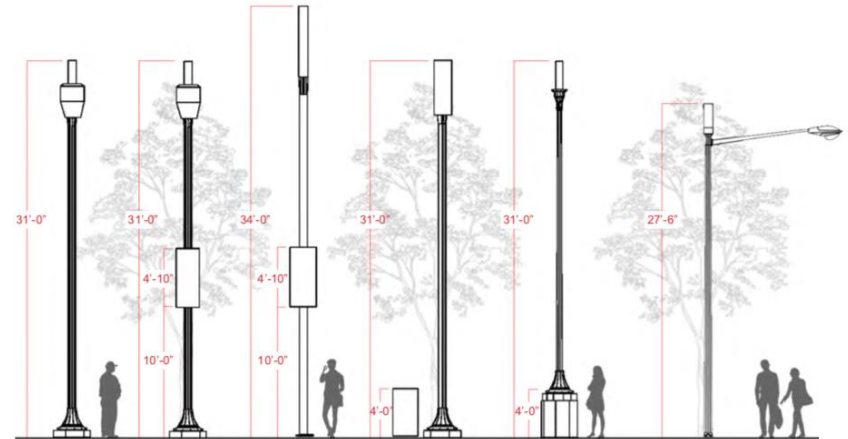


Figure 8: 40-foot radius from the Critical Root Zone

Design Standards

All equipment shall be located internal to the equipment vault, pole and antenna. No external equipment shall be permitted unless specifically noted below.

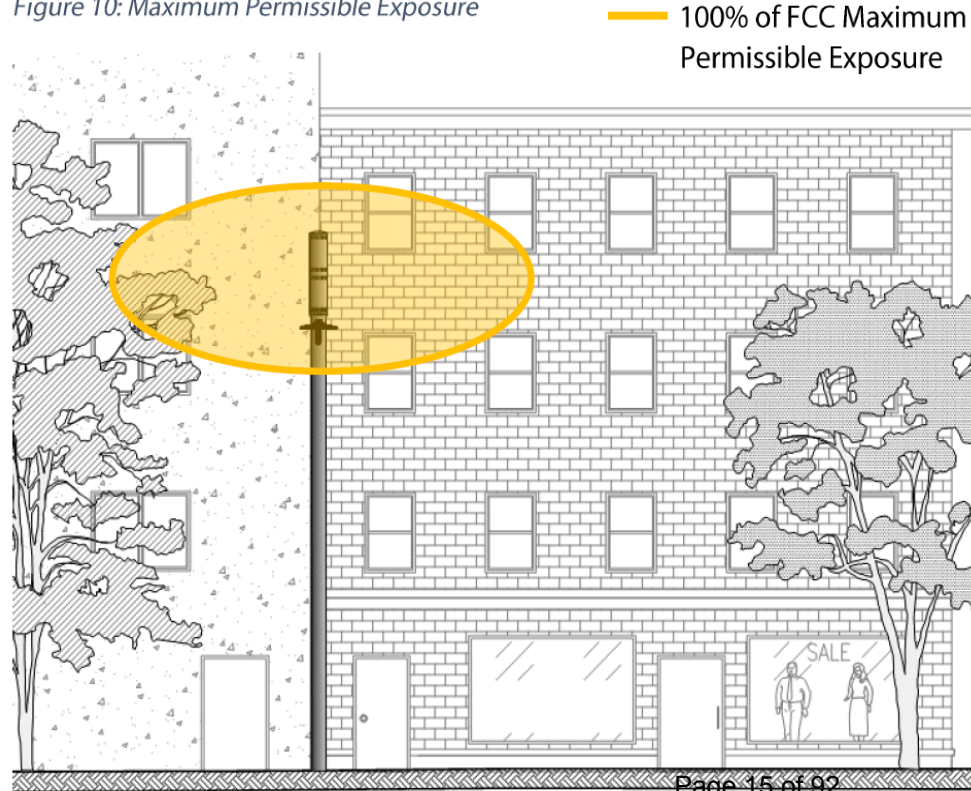
- Antennae must not be more than five feet above a host structure, such as a street light, or more than 18 inches in diameter.
- Camouflage techniques are required for all installations. These techniques could include undergrounding, building components inside of a pole, grouping of equipment, and matching equipment to the pole or surrounding environment.



Design Standards

Radio Frequency (RF) exposure shall meet the environmental limits specified by the FCC with an emissions compliance report. This must be a signed and sealed report by a licensed RF engineer with each construction permit.

Figure 10: Maximum Permissible Exposure



Design Standards

Any new traffic signal poles shall meet all traffic signal requirements established by the traffic or project engineer. Any associated equipment shall be concealed or buried.



Figure 11: Example traffic signal mounted small cell

Requirements for Additional Regulations

Guidelines & Requirements:

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What we CANNOT regulate

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	Local Governments must act on an application within a specified “shot clock” time.

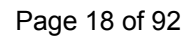


Figure 6: Example of existing dry and wet utilities within an intersection



City of Fort Collins

Small Cell Standards & Specifications

June 2020



CLANTON & ASSOCIATES



LIGHTING DESIGN AND ENGINEERING

Page 19 of 92

This Document

This document was created to provide a centralized resource for the City of Fort Collins standards and specifications that relate to small cell deployment in the public right-of-way.

The City of Fort Collins intends this manual to provide a forum for common understanding of the standards and the reasons behind them. It is an open invitation: The City welcomes suggestions, comments, questions, and concerns on these matters, and expect to update and change the manual as appropriate. To share your thoughts, start by contacting the Engineering Service Department at smallcell@fcgov.com.

Important Contacts

Building Services

- Address: 281 N College Ave, Fort Collins, CO 80524
- Phone: (970) 416-2740

Colorado 811

- Address: 16361 Table Mountain Pkwy, Golden, CO 80403
- Phone: (303) 232-1991

Engineering

- Address: 281 N College Ave, Fort Collins, CO 80524
- Phone: (970) 221-6605

Light & Power

- Address: 222 Laporte Ave, Fort Collins, CO 80524
- Emergency Contact: 970-221-6710

Planning Services

- Address: 281 N College, Fort Collins, CO 80524
- Phone: 970.221.6760

Water, Wastewater, Stormwater Emergency Contact

- Phone: 970-221-6700

Important Documents

Below are important documents referred to in this specification. Please refer to Appendix A for links to find the most up to date documents.

City of Fort Collins Documents

Contractor License Application

Electric Service Worksheet

Larimer County Urban Area Street Standards

Municipal Code Chapter 23

Requirements for Electric Service

Schedule of Rates, Charges, and Fees

Small Cell Permit

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Section 1. Introduction

All small cell ("wireless") facilities, as defined by U.S.C 332(c)(7) and 1455 and the *Colorado Revised Statutes Title 29* within the City of Fort Collins public rights-of-way shall meet the requirements established within these standards and specifications:

All City of Fort Collins department-specific specifications; as defined within this document or as published by the City of Fort Collins or Larimer County;

- City of Fort Collins Small Cell Master License Agreement;
- City Charter; and
- [City of Fort Collins Municipal Code Chapter 23](#).

The City of Fort Collins reserves the right to approve deviations from the standards and specifications if the deviation meets the intent of these standards and specifications and the Master License Agreement.

The purpose and intent of these standards is to establish a cohesive aesthetic small cell facility ("small cell") appearance, while protecting the community's visual quality, and public health, safety and general welfare, particularly in and near residences.

Section 2. Definitions

AASHTO	— Shall mean the American Association of State Highway and Transportation Officials.
Antenna	— Communication equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.
Applicant	— Or permittee shall mean a natural person or persons, partnership, company, corporation, or other legal entity who files an application for and/or receives a small cell wireless facility permit.
Base Flood	— Referred to as the one-hundred year flood shall mean the flood having a one-percent chance of being equaled or exceeded in any given year, whether designated as such by FEMA or by the Utilities Executive Director in the manner provided City of Fort Collins Municipal Code Chapter 10 .
Base Flood Elevation (BFE)	— Shall refer to the elevation for which there is a one-percent chance in any given year that flood levels will equal or exceed it.
Cantenna	— Refers to the antenna and all necessary equipment contained within a cylindrical shroud mounted on the small cell wireless facility infrastructure.
City	— Refers to the City of Fort Collins.
Clear Zone	— The total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and/or a clear run-out area. The desired minimum width is dependent upon traffic volumes and speeds and on the roadside geometry. Simply stated, it is an unobstructed, relatively flat area beyond the edge of the traveled way that allows a driver to stop safely or regain control of a vehicle that leaves the traveled way.
Cold Sequence Disconnect	— A meter disconnect that is provided before the meter.
Collocated	— Refers to joined small cell facility and streetlight pole.
Critical Root Zone (CRZ)	— Refers to trees; it is the distance from the trunk that equals one foot for every inch of the tree's diameter.
Dripline	— Refers to trees; it is the area defined by the outer edge (circumference) of the tree canopy.

FCC	— The Federal Communications Commission.
FCU Engineer	— Fort Collins Utilities Engineer.
Hardscape Area	— Generally, refers to areas that are constructed of brick, stone, concrete, wood, and metal.
High Pressure Gas Line	— A part of the gas line operating system which operates at a higher pressure, 200 pounds to 1,500 pounds per square inch, than the standard service pressure delivered to the customer; thus, a pressure regulator is required on each service to control pressure delivered to the customer.
Historic Resource	— A building, site, structure, or object that is located on a lot, lots, or area of property and is (1) designated as a Fort Collins landmark or is contributing to a Fort Collins landmark district; (2) designated on the Colorado State Register of Historic Properties, either individually or contributing to a district, or the National Register of Historic Places, either individually or contributing to a district; or (3) determined to be eligible for designation as a Fort Collins landmark either through a binding or non-binding determination pursuant to Land Use Code Section 3.4.7(C) .
Landscaping	— Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.
Low Pressure Gas Line	— A line in which gas pressure in the mains and service lines is substantially the same as that delivered to the customers' appliances and can range from ¼ pound to 200 pounds of pressure; ordinarily a pressure regulator is not required on individual service lines.
Master License Agreement (MLA)	— A written agreement between the City and an applicant in which is set forth specific terms and conditions for the use of City-owned infrastructure in connection with the operation of a wireless network.
NEMA	— Refers to the National Electrical Manufacturers Association.
Planting Site	— A location identified by City Forestry to be reserved for a future street tree.
Point of Delivery	— the Point of Delivery, also referred to as 'Point of Connection', is a point beyond which the customer is responsible for installation, maintenance and field locating of electrical equipment. For commercial and industrial service applications, the point of connection is the secondary lugs or spades of the distribution transformer, or, if existing, it is the nearest junction box/vault installed by Utilities serving the load at issue.

Provider	— Refers to the entity that wishes to provide service from the small cell wireless infrastructure.
Public Right-of-Way (ROW)	— The surface of and the space above and below the public roads, streets and alley right-of-way, and public utility easements or other public ways of any type whatsoever, now or hereafter located and existing within the city limits of Fort Collins, Colorado, and as otherwise defined at § 38-5.5-102, C.R.S.
Public Highway	— A main road or thoroughfare, such as a street, boulevard, or parkway, available to the public for use for travel or transportation.
Small Cell Wireless Facility	— A compact wireless communication facility where each antenna, including exposed elements, is located inside an area of no more than three (3) cubic feet in volume, irrespective of whether enclosed; and primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. All associated equipment, even if located outside the primary equipment enclosure, shall be included within the definition of small cell facility.
Softscape Area	— Generally, refers to areas that are constructed of soil and landscaping.
Test hole	— Also referred to as potholes, test holes are excavations with hand tools or non-destructive tools (such as hydro excavation) and are intended to confirm the exact position and depth of underground pipes, cables, or other structures.

Section 3. Notice Requirements

Adjacent Property Owner Notices

The applicant must provide advance notice to all property owners adjacent to construction work in public rights-of-way. "Construction work" includes excavation, boring, assembly, rehabilitation, renovation, remodeling or improvement of any structure or facility in the Public Highway or adjacent to a sidewalk beside the Public Highway, including associated landscaping, parking, equipment, or furnishings for such work.

- At least fifteen calendar days before commencement of any work in the Public Highway, provide written notice individually to each address in the area of the Public Highway work and within 175 linear feet of its boundaries.
- If private trees are located within 40 feet of the pole location, the applicant shall notify adjacent property owners of potential impact at least fifteen calendar days before commencement of any work in the Public Highway.
- At least seventy-two hours before commencement of any work in the Public Highway the owner and use permittee must:
 - o post and maintain a notice that is located at the beginning and end points of the activity (see posted notice requirements below), and
 - o deliver a notice to each address in the area of the activity and within 175 linear feet of its boundaries

Information Required for Notice

The notices required shall include the name, telephone number, and address of the owner and use permittee, a description of the work to be performed, the duration of the work, and the name, address, and telephone number of a person who will provide information to and receive comments from any member of the public concerning the work.

Posted Sign

Posted notices are required at least 72 hours before any work takes place and must be in the following format and size:

- 12 square foot ground-mounted sign that can be secured or anchored to the ground in which it stands.
- The sign must include 25 copies of the mailed notice (example below) or substantially similar flyer that provides the name, telephone number, and address of the owner and use permittee, a description of the work to be performed, the duration of the work, and the name, address, and telephone number of a person who will provide information to and receive comments from any member of the public concerning the work.



Figure 1: Example of required posted signage



Section 4. Small Cell Placement Criteria

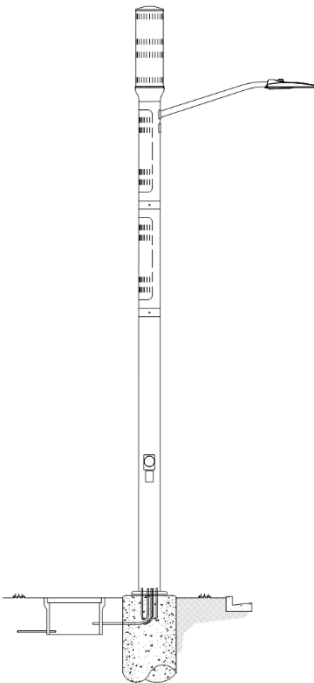
Section 4.1. Small Cell Facility Location Hierarchy

Locations shall be selected per [City of Fort Collins Municipal Code](#), Section 23-174 *Location Standards*. The City shall consider the following tiered preferences when evaluating small cell facility locations, with '1' being the most preferable. A small cell permit may be rejected if a preferred, higher tier location is available within two hundred (200) feet radially of the proposed location.

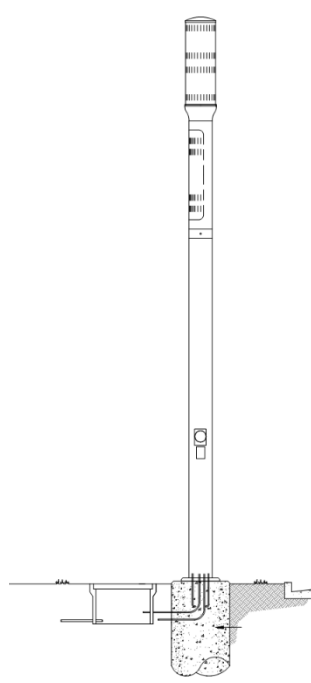
1. Replace an existing streetlight pole and install a new collocated streetlight and small cell pole.
2. Replace an existing third-party pole and install a new combination pole that includes both the small cell and third-party equipment. This may include, but is not limited to, privately controlled cable or telecommunication company facilities.
3. Replace an existing traffic signal pole with a new small cell mounted on the new traffic signal pole.
4. Install a new freestanding small cell pole.

To the maximum extent feasible, small cell equipment shall be located on main corridors and arterials, and not on local streets. Refer to the [City of Fort Collins Master Street Plan Map](#) for the roadway classifications.

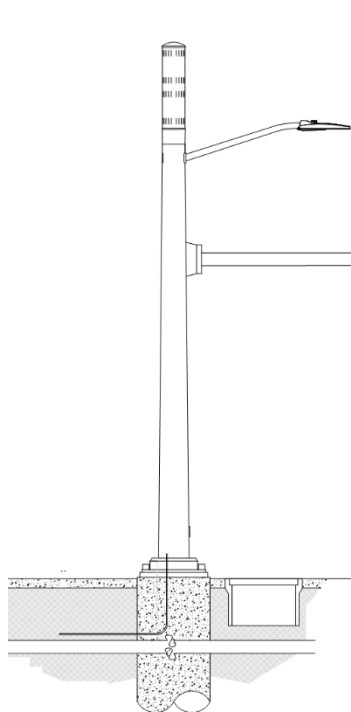
1 - Collocated Pole



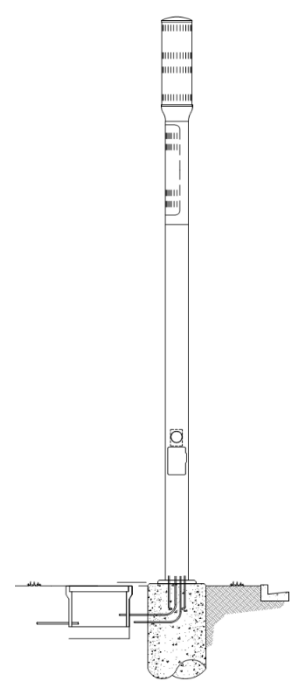
2 - Third-Party Pole



3 - Traffic Signal Mounted



4 - Freestanding Small Cell



Section 4.2. Placement Within the Public Right-of-Way

All small cell equipment located within the public right-of-way shall be accepted by the City of Fort Collins prior to the permit application for installation. All small cell poles and other underground equipment shall be located per the following:

- Equipment installations shall comply with all requirements of the Americans with Disabilities Act (ADA) requirements, specifically, that the equipment shall not impede, obstruct, or hinder the usual pedestrian or vehicular travel within the public rights-of-way.
- Any new freestanding facilities shall be located outside of the “clear zone” as defined by the current edition of *AASHTO Roadside Design Guide*. Equipment located behind a curb shall be installed no closer than two feet behind the back edge of curb. Equipment located adjacent to a roadway without curb shall be located outside of any clear zone or 10 feet away from the edge of travel way, whichever is the furthest.
- Any new freestanding small cell facilities must demonstrate compliance with sight triangles per AASHTO and the [Larimer County Urban Area Street Standards](#).

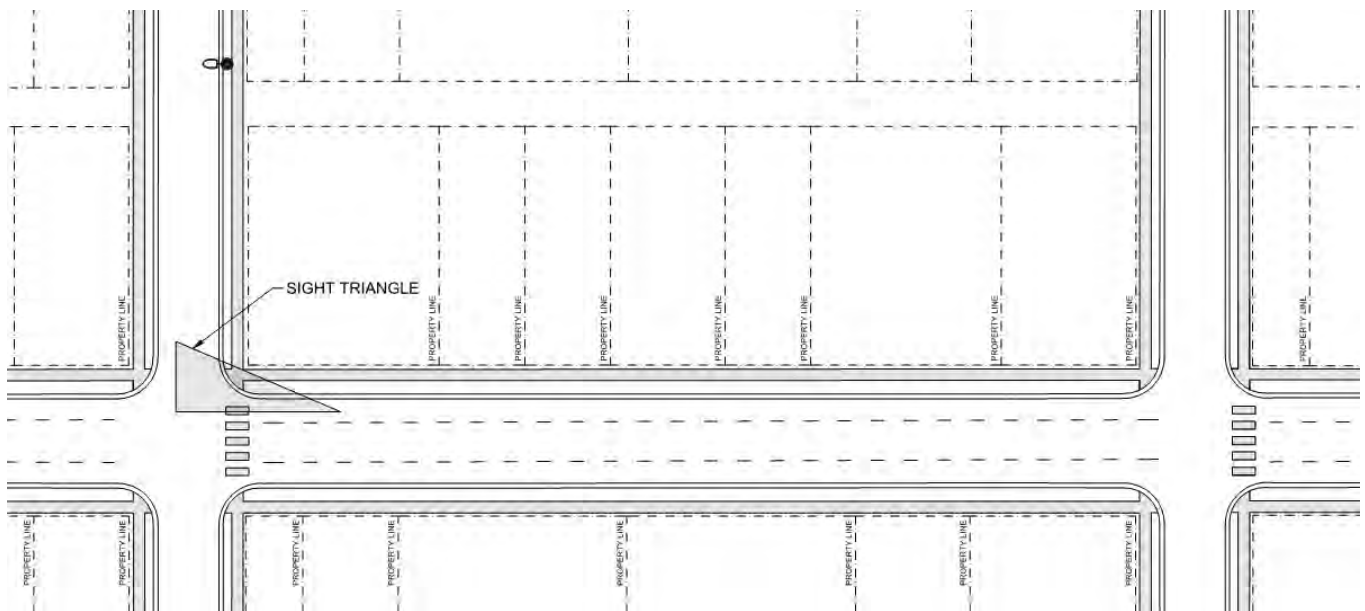


Figure 2: Example sight triangle

- Installations shall not impact any existing structural equipment such as, but not limited to, bridges, retaining walls, underpasses, or pedestrian tunnels.
- To the extent reasonably feasible, small cell facilities must be in alignment with the existing trees, utilities, streetlights, and other streetscape equipment within the amenity zone.
- Small cell facilities shall be in alignment with property lines unless the new small cell equipment is replacing an existing pole.

- Small cell installations shall not be closer than 150 radial feet to an approved or existing freestanding small cell location.

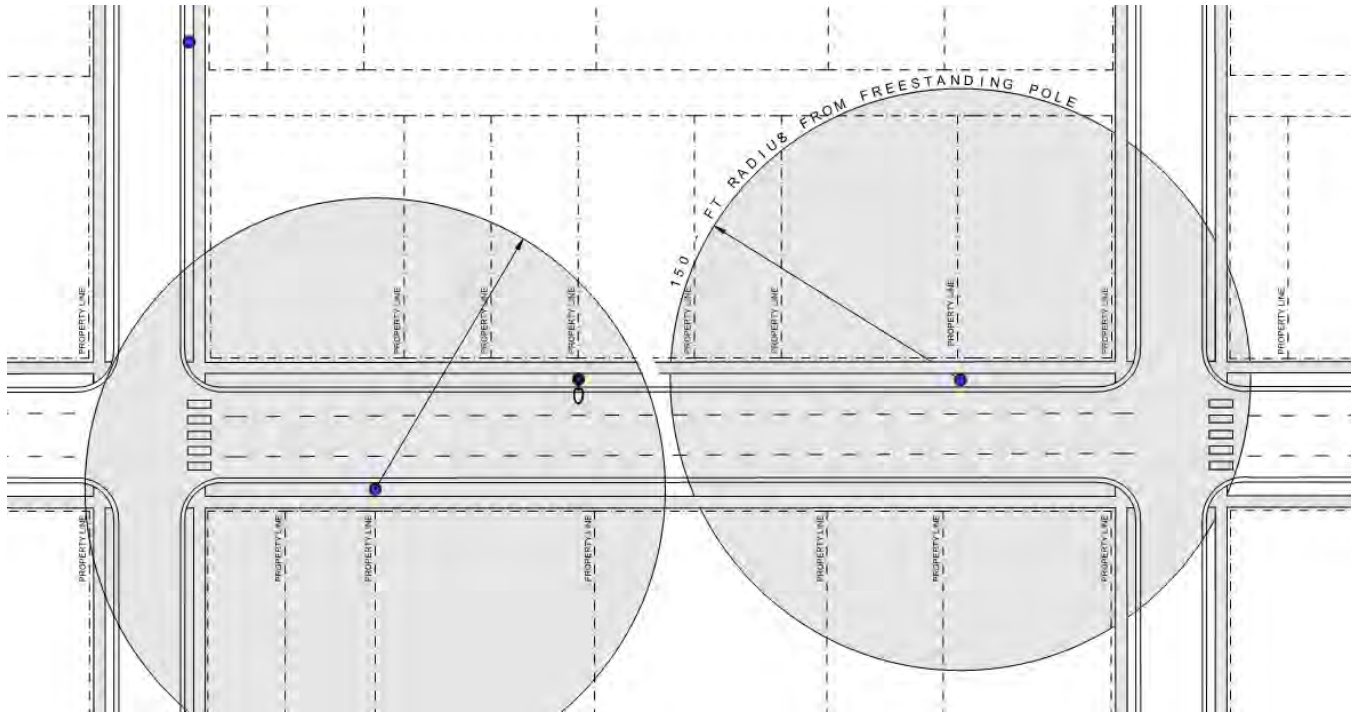


Figure 3: Radius of freestanding small cells aligned with property line

- Small cell installations shall not be closer than 500 radial feet away from a dependent care facility, including hospitals, schools with any grade K-12, or other child-care facility, and nursing homes. This area should be measured 500 feet in all directions from the development site. This standard applies if any portion of the 500-foot area around the site overlaps with the lot or tract of land containing any of the aforementioned uses.

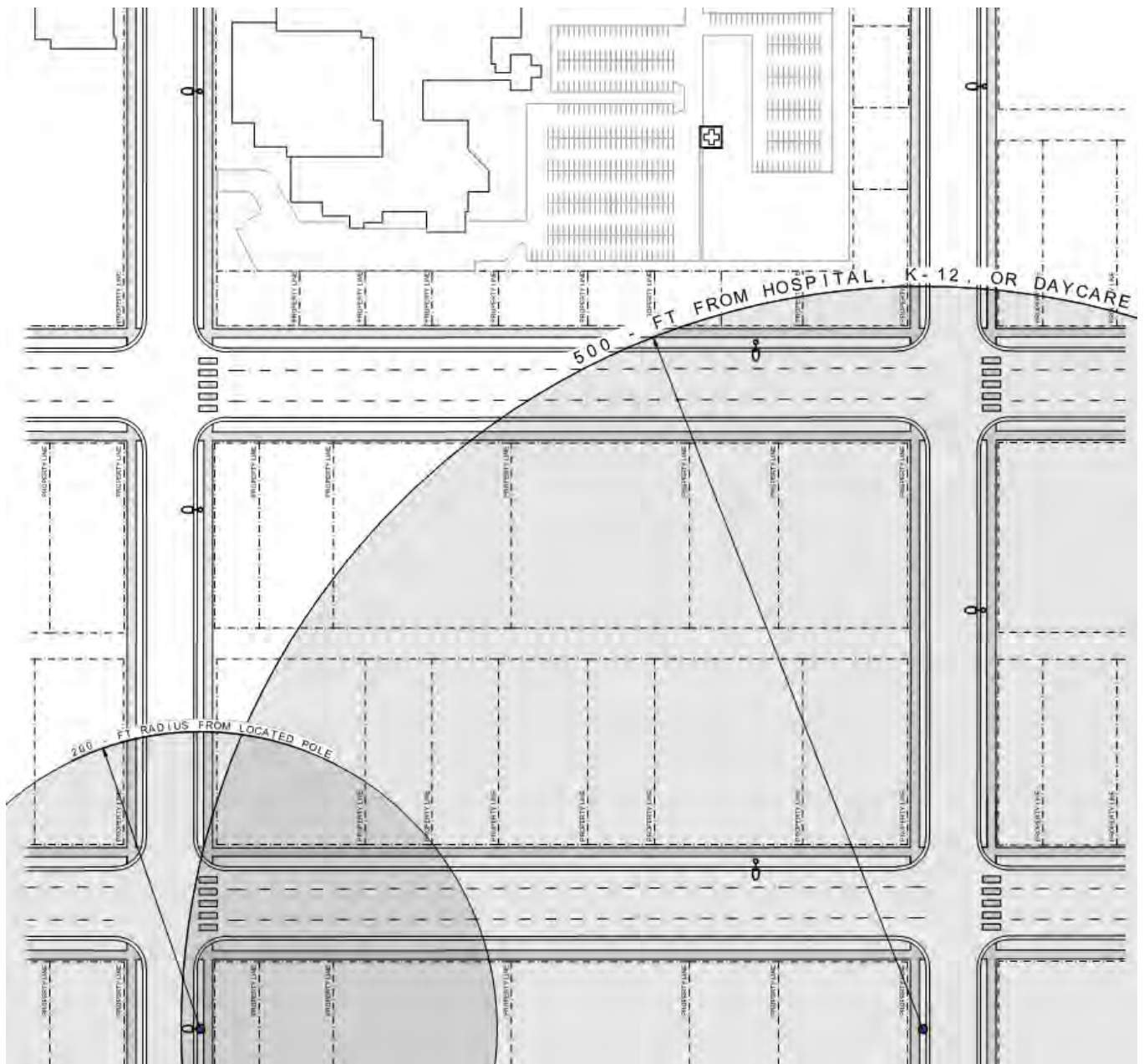


Figure 4: 500-foot radius around dependent care facilities

- If within a floodplain, small cell equipment shall be elevated above Base Flood Elevation (BFE) or floodproofed (NEMA Enclosure). Refer to the [City of Fort Collins Floodplain Map](#) for more information.
- New poles within a FEMA floodplain must comply with the safety regulations of Chapter 10 of the City Municipal Code. The applicant shall obtain a Floodplain Use permit from the City of Fort Collins and pay all applicable floodplain use permit fees prior to commencing any construction activity.

- New poles within a FEMA regulatory floodway or any work impacting ground surface in a City regulatory floodway, must be preceded by a No-Rise Certification, which must be prepared by a professional engineer licensed in the State of Colorado.
- Consider corridor plans and subarea plans in cases where future improvements would require the relocation of small cell infrastructure.

Placement of small cell facilities is also subject to the requirements contained in the remaining sections of this standards and specifications document.

Section 4.3. Poles near Historic Buildings or in Historic Districts

Collocated Poles:

For proposed installations that replace existing streetlight poles or other existing municipally owned structures, placement shall be evaluated in accordance with the following hierarchy:

1. For any collocation proposed within 200 feet of an historic resource (officially designated by City, state, and/or federal program(s), or officially determined eligible for such designation(s)), an applicant must provide at least two alternate locations from which applicant can serve the targeted area, to the maximum extent feasible.

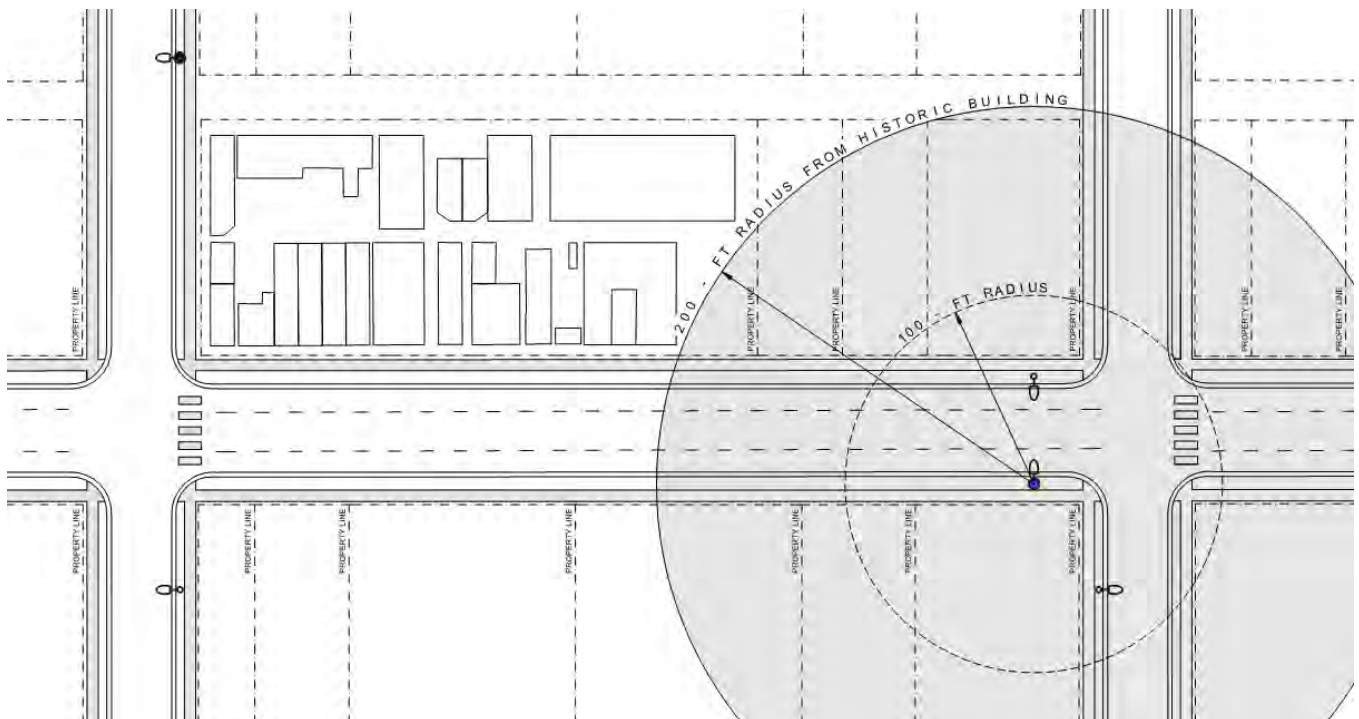


Figure 5: Historic district spacing example

2. If applicant can demonstrate that collocating at a site more than 200 feet from an historic resource is not technically feasible, applicant shall identify all collocations that are at least 100 feet from such historic resource.

3. If applicant can demonstrate that collocating at least 100 feet from a historic resource is not technically feasible, applicant shall then identify all collocations that are as far from historic resources as feasible.

New poles:

New poles shall be subject to restrictions in a Master License Agreement and, to the maximum extent feasible, as defined in the City's Land Use Code, conform to the above hierarchy of placement.

Archaeology:

When excavating footings for collocated or new poles, any discoveries of subsurface historic/prehistoric resources will be reported to the City's Historic Preservation staff immediately and all construction activity on the site shall cease immediately. A professional archeologist shall determine the importance of the findings, and if determined to be significant, shall monitor the excavation. Professional archaeological monitoring is recommended for all locations/collocations within 200 feet of waterways due to subsurface soil behavior and the likelihood of discoveries.

Historic Survey & Records:

Historic Preservation staff will provide applicants with access to existing records, including GIS and archival survey records, upon request. Where a collocated or new pole is proposed in front or on the side yard of a property over 50 years of age that is not designated and for which there is no record evaluating the property for its eligibility for designation by the City, state, and/or federal programs, an intensive survey of the subject property may be required at the discretion of Historic Preservation Staff, as provided for in Land Use Code Section 3.4.7, with the cost of such survey to be subject to the City's existing historic survey fees and to be paid by the applicant.

Section 5. Utility Clearances

All new small cell equipment necessary for a complete, working installation shall meet the minimum depth and distance requirements from utilities established in National Electric Safety Code (NESC), the [Larimer County Urban Area Street Standards](#), and the [Fort Collins Utilities Light and Power Electrical Service Standards](#). Examples of standard clearances can be found in Table 1: Standard Utility Clearances, below.

Table 1: Standard Utility Clearances

	Sanitary Sewage and Storm Sewer Facilities	Gas Regulation Stations	High Pressure Gas Lines	Intermediate Pressure Gas Lines	Local Gas Utility*
Horizontal Clearance	10 Feet	20 Feet	10 Feet	5 Feet	5 Feet
Vertical Clearance	All boring crossings shall have a clearance of 18 inches above and 24 inches below pipe.				5 Feet
* Local gas utility requirements shall be subject to changes by the utility company and must be confirmed by the applicant prior to construction.					

Section 5.1. City of Fort Collins Utility Location Requirements

Before construction of any dry utilities within the boundary of the City of Fort Collins, all utilities infrastructure including water, wastewater and stormwater must be located. Figure 6 shows an example of the existing wet and dry utilities that may be located within the cross section of a single intersection or block. The exposure and restoration of test holes and other excavation must observe the following general and utility specific requirements.

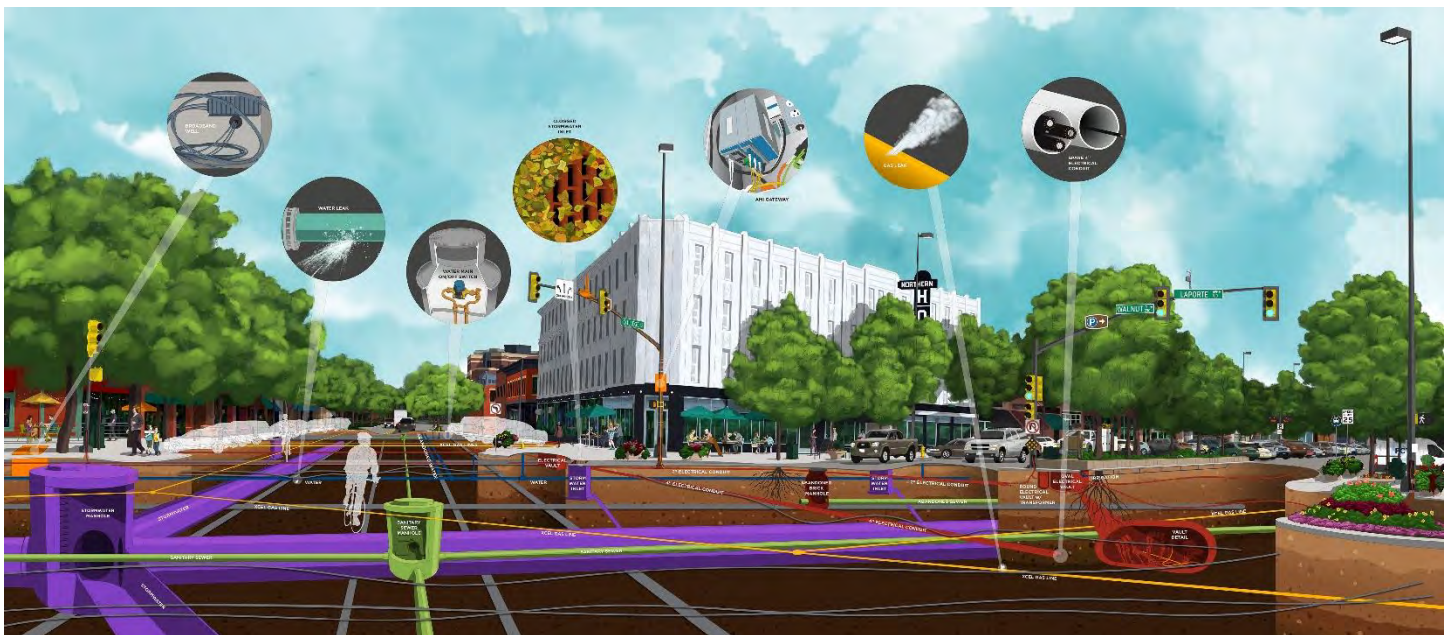


Figure 6: Example of existing dry and wet utilities within an intersection

General Test Hole / Excavation Restoration Requirements

Hardscape Areas: generally, refers to areas that are constructed of brick, stone, concrete, wood, and metal.

When test holing the exposed Utility should be covered with a minimum of 12 inches to a maximum of 18 inches of bedding material, flow filled shall be installed from the previous elevation to the top of hardscape subgrade, capped with asphalt or concrete, and sealed to be watertight per Engineering Right of Way Excavation permit standards.

Softscape Areas: generally, refers to areas that are constructed of soil and landscaping.

The exposed Utility shall be covered with a minimum of 12 inches to a maximum of 18 inches of bedding material, and then native soil. Some softscape areas may require the same restoration as hardscape areas dependent on their location and relationship to nearby to hardscape areas.

Separation from Other Utilities

Horizontal: Dry utilities including natural gas, electric, cable television, telephone, communication, etc. running parallel to public water, wastewater, stormwater mains or related appurtenance shall be no closer than 10 feet.

Vertical: All crossings shall be clearly identified and dimensioned on the utility plans in both plan and profile views. All crossings must have a minimum of 18 inches vertical clearance above and 24 inches vertical clearance below the wet Utility system while maintaining the minimum depth of cover required by current Fort Collins Design and Construction standards for the bored Utility.

Crossings: All crossings, to the extent reasonably feasible, shall be made perpendicular (90-degree angle) to all wet utility mains, laterals, and services. No long horizontal angle crossings are allowed.

Section 5.2. Water Utilities

Water System

- STANDBY IS REQUIRED ON 16 INCHES AND LARGER WATER MAINS. All standbys are required to be scheduled 48 hours in advance of work by contacting the City of Fort Collins Utility Services. For a quick reference guide or more information about Utility standards visit www.fcgov.com/development-forms.
- TEST HOLE REQUIRED ON ALL WATER MAINS AND SERVICES unless exempted. Measuring the depth of a water valve does not constitute an actual test hole of the Utility.
- Dry utilities in the vicinity of Water Utility curb stops require a six-foot separation in all directions from the dry utility to the center of curb stop.
- A bituminous (rubberized) coating is required on all metallic water mains that have been located and exposed due to test holing efforts. Located and exposed mains must be covered with a minimum of 12 inches to a maximum of 18 inches of 3/8 angular bedding.

Wastewater System

- STANDBY IS REQUIRED ON 18 INCHES AND LARGER SEWER MAINS. All standbys are required to be scheduled 48 hours in advance of work by contacting the City of Fort Collins Utility Services. For a quick reference guide or more information about Utility standards visit www.fcgov.com/development-forms.

- TEST HOLE REQUIRED ON ALL WASTEWATER MAINS AND SERVICES unless exempted. Measuring the depth of a manhole does not constitute an actual test hole of the Utility.
- Exposed wastewater mains must be covered with a minimum of 12 inches to a maximum of 18 inches of 3/4 angular bedding.

Stormwater System

- STANDBY IS REQUIRED ON 24 INCHES AND LARGER STORM WATER MAINS. All standbys are required to be scheduled 48 hours in advance of work by contacting the City of Fort Collins Utility Services. For a quick reference guide or more information about Utility standards visit www.fcgov.com/development-forms.
- TEST HOLE REQUIRED ON ALL STORMWATER MAINS AND SERVICES unless exempted. Measuring the depth of a manhole, inlet structure, etc. does not constitute an actual test hole of the Utility.
- Exposed stormwater infrastructure must be covered with a minimum of 12 inches to a maximum of 18 inches of 3/4 angular bedding.

Water Utility Exceptions

In certain situations, there may be some flexibility to these requirements; however, this is an exception to the normal requirement and will only be allowed with the approval of the City of Fort Collins Utilities - Water Utilities Engineer (FCU Engineer).

If a conflict between mains and services, other utilities, and other departments within the City is identified during construction, the Contractor shall contact the FCU Engineer to interpret these specifications or to determine if the standards of other utilities or departments apply.

Field changes from the approved plans shall not be permitted without prior written permission from the FCU Engineer, at smallcell@fcgov.com.

Water Emergencies

For all water emergencies call 970-221-6700, 24-hours a day. Call to report flooding, water main breaks, sewer line problems, water taste or odor, blocked storm drains, spills or dumping down storm drains. Call 911 to report illegal dumping or spills that are potentially life threatening or hazardous to the environment.

Section 5.3. Street Tree and Canopy Cover Protection

Tree protection shall be followed as listed in the [City of Fort Collins Land Use Code](#), Division 3.2.1, the municipal code and the standards and specifications within this section. Where the standards conflict, the stricter of the standards shall prevail in relation to street tree and tree canopy protection:

- It shall be unlawful for any person to plant, cut, trim, prune, remove, or destroy any tree within the public right-of-way of any street or sidewalk, or upon other City-owned property within the [City of Fort Collins Municipal Code](#), Section 27-31.
- Small cell foundations and poles shall not be located within 40 feet or within the Critical Root Zone (CRZ) of an existing tree or planting site. The greater of the two shall apply. The CRZ is defined in Figure 7.

CRITICAL ROOT ZONES (top view)

Critical Root Zone (CRZ) is the distance from the trunk that equals one foot for every inch of the tree's diameter. For example: if the tree has a trunk 12 inches in diameter, the CRZ is a 12 foot radius around the tree.

Critical Root Zone (CRZ)

Perimeter Critical Root Zone (PCRZ)

The greater the disturbance in this area, the greater post care treatment is needed.

Interior Critical Root Zone (ICRZ)

Disturbance in this area would cause significant impact to the tree, potentially life threatening.

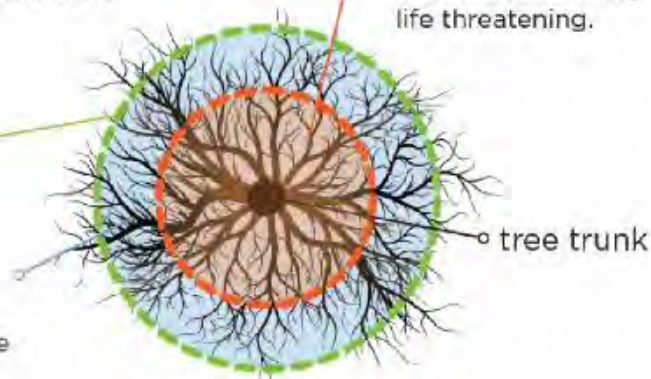


Figure 7: Critical Root Zone

- There shall be no storage or movement of equipment, material, debris or fill within the CRZ of any tree. During the construction stage, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, solvents, asphalt, concrete, motor oil or any other material harmful to the life of the tree, within the dripline or CRZ of any tree or group of trees.
- The applicant shall notify adjacent property owners when any private tree(s) are located within the 40-foot separation requirement and address any identified or potential tree health impacts. Refer to Section 3 for more information.

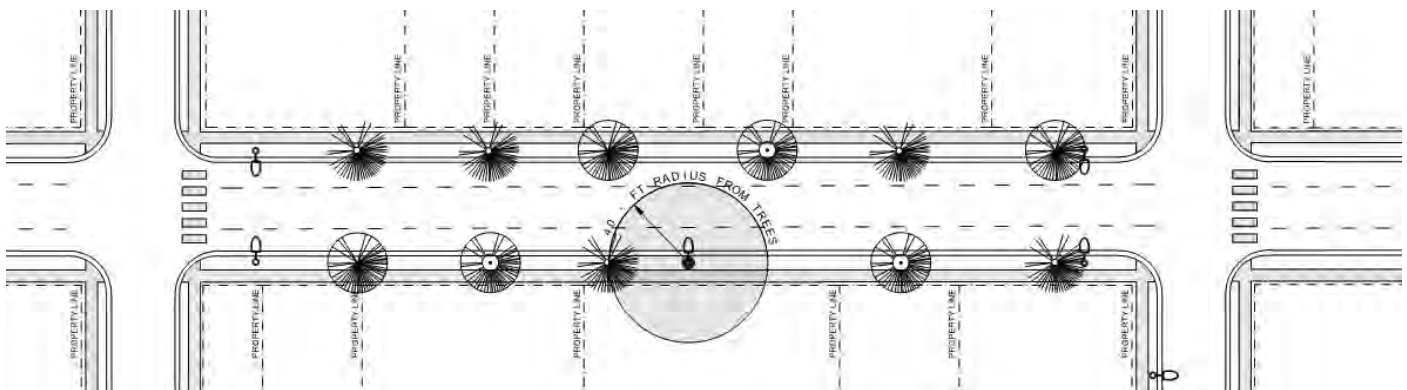


Figure 8: 40-foot radius from the Critical Root Zone

Excavation Adjacent to Street Tree and Canopy Cover

- Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
- The installation of small cell foundations and poles, vaults, utilities or any underground elements requiring excavation deeper than six inches shall be accomplished by boring under the root system of any protected existing tree at a minimum depth of 24 inches and shall not pass under any existing tree trunk. The auger or boring entry point distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in Table 2 below. BORING SHALL NOT OCCUR DIRECTLY UNDER THE TREE TRUNK AND SHALL BE SHIFTED TO ONE SIDE OF THE PARKWAY.
- Low pressure hydro excavation, air spading or hand digging are additional tools and practices that will help reduce impact to the tree(s) root system when excavating at depths of 24 inches or less. Refer to Figure 7 for root protection guidelines. The CRZ shall be incorporated into and shown on small cell permit plans for all existing trees within 40 feet of the proposed location.

Table 2: Tree Diameter to Auger / Bore Pit Distance

Tree Diameter at Breast Height (inches)	0" to 9"	10" to 14"	15" to 19"	Over 19"
Auger / Boring Pit Distance from Face of Tree* (feet)	5'	10'	12'	15'
*The boring pit distance shall be measured from the edge of disturbance to the face of the tree.				

If a variance is requested, the City of Fort Collins Forestry Division requires the following prior to submitting a permit application:

1. A statement regarding all details of the requested variance.
2. An on-site visit with the Forestry Division to determine whether the proposed variance is deemed acceptable.
3. An alternative location analysis.

Section 5.4. Small Cell Facility Undergrounding

- All equipment that is not located within the small cell pole or the antenna enclosure shall be installed below grade per the [City of Fort Collins Municipal Code](#) Chapter 23 and the *Fort Collins Charter* Article XI Section 9.
- Equipment base cabinets or externally mounted equipment is prohibited.
- All conduit, cabling, wires, and grounding electrodes shall enter/exit the pole through conduit sweeps within the pole foundation.

Section 5.5. Small Cell Facility Conduit

New conduit from the electrical secondary box to the location of power supply shall be installed at a minimum depth of 36 inches from top of the pipe to finish grade, or 24 inches from the top of pipe to the top of subgrade within hardscape areas, whichever is greater.

New conduit from the small cell pole to the electrical secondary box shall be installed at a depth of 18 to 20 inches. All conduit shall be schedule 80 PVC when installed underneath roadway or parking surfaces. PVC conduit installed underneath softscape, including pedestrian paving, may be reduced to schedule 40 PVC.

Section 6. Design Requirements

All equipment shall be located internal to the equipment vault, pole, and cantenna. No external mounted equipment shall be permitted, unless noted in the sections below. No equipment base cabinets or base shrouds shall be permitted.

All proposed small cell locations shall be considered for installation according to the hierarchy contained in Section 3, and shall meet the requirements listed in the sections below:

Section 6.1. Pre-application Checklist

A map displaying the proposed small cell facility equipment location in relation to documented resources, including but not limited to:

- Historic resources (designed and evaluated). Historic Preservation Services staff can provide access to archival and geo-referenced information, as available;
- Dependent care facilities within 600 radial feet;
- Small cell wireless facilities within 200 radial feet; and
- Trees in the public right-of-way within 40 feet of the proposed small cell facility.

Section 6.2. Site Electric Standards

Each small cell project location shall provide a quality level B professionally located per Colorado SB18-167, and a surveyed, scaled map showing all existing utilities within a 20-foot radius of the proposed area of work. Further investigation may be required, at the discretion of the Fort Collins Utility Engineer, for any wet or dry utility within five feet of the limits of disturbance required for the project.

Point of Deliver (POD), facility location, existing utilities and surface structures for each individual site shall be illustrated on reproducible plan sheet measuring at least 24-inch by 36-inch per the [Larimer County Urban Area Street Standards](#). Additional clarity and detail may be required at the discretion of the Fort Collins Utility Engineer. At minimum, each plan sheet shall provide:

- A scale;
- Vicinity map;
- North arrow;
- All adjacent street names and surrounding addresses adjacent the project location;
- Small cell details including: foundation, conduit pull boxes, small cell pole type and details; and
- City of Fort Collins general notes are listed in Appendix C and shall be included in the plan set. These general notes shall include, but are not limited to clearing and grubbing, forestry, planning, Light & Power, and engineering utilities.

A final design showing the proposed small cell location, electrical connection, routing and general construction practices shall be in conformance with all current standards and regulations set forth in the *City of Fort Collins Municipal*

Code, City of Fort Collins Light and Power Service Standards and Larimer County Urban Area Street Standards (LCUASS), as well as any superseding standards regulated by the State of Colorado or United States Federal Government.

Each small cell project site is subject to current Commercial Capacity Fees with a base service rate or a 100-amp service. Additional Capacity charges will apply to all sites exceeding a 100-amp service. Any modifications to existing electrical system, which include, but are not limited to, system upgrades, relocations, site disturbance and engineering efforts, will be at the sole cost of the applicant.

The applicant is responsible for the installation of all private electrical and fiber services associated with the design of the specific small cell system. The applicant is also responsible for providing additional conduit for a dedicated conductor to the streetlight luminaire. All service installation from the POC shall be installed with applicable insulated #12 AWG tracer wire and shall include bedding material as approved by Light & Power Engineering.

Triplex conductor sized #1/0 AWG is required from the power source to the small cell facility. It is at the discretion of the FCU Engineer if enhanced service requirements are required to supply adequate service to the small cell site and surrounding facilities. All replacements and/or upgrades to the existing electric system to achieve the minimum service requirements are at the expense of the applicant.

Upon final acceptance of the Small Cell Construction Plans and Application, the applicant shall contact City of Fort Collins Light and Power to schedule the construction of any upgrades required for the installation of the small cell facilities. Schedule will be based upon availability of personnel and workload, and the project will be assigned in the order in which it is received.

Section 6.3. Electric Metering

- All small cell facilities' electric service shall be metered with one of two options and shall include a disconnect:
 - o Accommodations for non-socket-based electric meters in the cabinet shall support mounting provisions for a 120VAC, 100A meter measuring five inches by two inches by seven inches (5"x2"x7") per the Fort Collins Utilities requirements shown in Figure 9 below.

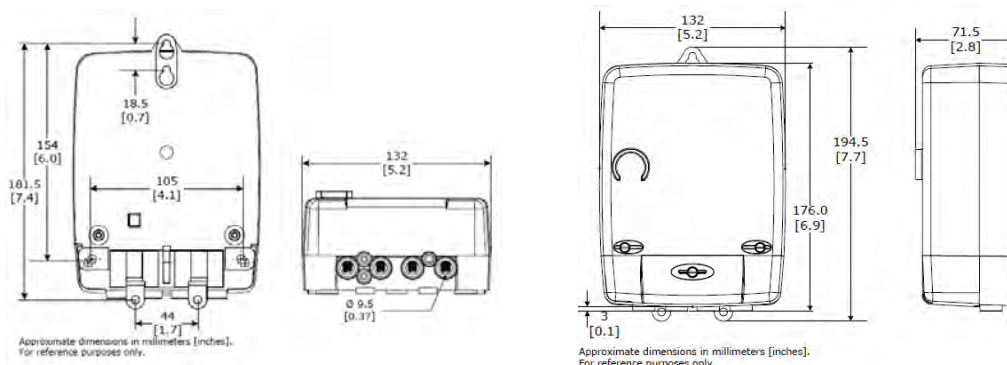


Figure 9: GREX Meter Elevation

- o Socket-based metering designed to accommodate a Form 2S electric meter is also acceptable. Meter socket enclosure shall incorporate a disconnect and a lever bypass.
 - o In either case, Fort Collins Light & Power shall furnish the electric meter, and the applicant shall furnish the provisions for mounting the meter.
- The electric meter with disconnect shall be incorporated into the small cell pole.
 - o The meter shall be fully or partially recessed into a radio frequency (RF) transparent pole between four feet and six feet above final grade.
 - o When the meter is not fully recessed inside a RF transparent pole section only the meter face shall be exposed. A small opening shall be provided in the pole section, between four feet and six feet above final grade, to allow the meter face to be exposed while still allowing the meter housing to be partially recessed in the pole.
- Meter disconnect shall be located on the customer's side of the meter and shall be internal to the pole such that no seams, lines, housing, or disconnect is visible from the outside of the pole. When the meter cannot be located internal to the pole, the meter housing and meter disconnect shall be recessed into the pole, within a NEMA 3 enclosure, such that it sits flush with the pole. Given the expected load and service characteristics of the small cell installations, the applicant may use a fused pullout disconnect for this function. Note also, that though this is considered a commercial service, the load and service size generally will not require a cold sequence disconnect.
- Utility access to all meter equipment, mounting provisions, meter disconnect, conduit, fuses, and utility electrical equipment shall be provided by a single door with a cylinder lock.
- Utility meters, as shown in Figure 9, shall be located within the pole such that the meter faces in the direction of or the opposing direction of the flow of traffic.

Section 7. Radio Frequency Compliance Report

Radio frequency (RF) exposure shall meet the uncontrolled environment limits specified in the Federal Communications Commission FCC 96-326. An RF emissions compliance report shall be signed and sealed by a licensed professional RF engineer and submitted at the time of application for each construction permit listing:

- o All equipment and equipment frequencies;
- o Maximum equipment power density for both controlled and uncontrolled exposure for each frequency, percent of maximum permissible exposure (MPE), watts of effective radiated power (W ERP), antenna height, antenna orientation, and vertical and horizontal distance of reported MPE from structure(s);
- o Maximum power density at ground level and at the height of the antenna;
- o Highest percentage of MPE; and
- o Exhibits that document the location and orientation of the antennas with color coded areas of RF exposures within the controlled and uncontrolled population limit. The exhibits shall show both an elevation of the structure and a plan view at the elevation of the antennas.

Figure 10: Maximum Permissible Exposure



The applicant will be required by the City to show compliance with the submitted RF emissions compliance report after the small cell equipment has been installed.

Section 8. Small Cell Assembly Aesthetic Requirements

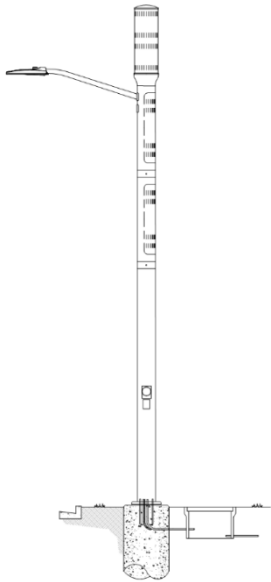
Section 8.1. Standard Small Cell Requirements

All small cell equipment shall meet the following standards, and those specified this this standard for the specific small cell installation type/

Table 3: Foundation Requirements

Ventilation	Equipment vaults and poles shall be rated for passive cooling.
Noise Level	Small cell equipment shall not emit noise greater than 50 dBA at the nearest property line.
Pole Color	Equipment shall be painted Benjamin Moore – Ironclad Bronzestone #163-60.
Pole Finishing Coat	Sherwin Williams – Polane HS pigmented polyurethane finish capable of withstanding exposure to ultraviolet, chemicals, and extreme weather conditions.
Surface Coat	The surface coating shall be uniformly applied to prevent craze-lines, bumps, and pinholes. The surface coating shall have a minimum dry film thickness of 1.5 mils.
Steel Equipment	Shall be galvanized steel with epoxy paint.
Foundation Size	No greater than 3 feet diameter and 8.5 feet in depth without prior approval by the City.
Foundation Conduit Stub Outs	Minimum of six (6), two-inch PVC conduit stub outs located between 20-inches and 24-inches below grade.
Foundation Stamp	Foundations shall be stamped by a Colorado licensed professional engineer.
Radio Frequency Warning Labels	RF warning labels shall list the distance from the pole of the Maximum Permissible Exposure for the uncontrolled general population for a minimum of 30-minutes. RF warning labels shall be mounted external to the Provider’s equipment at such locations as necessary on the poles. RF warning

All permitted small cells shall meet the aesthetic requirements listed in the sections below.



Section 8.2. Collocated Small Cell Aesthetics

The applicant shall be responsible for bringing the existing streetlight assemblies up to the Fort Collins Light and Power's current luminaire specifications for any selected location. Existing streetlight equipment (pole, mast arm, and luminaire) shall be removed and returned to the City at no cost to the City. The applicant's Contractor shall fully remove the existing streetlight foundation.

All small cell equipment, except for the antenna and meter, shall be undergrounded or housed within the pole. All antennas, UE relays, coax cables, antenna mounts, and other equipment necessary for a complete installation shall be mounted internal to the cantenna.

The applicant's point of delivery will be at the existing or upgraded junction box next to the existing streetlight.

Table 4: Collocated Small Cell Standards

Pole	Maximum of 12-inch straight, round diameter.
Mast Arm	<i>City of Fort Collins Utilities Specification No: 373-104.</i>
Luminaire	Shall be approved by Fort Collins Utilities prior to installation.
Luminaire Hand Hole	A hand hole shall be located above the mast arm for luminaire electrical service.
Separation of Service	Streetlight electrical service shall be separated with a metal divider.
RF Transparent Section(s)	Internally mounted small cell equipment may be installed within the pole.
Cantenna Diameter	Maximum of 16-inches outer diameter.
Cantenna Height	Maximum of 6-feet and 7-inches including tapered transition.
Collocated	<i>Collector and Arterial Streets:</i> Small cell shall not exceed 36-feet and 7-inches in between the top of the cantenna and the top of the foundation. <i>Local Streets:</i> Small cell shall not exceed 18-feet in between the top of the cantenna and the top of the foundation.
Transition	An enclosed, tapered transition between the pole and the cantenna.

Section 8.3. Third Party Pole Attachments

Small cell attachments on third-party owned poles shall meet the standard requirements of the owner.

All small cell equipment, except for the antenna, meter, and disconnect shall be undergrounded or housed within the pole. All antennas, UE relays, coax cables, and antenna mount shall be mounted internal to the cantenna or within an equipment shroud.

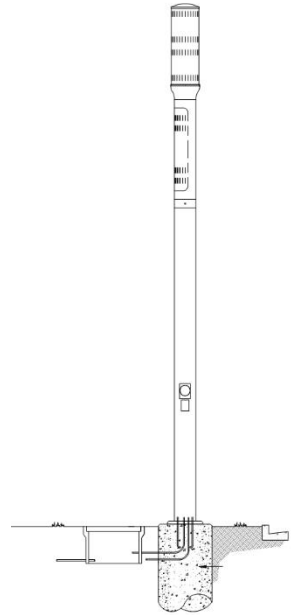


Table 5: Third Party Pole Attachment

Pole	Maximum of 12-inch straight, round diameter.
Separation of Service	Small cell service shall be separated from utility equipment per the Utility standards.
RF Transparent Section(s)	Internally mounted small cell equipment may be installed within a metal pole per the Utility standards.
Cantenna Diameter	Maximum of 16-inches outer diameter.
Cantenna Height	Maximum of 6-feet and 7-inches including tapered transition.
Assembly height	Pole assembly with small cell shall not exceed 36-feet and 7-inches in between the top of the cantenna and the top of the foundation.
Transition	An enclosed, tapered transition between the pole and the cantenna.

Section 8.4. Traffic Signal Mounted Small Cells

All new traffic signal poles shall meet the traffic signal requirements established by the Traffic Engineer and/or the Electric Project Engineer. All small cell equipment, except for the antenna and meter, shall be undergrounded. The meter may be installed in a separate meter power pedestal approved by Fort Collins Utilities and shall meet the requirements established in Section 6.3.

Applicant shall consider sight triangles at the intersection prior to submitting a small cell permit. All equipment greater than nine inches in diameter shall be installed two feet behind the back edge of the sidewalk.

Traffic signal pole and caisson shall be designed to accommodate installation of a Colorado Department of Transportation standard S-614-40 or S-614-40A mast arm and luminaire arm.

Concealment and Shrouding

All facilities, new or replacement, should conceal all related wireless equipment within the pole, or must be buried below grade in vaults. Panel or prismatic antennas whose proper function prevents them from being fully enclosed within an enclosure shall be considered enclosed if their installation is substantially within the pole boundary. No above-ground ancillary facilities such as pedestals and cabinets separate from the pole will be allowed. No secondary attachments unrelated to Fort Collins Light & Power metering and meter disconnect are allowed

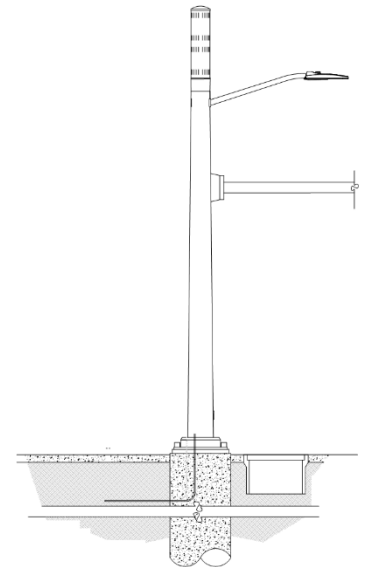


Table 6: Traffic Signal Mounted Small Cell

Traffic Signal Pole	Per the Larimer County Urban Area Street Standards (LCUASS) and per the current edition of the <i>Colorado Department of Transportation (CDOT) Standards S-614-40, S-614-40A</i> and CDOT Traffic Signal Construction Standards .
Signal Mast Arm	Per the <i>Colorado Department of Transportation (CDOT) Standards S-614-40, S-614-40A</i> and CDOT Traffic Signal Construction Standards .
Luminaire Mast Arm	Per Fort Collins Light & Power requirements.
Luminaire	Shall be approved by Fort Collins Utilities prior to installation.
Separation of Service	Small cell conduit shall not be strapped to the exterior of the traffic signal pole. A separate channel shall be included within the pole.
Cantenna Diameter	Up to 16-inches in diameter.
Cantenna Height	Shall be mounted to the top of the traffic signal pole. The cantenna shall not extend more than 6-feet and 7-inches, including tapered transition, above the top of the traffic signal pole
Transition	An enclosed, tapered transition between the pole and the cantenna.



Figure 11: Example traffic signal mounted small cell

Appendix A. Links

Below are common links that applicants should refer to when requesting a small cell permit.

[Contractor License Application](#)

[General Contractor Application Packet](#)

[Larimer County Urban Area Street Standards](#)

[City of Fort Collins Master Street Plan Map](#)

[City of Fort Collins Floodplain Map](#)

[City of Fort Collins Development Forms](#)

[City of Fort Collins Land Use Code](#)

[City of Fort Collins Municipal Code Chapter 23](#)

[City of Fort Collins Utilities Light and Power Electrical Service Standards](#)

[City of Fort Collins Electric Service Standards](#)

[City of Fort Collins Electric Service Rules and Regulations](#)

[City of Fort Collins Schedule of Electrical Rates, Charges, and Fees](#)

[City of Fort Collins Small Cell Permit](#)

[Colorado Revised Statutes Title 29](#)

[Colorado Department of Transportation \(CDOT\) Construction Standards](#)

Appendix B. Variances

The following variances are documented in the standards and specifications, and moved to this Appendix for applicants to easily determine the procedures for each department when requesting a variance. The City of Fort Collins reserves the right to approve variances from the standards and specifications if the variance meets the intent of these standards and specifications and the Master License Agreement.

Forestry Variance:

If a variance is requested, the City of Fort Collins Forestry Division requires the following prior to submitting a permit application:

1. A statement regarding all details of the requested variance.
2. An on-site visit with the Forestry Division to determine whether the proposed variance is deemed acceptable.
3. An alternative location analysis.

Appendix C. General Notes

Refer to [Larimer County Urban Area Street Standards Appendix E](#) for detailed notes for inclusion on all small cell plans. The following General Notes are provided as a guideline for inclusion on plan sheets.

GENERAL NOTES

1. PROJECT BENCHMARK: (ADD BENCHMARK DATA). ALL ELEVATIONS SHOWN ON THESE PLANS ARE REFERENCED TO THE PROJECT BENCHMARK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SAFEGUARDING THE PROJECT BENCHMARK AND OTHER SURVEY MONUMENTS. DAMAGED MONUMENTS SHALL BE RE-ESTABLISHED AND REPLACED BY THE LICENSED LAND SURVEYOR AT THE EXPENSE OF THE PARTY RESPONSIBLE FOR THE DAMAGE.
2. THE CONTRACTOR SHALL PERFORM WORK IN ACCORDANCE WITH THE GEOTECHNICAL RECOMMENDATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPTLY NOTIFYING THE ENGINEER OF ANY PROBLEMS OR POTENTIAL PROBLEMS IN CONFORMING TO THE DESIGN LINE AND GRADE FOR ANY ELEMENT OF THE CONSTRUCTION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROMPTLY NOTIFYING THE ENGINEER OF SITE CONDITIONS THAT DIFFER FROM THOSE SHOWN ON THE APPROVED PLANS.
4. IN THE EVENT THE CONTRACTOR ALLOWS, AUTHORIZES, APPROVES OR CONSTRUCTS ITEMS THAT DIFFER FROM THE APPROVED PLANS, SPECIFICATIONS OR OTHER CONTRACT DOCUMENTS, WITHOUT WRITTEN APPROVAL BY THE ENGINEER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY LIABILITY ARISING FROM SUCH CHANGES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SAFEGUARDS, SAFETY DEVICES, PROTECTIVE EQUIPMENT, AND ANY OTHER NEEDED ACTION TO PROTECT THE LIFE, HEALTH AND SAFETY OF THE PUBLIC AND TO PROTECT PROPERTY IN CONNECTION WITH THE PERFORMANCE OF WORK COVERED BY THE CONTRACTOR.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING SAFE, PASSABLE ACCESS TO PRIVATE PROPERTIES ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
7. THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO FOR LOCATION OF UNDERGROUND GAS, ELECTRIC AND COMMUNICATION UTILITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION (1-800-922-1987). THE CONTRACTOR SHALL NOTIFY OTHER APPLICABLE UTILITY COMPANIES AS WELL TO OBTAIN FIELD LOCATES OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
8. LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN ON THE PLANS WERE TAKEN FROM THE RECORDS OF THE CONTROLLING AGENCIES OR FROM AGENCY MARKINGS IN THE FIELD. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR COMPLETENESS OR ACCURACY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE AND/OR LOCATION OF ALL UNDERGROUND UTILITIES AND PARTICIPATE IN THE RESOLUTION OF AND CONFLICTS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF ALL NECESSARY UTILITY RELOCATIONS WITH THE APPROPRIATE UTILITY COMPANY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE JOB SITE CONDITIONS THROUGHOUT THE DURATION OF CONSTRUCTION, INCLUDING SAFETY OF ALL PERSONS AND PROTECTION OF PROPERTY. THIS REQUIREMENT SHALL

APPLY CONTINUOUSLY AND NOT BE LIMITED ONLY TO WORKING HOURS. THE CONTRACTOR SHALL DEFEND INDEMNIFY AND HOLD THE OWNER, THE ENGINEER AND THE GOVERNING JURISDICTION HARMLESS FOR ANY AND ALL LIABILITY, IN CONNECTION WITH THE PERFORMANCE OF WORK, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER, THE ENGINEER OR THE GOVERNING JURISDICTION.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING NEARBY PUBLIC OR PRIVATE STREETS OF MUD AND DEBRIS, DUE TO CONSTRUCTION ACTIVITIES, ON A DAILY BASIS OR AS DIRECTED BY GOVERNING JURISDICTION PERSONNEL.

12. THE CONTRACTOR SHALL HAVE IN HIS POSSESSION AT ALL TIMES THE APPROPRIATE EDITION OF THE GOVERNING JURISDICTION DESIGN AND CONSTRUCTION STANDARDS, ONE SET OF APPROVED CONSTRUCTION PLANS, THE STORM WATER MANAGEMENT PLAN, AND ALL REQUIRED PERMITS.

13. ALL (SANITARY SEWER, STORM SEWER, WATER LINE OR STREET) CONSTRUCTION SHALL CONFORM TO THE APPROPRIATE EDITION OF THE GOVERNING JURISDICTION STANDARDS AND SPECIFICATION.

14. ALL CONSTRUCTION SHALL CONFORM TO THE APPROPRIATE EDITION OF THE LARIMER COUNTY URBAN AREA STREET STANDARDS AND THE STANDARDS AND SPECIFICATIONS OF THE COLORADO DEPARTMENT OF TRANSPORTATION, THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, AND INDUSTRY STANDARDS AS APPLICABLE TO ELEMENTS OF WORK NOT COVERED BY LOCAL AGENCY STANDARDS AND SPECIFICATIONS. REQUIREMENTS OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE ENVIRONMENTAL PROTECTION AGENCY AND THE U.S. ARMY CORPS OF ENGINEERS, SHALL ALSO BE FOLLOWED AS THEY RELATE TO THE WORK.

15. SANITARY SEWER AND STORM SEWER LENGTHS ARE FROM CENTER OF MANHOLE TO CENTER OF MANHOLE. SANITARY SEWER AND STORM SEWER MANHOLES ARE 4-FOOT DIAMETER UNLESS OTHERWISE NOTED.

16. TFI INDICATES TOP FRONT OF INLET ELEVATION. TFI ELEVATIONS SHOWN ON INLETS IN PROFILE VIEW ARE AT MID-POINT OF INLET. REFER TO SPECIFIC INLET DETAILS FOR TFI ELEVATIONS ON INLET CORNERS IF APPLICABLE

Appendix D. Details

The following pages include typical small cell details for installation and small cell components installed within the City of Fort Collins.

TOP OF FOUNDATION SHALL BE FLUSH TO HARDSCAPE.
FOR SOFTSCAPE LOCATIONS, TOP OF FOUNDATION SHALL BE 2" ABOVE ADJACENT SOFTSCAPE WITH 1/2" CHAMFER TOP EDGE.

PAVERS OR CONCRETE

IN-GRADE EQUIPMENT VAULT

2" PVC (MIN.) CONDUITS

3/4" DIA. X 10'-0" LG. COPPER CLAD DRIVEN GROUND ROD IN SPLICE BOX 6" (MIN.) AWAY FROM CONCRETE BASE. EXOTHERMIC WELD OR UNDERGROUND RATED LUG CONNECT CONDUCTOR TO GROUND ROD.

12" DIA. POLE (MAX.)

#6-2 AWG COPPER (8) POSITION LUG GROUND BAR (MIN.)

SMALL CELL & STREETLIGHT ELECTRIC CONDUIT (FOR COLLOCATIONS ONLY)

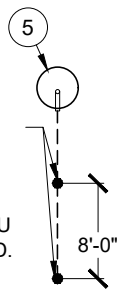
#2 AWG CU

24" MIN.

8'-0"

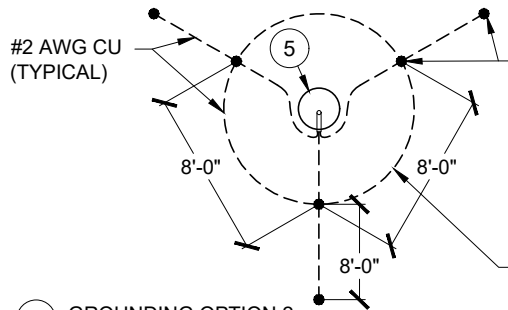
ELEVATION SECTION VIEW

3/4" DIA. X 10'-0" LG. COPPER CLAD DRIVEN GROUND ROD (TYPICAL OF 2) 6" (MIN.) AWAY FROM OTHER GROUND RODS. EXOTHERMIC WELD #2 AWG CU CONDUCTOR TO GROUND ROD.



8 GROUNDING OPTION 1
LINEAR GROUNDING

#2 AWG CU (TYPICAL)



7 GROUNDING OPTION 2
RADIAL GROUNDING WITH INNER RING

3/4" DIA. X 10'-0" LG. COPPER CLAD DRIVEN GROUND ROD (TYPICAL 6) 6" (MIN.) AWAY FROM OTHER GROUND RODS. EXOTHERMIC WELD #2 AWG CU CONDUCTOR TO GROUND ROD.

#2 AWG CU GROUNDING RING

FOUNDATION DETAIL NOTES

- 1 BOND RACEWAY GROUND TO GROUND ROD IN IN-GRADE VAULT.
- 2 BOND (1#4 SOFT DRAWN BARE CU) TO GROUND ROD(S) AND GROUNDING LUG IN EQUIPMENT CABINET HAND HOLE.
- 3 PROVIDE 3/4" GRC SLEEVE IN FOUNDATION FOR GROUNDING CONDUCTORS.
- 4 COLLOCATION SMALL CELL AND FREE STANDING SMALL CELL FOUNDATION EMBEDMENT DEPTH, DIMENSIONS AND REINFORCEMENT SHALL BE DESIGNED BY A STRUCTURAL ENGINEER LICENSED IN THE STATE OF COLORADO.
- 5 ANCHOR BOLT CIRCLE SHALL BE CENTERED ON FOUNDATION WITH AN ANCHOR BOLT TEMPLATE.
- 6 CITY OF FORT COLLINS UTILITIES METER SHALL BE PROPERLY GROUNDED PER N.E.S.C. CURRENT ADDITION.
- 7 RADIAL GROUNDING OPTION: BOND (1 #2 SOFT DRAWN BARE CU) TO GROUND ROD RING WITH (6) 3/4" x 10'-0" GROUND RODS IN RADIAL DESIGN WITH LOOP RING ON INSIDE (3) RODS. EXOTHERMIC WELD CONDUCTOR TO EACH ROD.
- 8 LINEAR GROUNDING OPTION: BOND (1#2 SOFT DRAWN BARE CU) TO (2) 3/4" x 10'-0 GROUND RODS IN LINEAR ARRANGEMENT . EXOTHERMIC WELD CONDUCTOR TO EACH ROD.

GENERAL NOTE

1. FOUNDATION DETAILS ARE INCLUDED ONLY TO SHOW ELECTRICAL COMPONENTS. REFER TO CITY OF FORT COLLINS UTILITIES LIGHT & POWER STANDARDS STREETLIGHT OR TRAFFIC SIGNAL REQUIREMENTS.
2. FREESTANDING SMALL CELL REQUIRES AN ADDITIONAL SERVICE LATERAL TO AN ADJACENT TRANSFORMER.

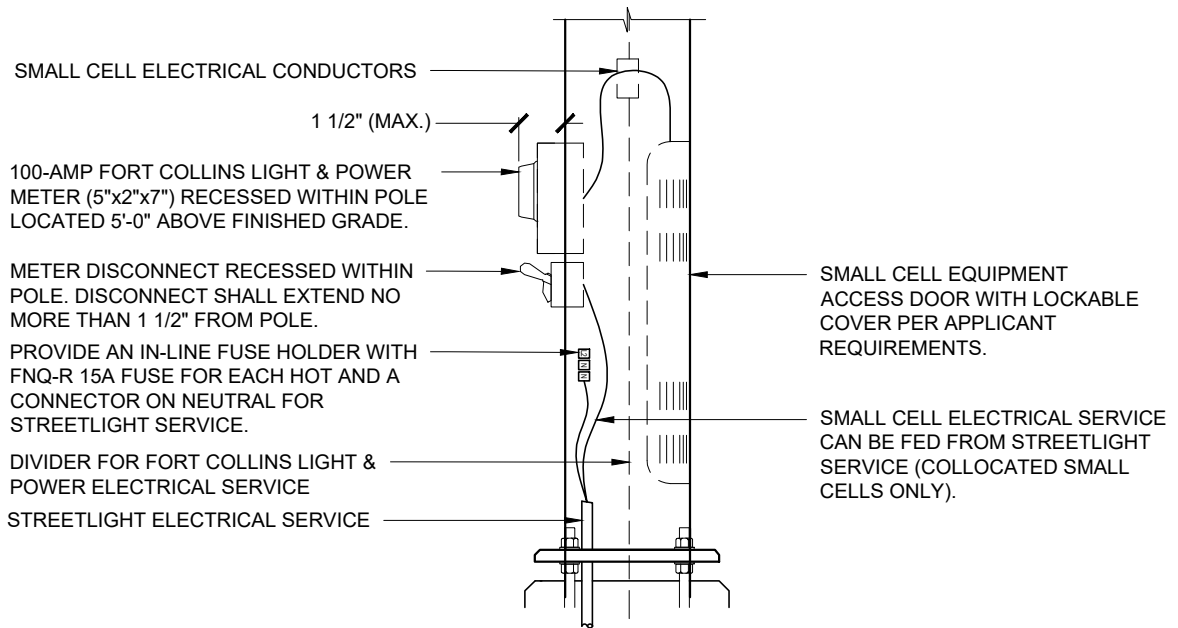


City of Fort Collins Utilities
Light & Power

SMALL CELL ELECTRICAL DETAIL

Date:
JUNE 2020

Std. Dwg. No.
SC-01



COLLOCATION POLE BASE DETAIL

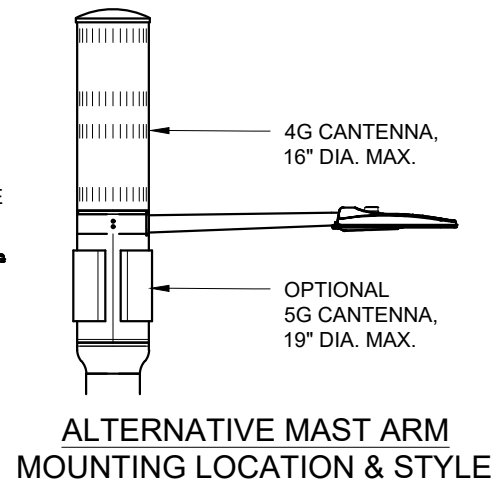
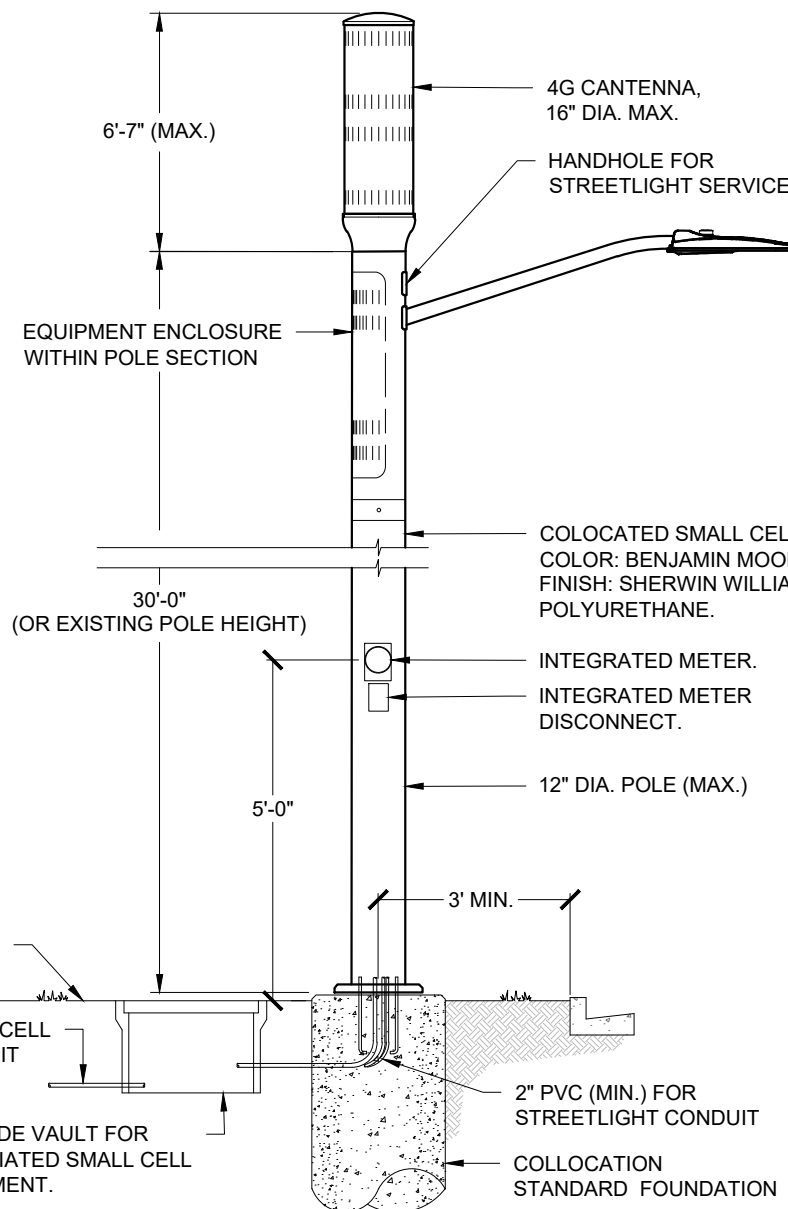
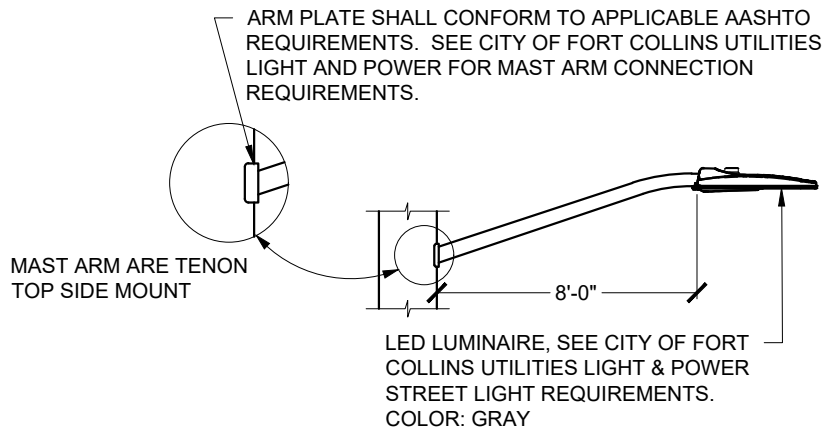


City of Fort Collins Utilities
Light & Power

SMALL CELL POLE BASE DETAIL

Date:
JUNE 2020

Std. Dwg. No.
SC-02



DETAIL NOTES

1. LUMINAIRE SHALL BE MOUNTED AT 30 FEET OR AS REQUIRED BY THE CITY OF FORT COLLINS UTILITIES LIGHT & POWER.
2. ALL STREETLIGHT ELECTRICAL SHALL BE SEPARATED FROM SMALL CELL EQUIPMENT BY A DIVIDER.
2. ALL ANCHOR BOLT HARDWARE SHALL BE CONCEALED.
3. ALL SMALL CELL EQUIPMENT SHALL BE HOUSED INTERNAL TO THE POLE, WITHIN THE EQUIPMENT VAULT, OR HIDDEN BEHIND THE ANTENNA.
4. COMBINATION SMALL CELL POLE SHALL BE 36'-0" MAXIMUM FROM TOP OF FOUNDATION TO TOP OF ANTENNA.

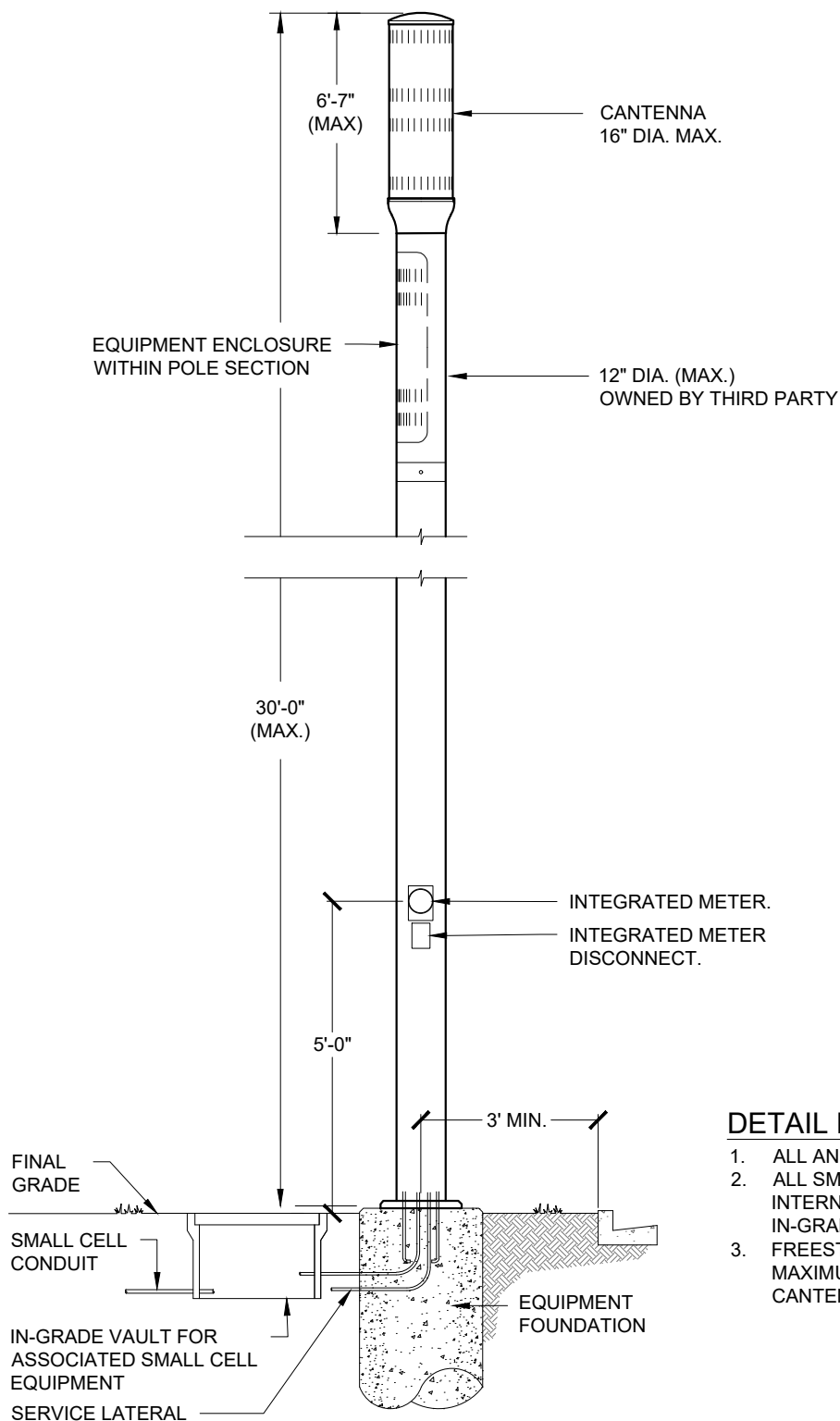


City of Fort Collins Utilities
Light & Power

COLLOCATED SMALL CELL POLE DETAIL

Date:
JUNE 2020

Std. Dwg. No.
SC-03



3RD PARTY POLE

DETAIL NOTES

1. ALL ANCHOR BOLT HARDWARE SHALL BE CONCEALED.
2. ALL SMALL CELL EQUIPMENT SHALL BE HOUSED INTERNAL TO THE FREESTANDING POLE, IN THE IN-GRADE VAULT, OR HIDDEN BEHIND THE CANTENNA.
3. FREESTANDING SMALL CELL POLE SHALL BE 30'-0" MAXIMUM FROM TOP OF FOUNDATION TO TOP OF CANTENNA.

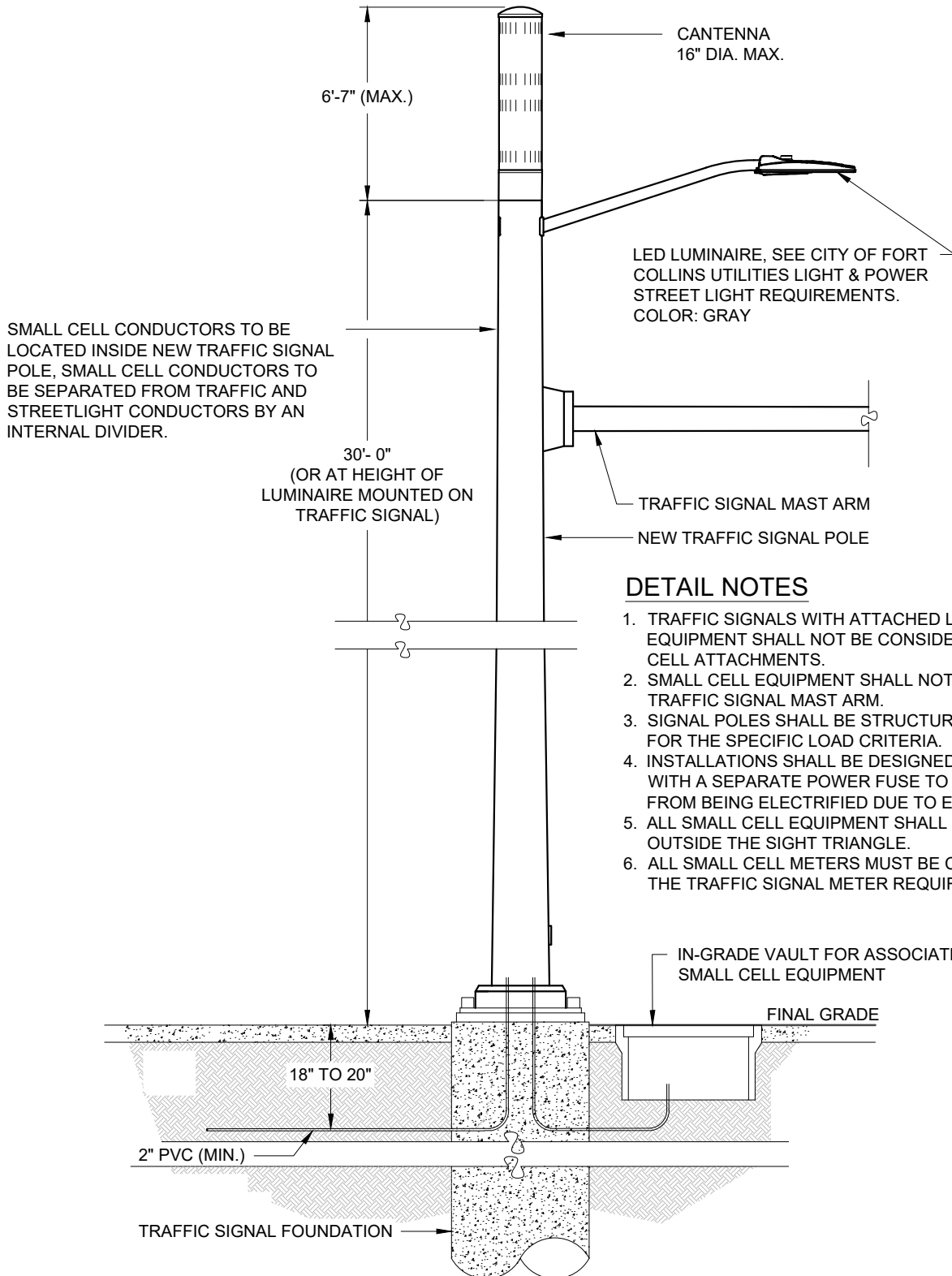


City of Fort Collins Utilities
Light & Power

THIRD PARTY POLE WITH SMALL CELL

Date:
JUNE 2020

Std. Dwg. No.
SC-04



DETAIL NOTES

1. TRAFFIC SIGNALS WITH ATTACHED LAW ENFORCEMENT EQUIPMENT SHALL NOT BE CONSIDERED FOR SMALL CELL ATTACHMENTS.
2. SMALL CELL EQUIPMENT SHALL NOT BE LOCATED ON TRAFFIC SIGNAL MAST ARM.
3. SIGNAL POLES SHALL BE STRUCTURALLY ENGINEERED FOR THE SPECIFIC LOAD CRITERIA.
4. INSTALLATIONS SHALL BE DESIGNED AND INSTALLED WITH A SEPARATE POWER FUSE TO PREVENT POLE FROM BEING ELECTRIFIED DUE TO EQUIPMENT FAILURE.
5. ALL SMALL CELL EQUIPMENT SHALL BE LOCATED OUTSIDE THE SIGHT TRIANGLE.
6. ALL SMALL CELL METERS MUST BE CONSISTENT WITH THE TRAFFIC SIGNAL METER REQUIREMENTS.

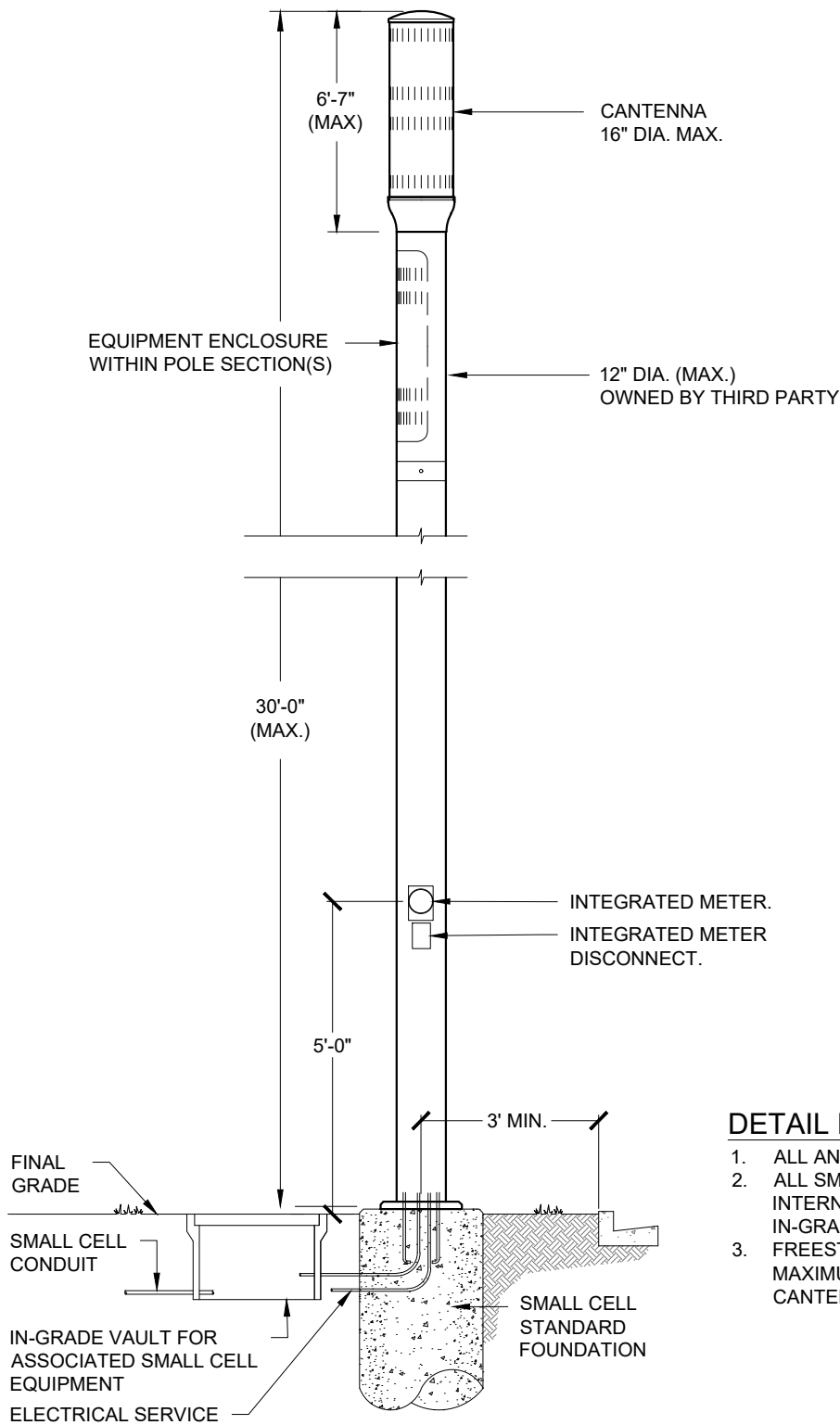


City of Fort Collins Utilities
Light & Power

TRAFFIC SIGNAL POLE WITH SMALL CELL DETAIL

Date:
JUNE 2020

Std. Dwg. No.
SC-05



30 FT. STANDARD

DETAIL NOTES

1. ALL ANCHOR BOLT HARDWARE SHALL BE CONCEALED.
2. ALL SMALL CELL EQUIPMENT SHALL BE HOUSED INTERNAL TO THE FREESTANDING POLE, IN THE IN-GRADE VAULT, OR HIDDEN BEHIND THE CANTENNA.
3. FREESTANDING SMALL CELL POLE SHALL BE 30'-0" MAXIMUM FROM TOP OF FOUNDATION TO TOP OF CANTENNA.

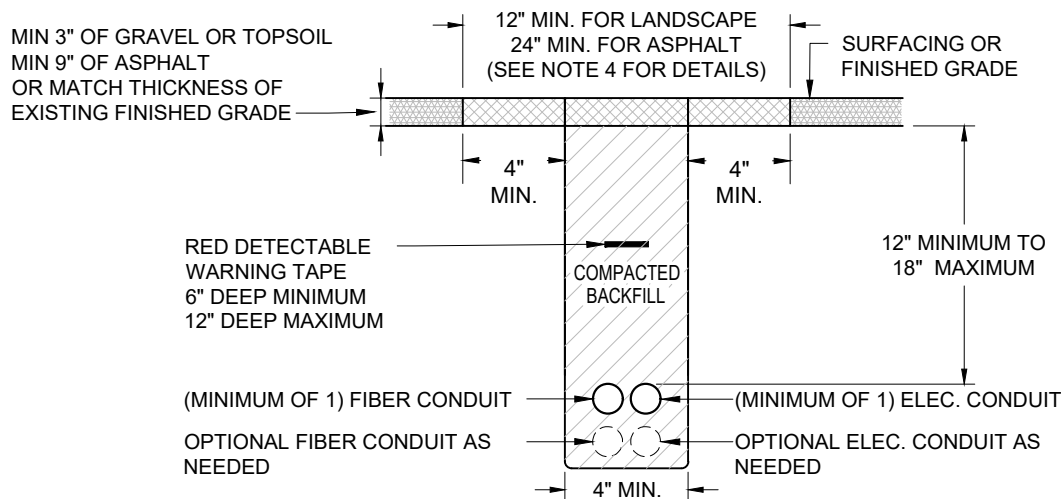


City of Fort Collins Utilities
Light & Power

FREESTANDING SMALL CELL POLE

Date:
JUNE 2020

Std. Dwg. No.
SC-06



TRENCHING DETAIL NOTES

1. CONTRACTOR SHALL COORDINATE BORING, DRIVING, OR TRENCHING WITH OTHER UNDERGROUND UTILITIES. CONTRACTOR SHALL USE COMMON TRENCHES WHEREVER POSSIBLE.
2. WHENEVER POSSIBLE, CONDUIT OR CABLE SHALL BE INSTALLED BY BORING, DRIVING, OR ANY OTHER ACCEPTABLE MEANS UNDER CONCRETE UNITS. OPEN CUTTING SHALL BE USED ONLY UNDER SPECIAL CIRCUMSTANCES AND ONLY WITH APPROVAL OF CITY OF FORT COLLINS UTILITIES LIGHT & POWER.
3. MINIMUM WIDTH AND TYPE OF RESTORATION TO BE DETERMINED BY CITY OF FORT COLLINS UTILITIES LIGHT & POWER INSPECTOR, BASED ON CONTRACTOR'S PRE-ACTIVITY PHOTOS, TO MATCH PRE-EXISTING CONDITIONS.
4. SOD REPLACEMENT SHALL BE 12" (MIN.) AND 18" (MAX.) IN WIDTH. ASPHALT REPLACEMENT SHALL BE A MINIMUM OF 24" IN WIDTH. ANY HARDSCAPE (CONCRETE OR PAVERS) SHALL BE REPLACED IN FULL PANELS OR PAVERS OF THE SAME TYPE, COLOR, AND SIZE AS BEFORE. ALL CONDUIT, LANDSCAPE RESTORATION, ASPHALT RESTORATION, AND CONCRETE RESTORATION MUST BE INSTALLED IN ACCORDANCE WITH THE CITY OF FORT COLLINS TRANSPORTATION STANDARD DETAILS.
5. 1-#12 AWG LOCATE WIRE SHALL BE LOCATED IN ALL EMPTY CONDUITS.
6. COLLOCATED SMALL CELLS MAY BE FED FROM THE STREETLIGHT SERVICE.
7. FREESTANDING SMALL CELLS REQUIRE AN INDIVIDUAL SERVICE LATERAL BE INSTALLED AND CONNECTED TO AN ADJACENT TRANSFORMER.



City of Fort Collins Utilities
Light & Power

TRENCHING DETAIL

Date:
JUNE 2020

Std. Dwg. No.
SC-07

AN ORDINANCE AMENDING ARTICLE XXX OF CHAPTER 16 OF THE *WINDSOR MUNICIPAL CODE* CONCERNING WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, the Town of Windsor (“Town”) is a home rule municipality with all powers and authority as provided by Colorado law; and

WHEREAS, pursuant to Article 23, Title 31 of the Colorado Revised Statutes, the Town has authority to regulate the development of land within the Town for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the Town Board adopted Ordinance No. 2007-1307, establishing regulations and requirements for wireless communications facilities within the Town; and

WHEREAS, Ordinance No. 2007-1307 has been codified as Chapter 16, Article XXX of the *Windsor Municipal Code* (“Telecom Code”); and

WHEREAS, during the 2017 legislative session, the Colorado General Assembly passed and the Governor signed into law HB17-1193, codified at Title 29, Article 7 and Title 38, Article 5.5 of the Colorado Revised Statutes, which expands access to public rights-of-way and Town-owned infrastructure in public rights-of-way for placement of small cell facilities, making such facilities a use by right in all zone districts; and

WHEREAS, notwithstanding the expanded access to municipal rights-of-way and Town-owned infrastructure for small cell facilities, HB17-1193 also preserved the local government's right to exercise police powers to regulate the placement of such facilities, subject to certain limitations; and

WHEREAS, in September, 2018, the Federal Communications Commission issued a Declaratory Ruling and Third Report and Order, acknowledging that upgrading to 5G and other next-generation wireless services through smart infrastructure policy, and that by removing regulatory barriers that would inhibit such expansion will assist in the expansion of entrepreneurship, innovation, and economic opportunities for communities across the country; and

WHEREAS, through the implementation of the Telecom Code and the evolution of wireless communications technology, the Town has identified the need for amendments to the Telecom Code concerning the regulation of “small cell” wireless communications facilities and the rights of providers to locate facilities within the Town subject to the Town’s police powers; and

WHEREAS, the Telecom Code currently allows right-of-way obstruction permits for limited purposes and activities, and the Town Board has determined a new class of encroachment permit is needed for communication facilities under HB 17-1193 and to facilitate availability of wireless communication services throughout all areas of the Town; and

WHEREAS, the Town Board has also determined the Telecom Code should be amended to clarify when standards for review of communication facility encroachments will incorporate administrative standards adopted for land use, building, forestry, and public land management in

other areas of the Town; and

WHEREAS, the amendments to the Telecom Code related to “small cell” wireless communications facilities are intended to serve the health, safety, and welfare of the residents of the Town; and

WHEREAS, at a duly noticed public hearing, the Town of Windsor Planning Commission recommended Town Board approval of the proposed changes to the Telecom Code; and

WHEREAS, in conformance with the requirements for amendments to Chapter 16 of the *Windsor Municipal Code*, the public hearings before Planning Commission and Town Board were properly noticed; and

WHEREAS, the Town Board has determined that the adoption of this Ordinance will promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO:

Section 1. The foregoing recitals are affirmed and incorporated herein by this reference as findings of the Town Board.

Section 2. Section 11-2-20 of the *Windsor Municipal Code* is hereby amended as follows:

(redline) Sec. 11-2-20. - Types of permits.

Permits under this Article shall be of two (2) types: permits for a single excavation(hereinafter referred to as Type I permits); and blanket permits to cover all excavations during a calendar year made by a public utility company (hereinafter referred to as Type II permits). A public utility company is defined as a company providing public utility services to the Town, including but not limited to the Public Service Company, U.S. West **natural gas, electricity or water utility service, telecom providers and any broadband or** cable television company licensed, franchised or permitted within the Town.

(clean)

Sec. 11-2-20. Types of Permits. Permits under this Article shall be of two (2) types: permits for a single excavation (hereinafter referred to as Type I permits); and blanket permits to cover all excavations during a calendar year made by a public utility company (hereinafter referred to as Type II permits). A public utility company is defined as a company providing public utility services to the Town, including but not limited to natural gas, electricity or water utility service, telecom providers and any broadband or cable television company licensed, franchised or permitted within the Town.

Section 3. Chapter 16, Article XXX of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted as follows:

ARTICLE XXX - ~~Wireless Telecommunications Facilities~~ **Communication Facility
Encroachment Permits**

ARTICLE XXX- Communication Facility Encroachment Permits

(Redline)

Sec. 16-30-10. - ~~Statement of purpose, intent and applicability.~~ **Purpose and intent.**

~~The within Town of Windsor Telecommunications Land Use Code (hereinafter "Code") is established with the purpose and intent of~~ **In order to accommodate** ~~accommodating the communications needs of the Town's residents and businesses, while protecting the~~ **natural beauty, visual quality,** ~~public health, safety and general welfare, of the community. the Town Board finds these regulations are necessary in order to:~~

- ~~(1) Facilitate the provision of telecommunications services to the residents and businesses within the Town.~~
- ~~(2) Minimize the adverse visual effects of towers through careful design and siting standards.~~
- ~~(3) Avoid potential damage to adjacent properties from tower failure through structural standards, radio frequency emissions standards and setback requirements.~~
- ~~(4) Encourage and maximize the use of existing and approved towers, buildings and other structures to accommodate new telecommunication antennae in order to reduce the number of towers needed to serve the community.~~

~~This Code shall not govern any tower or wireless communication facilities owned or operated by a federally licensed amateur radio station operator or used exclusively for received only antennae, provided that all other zoning district requirements are met.~~

(clean)

Sec. 16-30-10. Purpose and intent.

In order to accommodate the communication needs of residents and businesses, while protecting the community's natural beauty, visual quality, and public health, safety and general welfare, the Town Board finds these regulations are necessary to:

- (1) Establish a local policy concerning installation of communication facilities in public highways, minimizing the visual impact of such installations on the community, particularly in and near residences;
- (2) Promote competition in the provision of wireless communications services;
- (3) Facilitate the provision of wireless communications services to the residents and businesses of the Town;

- (4) Minimize adverse visual effects of antennas, overhead attachments in public highways, and communication facilities through careful design and siting standards, including but not limited to camouflage design techniques, screening, and undergrounding of associated equipment whenever possible;
- (5) Encourage collocation of antennas and maximizing the use of existing structures in public highways to accommodate communications facilities, reduce the number of support structures needed to serve the community and minimize impacts in or near residences;
- (6) Encourage deployment of smaller, less intrusive communications facilities, including Distributed Antenna Systems (DAS) and small cell networks with components that are a fraction of the size of macro communication facilities, and which are installed with little or no impact on utility support structures; and
- (7) Ensure vertical structures in or near residential zones are approved with consideration for preserving neighborhood harmony, scenic view sheds and corridors, and the quality of living in residential areas near communication facilities;
- (8) Effectively manage communication facilities in public highways and dedicated utility easements of the Town;
- (9) Establish clear guidelines and standards and an orderly process for expedited permit application review to facilitate deployment of small cell networks and personal wireless services to the Town, its residents, businesses, and community at large; and
- (10) Provide regulations which are specifically not intended to, and shall not be interpreted or applied to, (1) prohibit or effectively prohibit the provision of personal wireless services, (2) unreasonably discriminate among functionally equivalent service providers, or (3) regulate wireless transmission equipment on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with the standards established by the Federal Communications Commission.

(Redline) Sec. 16-30-20. – Definitions

~~As used in this Code, the following terms shall have the following meanings:~~

~~*Director* means the Director of Planning for the Town or authorized designee.~~

~~*Owner* means an individual or entity holding an ownership interest in property that is subject to this Code, as well as any other applicant for approval under this Code who is acting with authority of a record owner. Once any approvals are granted pursuant to this Code, any references to *owner* shall also mean operators, managers or any other person or entity authorized by an owner with the responsibility for the approved facilities. Any other such person or entity~~

shall be jointly and severally liable with an owner for any violations of this Code associated with the approved facilities.

Telecommunications site means the site or lot utilized for an unmanned telecommunications facility that uses radio signals to transmit conversation, visual imagery or data to a user.

Wireless communication facilities means facilities that transmit and/or receive electromagnetic wireless communications signals. It includes antennae, nodes, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, communications towers or similar structures supporting said equipment, equipment buildings, equipment cabinets, equipment closets, parking areas and other accessory development. The following types of facilities are included within this definition:

a. *Alternative communication facility* means a communication facility with an alternative design that camouflages or conceals the presence of antennae or towers such as, but not limited to, artificial trees, clock and bell towers and steeples.

b. *Antenna* shall mean, but shall not be limited to), any exterior transmitting or receiving devices mounted on a pole, tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals;

c. *Freestanding communication facility* means a communication facility that is mounted and supported on the roof or any rooftop appurtenance of a legally existing building or structure.

d. *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennae, including self-supporting towers, guy towers or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and alternative telecommunication facilities.

e. *Wall-mounted communication facility* means a communication facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, chimneys and similar appurtenances.

Sec. 16-30-20. Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings below:

AASHTO shall mean the American Association of State Highway and Transportation Officials.

ANSI/SCTE 77 shall mean the standards for underground enclosures published by the American National Standards Institute and Society of Cable Telecommunications Engineers.

Antenna(s) shall have the meaning set forth in § 29-27-402, Colorado Revised Statutes.

Applicant or permittee shall mean a natural person or persons, partnership, company, corporation, or other legal entity who files an application for and/or receives a CF permit under this Article.

Base Station shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network, except that a base station does not include or encompass a Tower or any equipment associated with a tower, as defined herein. *Base station* includes:

(1) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this Article, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration that, at the time the relevant application is filed with the Town under this Article, has been reviewed and approved under the applicable state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

Base station does not include any structure that, at the time the relevant application is filed with the Town under this Article, does not support or house equipment described in sub-paragraphs (1) and (2) above.

Broadband facility shall mean any infrastructure used to deliver broadband service or for the provision of broadband service. Such definition shall not include any component of an information service system defined as a “cable system” under 47 U.S.C. §§ 153 or 522.

Broadband service shall mean any technology identified by the FCC as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video. Such definition shall exclude any information service defined as a “cable service” under 47 U.S.C. §§ 153 or 522.

Broadband provider shall mean a person that provides broadband service for a fee directly to the public or to such classes of users as to be effectively available directly to the public. Such definition shall not include any provider of a service defined as a “cable service” under 47 U.S.C. §§ 153 or 522.

Camouflage, Concealment or Camouflage Design Techniques shall mean the use of any measures in the design and siting of base stations or small cell facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A site utilizes

camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or (iii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or (iv) is incorporated into or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the base station or small cell facility is not readily apparent. For base stations and other associated equipment, below grade vault placement will constitute camouflage or concealment.

Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure is not required.

Communications Facility, wireless service facility or CF shall mean a facility, including a small cell facility, used to provide personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C), or wireless information services provided by a common carrier to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies, or wireless utility monitoring and control services. A CF may include an antenna or antennas (but does not include coaxial or fiber optic cable that is not immediately adjacent to, or directly associated with, an antenna), base stations, and towers. A CF does not include the support structure to which the CF or its components are attached if the use of such structures is not primary for a CF.

Communications facility permit, CF permit or permit shall mean an encroachment permit issued pursuant to this Article, authorizing placement of a CF in a public highway in the Town or on Town-owned structure.

Distributed antenna system, or DAS, shall mean a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Eligible facilities request shall mean a request for modification of an existing tower that does not substantially change the physical dimensions of such tower involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

Eligible support structure shall mean any tower as defined at 47 U.S.C. § 153, provided it exists at the time the relevant application is filed with the Town under this Article.

Engineer shall mean the Town Engineering Manager, who shall have those duties and powers as set forth in § 24-39 of this Code.

Existing tower shall mean a constructed tower that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built. For example, a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

FAA shall mean the United States Federal Aviation Administration.

FCC shall mean the United States Federal Communications Commission.

Landowner shall mean a natural person or persons, partnership, company, corporation or other legal entity recorded, in the records of the Larimer or Weld County Clerk & Recorder, as the holder of title to the real property and or personal property on which the communications facility is located or proposed to be located. *Landowner* does not include the owner of a CF for which an application for a CF permit has been filed under this Article.

Master license agreement or MLA shall mean a written agreement between the Town and an applicant in which is set forth specific negotiated terms and conditions applicable to applicant's use of specific instances of Town-owned infrastructure.

Micro wireless facility shall have the meaning set forth in § 29-27-402, Colorado Revised Statutes.

Public highway shall have the meaning set forth in § 38-5.5-102, Colorado Revised Statutes.

Right(s)-of-way shall mean any portion of a public highway dedicated to the Town. *Rights-of-way* shall not include specific-purpose utility easements, when the specific purpose of the utility easement dedication does not include communication facilities or public access.

Screen shall mean an opaque structure, typically located on top of, but integrated with the design of, a building that conceals mechanical, communications or other equipment from view from the surrounding rights-of-ways and properties.

Signal interference letter certification shall mean a written statement certifying a technical evaluation of existing and any proposed CFs which identifies the potential signal interference problems with operation of a proposed CF and authorizes the Town to monitor interference levels with public safety communications during operation of a CF confirms radio frequency (RF) and signal interference requirements.

Site shall mean that area comprising the base of a Town-owned structure on which is mounted wireless communication equipment subject to this Article and to other related transmission equipment already deployed on the ground surrounding such vertical structure; regarding private property structures, the site shall include the current boundaries of the leased or owned property and any access or utility easements currently related thereto.

Small cell facility or small cell communications facility shall mean any of the following:

- (1) A compact wireless CF where each antenna, including exposed elements, is located inside an area of no more than three (3) cubic feet in volume, irrespective of whether enclosed; and primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside the primary

equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. All associated equipment, even if located outside the primary equipment enclosure, shall be included within the definition of small cell facility; or

(2) A micro wireless facility.

Small cell network shall mean a collection of interrelated small cell facilities designed to deliver wireless service.

Telecommunications provider shall mean a person that provides telecommunications service(s), except for cable services and aggregators of telecommunications services as those terms are defined by federal law. *Telecommunications provider* does not mean a person or business using antennas, support towers, equipment, and/or buildings used to transmit high power over-the-air broadcast of AM and FM radio, VHF and UHF television, and advanced television services, including high definition television, as those services are defined by federal law.

Telecommunications service(s) shall mean the offering of telecommunications and/or broadband service for a fee directly to the public or to such classes of users as to be effectively available directly to the public, except for cable services as that term is defined by federal law.

Tower shall mean any structure built for the primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including private, broadcast, and public safety services, unlicensed wireless services, fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and other similar structures, though not including utility or light poles that are less than thirty-five (35) feet in height.

Transmission Equipment shall mean equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Unreasonable interference shall mean any use of a public highway that disrupts or interferes with its use by the Town, the public, or other person authorized to use or be present upon the highway, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of a public highway that alters or disrupts vehicular, bicycle, or pedestrian traffic or visibility, any interference with public utilities, and any other activity that presents a hazard to public health, safety, or welfare.

(Redline) – This section is best compared with 16-30-40 through 16-30-60 (below re Location, Operational and Design Standards)

Sec. 16-30-30. - ~~General requirements, location and design criteria.~~ **Applicability.**

~~In addition to the applicable zoning requirements for the telecommunications site (including, where required, any variance approved by the Board of Adjustment pursuant to Section 16-6-60 of this Chapter), all wireless communication facilities and telecommunications sites shall be designed and located in compliance with the criteria set forth in this Section. The Director or, where Town Board action is required under this Chapter or any other provisions of this Code or Home Rule Charter, the Town Board may withhold approval of any facility that does not meet any of these criteria:~~

~~(1) Applications must contain an applicant's name, address, telephone number and an emergency telephone number at which a representative of the applicant may be reached twenty four(24) hours per day, seven (7) days per week. Should any information found within an application change, the applicant must provide updated information in writing to the Town within a reasonable period following the change. The application shall include a clear map, photographic rendering or other reliable depiction of the location of all facilities for which approval is sought by the applicant. Such map, photographic rendering or other depiction shall be to scale and shall identify with specificity the location, size, appearance and height of all wireless communication facilities proposed by the applicant.~~

~~(2) Wireless communication facilities shall be co-located with other wireless communication facilities or public utilities whenever possible and to the extent consistent with the scale and appearance of surrounding structures.~~

~~(3) The applicant shall:~~

~~—— a. Demonstrate how the proposed communication site fits into the overall communication network for the community, confirming the necessity for the site.~~

~~—— b. To the extent that it seeks approval to address gaps in coverage, demonstrate by a preponderance of the evidence that there are no viable alternatives to remedy gaps in the applicant's existing network.~~

~~—— c. To the extent that the applicant provides services under a license granted by a governmental authority, that a failure to approve the application will result in the applicant's inability to provide the minimum coverage it is required to provide pursuant to its license and any applicable law.~~

~~(4) The location and development of wireless communication facilities should, to the maximum extent possible, preserve the existing character of the site's topography and vegetation.~~

~~(5) Wireless communication facilities should be designed and located to avoid dominant silhouettes and to preserve view corridors of surrounding areas to the maximum extent possible.~~

(6) The visual impact of wireless communication facilities shall be mitigated through the use of alternative communication facilities and compatible architectural elements such as colors, textures, surfaces, scale and character. The facilities shall be screened with vegetation, structures or topographical features. The facility should be integrated to the maximum extent possible through its location and design, into the natural setting and the structural environment of the area. Accessory equipment in areas of high visibility shall, where possible, be sited below the ridgeline or designed (e.g., placed underground, depressed or located behind earth berms or structures) to minimize its profile.

(7) Where possible, wireless communication facilities should be concealed in accessory structures consistent with the architectural scale and character of the area.

(8) Roof mounted and wall mounted facilities shall be architecturally compatible with and colored to match the building or structure to which they are attached. Wall mounted facilities shall be mounted as flush to the building wall as possible. A wall mounted facility may encroach a maximum of thirty (30) inches into the required setback for the building to which it is attached, but shall not extend across any property line.

(9) Freestanding wireless communication facilities shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable governmental authority. If lighting is required, the Town may review available lighting alternatives and approve the design that will cause the least disturbance to surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light falling onto nearby properties, particularly in and near residential areas.

(10) Towers shall be designed to allow for co-location to the maximum extent possible.

(11) No portion of any antenna array may extend beyond any property line.

(12) Wireless communication facilities should be screened to mitigate visual impacts to the maximum extent practicable.

(13) The use of any portion of a wireless communication facility for promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers and balloons is prohibited. The Town may require the installation of informational signage, including safety and owner contact information.

(14) Fencing should not be used extensively and shall be supplemented with vegetation and other barriers to screen a wireless communication facility. Security fencing shall be designed in such a fashion as to blend into the character of the existing environment.

(15) The wireless communication facility shall be designed, maintained and operated as required by applicable Federal Communication Commission licenses and regulations.

~~(16) Every application for approval of any wireless communication facility shall be accompanied by the owner's good faith projection of anticipated technological advances for all antennae contemplated within the application, together with the owner's good faith plan addressing anticipated technological advances to assure that the wireless communication facility does not experience functional obsolescence over time. In the event the owner cannot provide the projection or commitment required in this Paragraph, the agreement shall require the owner to submit to periodic review of wireless communication facility obsolescence by the Town as a condition of continued approval.~~

~~(17) Lattice towers shall not be approved under any circumstances within the Town.~~

(Clean)

Sec. 16-30-30. Applicability

(a) The provisions of this Article shall apply to any CF located principally within a public highway in the Town and it shall be unlawful for a CF to be placed in any public highway except in compliance with this Article.

(b) The following facilities are not subject to the requirements of this Article, though such facilities may be subject to separate regulation under the *Windsor Municipal Code*:

(1) *Antennas or towers used by FCC-licensed amateur (ham) radio operators.* Such facilities shall be permitted subject to the *Windsor Municipal Code*.

(2) *Television or radio antennas.* Those antennas, including over the air reception devices, located on single family dwellings or duplexes, not exceeding one (1) meter in diameter and less than five (5) feet above the highest point of the existing principal structure, or for ground mounted antennas, the requirement that the height be no more than the distance from its base to the property line or the maximum height specified for accessory structures for that zone district, whichever is less. The Town Manager or his or her designee has the authority to approve modifications to the height restriction related to over the air reception device antennas and antenna structures, if in the reasonable discretion of the Town, modifications are necessary to comply with federal law.

(3) *Government-owned facilities.* Town-owned communications facilities located on Town-owned property and/or public rights-of-way, and any government-owned CF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the Town.

(Redline)

Sec. 16-30-40. - ~~Compliance with setback requirements.~~ Location Standards.

~~All wireless facilities shall comply with the setback requirements within the zone district in which the telecommunications site is located.~~

(Clean)

Sec. 16-30-40. Location Standards.

(a) *Preferred locations.* To the maximum extent feasible, in all zoning districts, the preference of this Article shall be that CFs be located on main corridors and arterials, and not on residential streets, unless necessary for network operations. CFs shall maintain least six hundred (600) feet of separation from another CF, or as otherwise set forth in a master license agreement, except when collocated.

(b) *CF equipment.* To the extent any transmission equipment is approved to be located above ground, it shall be placed as close as reasonably feasible to the vertical support structure to reduce the overall visual profile, and shall comply with all design standards set forth in § 23-176.

(c) *Separation.* No freestanding CF shall be placed within six hundred (600) feet of another freestanding CF in a public highway, unless otherwise set forth in a master license agreement. This separation requirement does not apply to attachments made to existing CFs. The Engineer may modify this requirement if the applicant demonstrates the need for the CF and cannot otherwise reasonably satisfy this requirement, or as may otherwise be as set forth in a master license agreement.

(d) *Residential areas.* When placed in a single-family residential areas, the CF shall be sited in a manner that evaluates the proximity of the facility to single family residential structures. When placed near single family residential property, the CF shall be placed adjacent to the common side yard property line between adjoining residential properties, so the CF minimized visual impacts equitably among adjacent properties. In the case of a corner lot, the CF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. If these requirements are not reasonably feasible from a construction, engineering or design perspective, the applicant may submit a written statement to the Engineer requesting the CF be exempt from these requirements.

(e) *Above-ground equipment.* Transmission equipment shall be located out of view to the maximum extent feasible. The Engineer may where appropriate and reasonably feasible based upon technical, construction and engineering requirements, require a flush-to-grade underground equipment vault.

(Redline) Sec. 16-30-50. - Towers.

~~Towers shall not exceed fifty (50) feet in height, as measured from the natural grade.~~

(Clean) Sec. 16-30-50. Operational Standards.

(a) *Federal requirements.* All CFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate CFs. If such standards and regulations are changed, the CF owners shall bring such facility into compliance with such revised standards and regulations within the time mandated by the controlling federal agency.

(b) *Radio frequency standards.* All CFs shall comply with federal standards for radio frequency emissions. An MLA may establish methods to demonstrate compliance with radio frequency emissions standards and require reimbursement by the applicant of reasonable costs incurred by the Town to verify such compliance.

(c) *Signal interference.* All small cell facilities shall be designed and sited so as not to cause interference with the normal operation of licensed radio, television, telephone and other communication services on adjacent properties; nor shall any such facilities interfere with any public safety communications.

(1) **As further set forth in § 23-177 (d)(1)**, at the time of submitting a permit application the applicant shall certify under penalty of perjury compliance with all FCC RF and signal interference requirements.

(d) *Legal access.* The applicant shall warrant and represent for all CF permit applications that the applicant has a letter of authorization from the landowner of any private property or a master license agreement for any public highway affected by the application providing legal access to/from the CF and the utilities necessary to operate and maintain the facility.

(e) *Operation and maintenance.*

(1) To ensure structural integrity of CFs, the CF owner shall ensure the CF and all associated support infrastructure is maintained in compliance with local building and safety codes, and applicable state and federal government agency wireless communication facility standards. If upon inspection, the Town reasonably concludes a CF fails to comply with such codes and constitutes a danger to persons or property, upon written notice provided to the CF owner, the owner shall have thirty (30) days from the date on the notice to bring the CF into compliance. Upon good cause shown by the CF owner, the Engineer may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the CF owner fails to bring the CF into compliance within said period, the Town may remove such facility at the permittee's expense.

(2) The site and the CF including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans. Graffiti and damage must be timely removed or repaired by the CF owner after notification by the Town.

(3) If any FCC, state or other governmental license or approval to provide personal wireless services is revoked as to any CF permitted or authorized under this Article, the permittee must inform the Town of the revocation within thirty (30) days of receiving notice of such revocation.

(4) No trees may be removed or pruned in maintaining or operating a CF, except upon satisfying the necessity standards in § 23-176 (c)(5)d. and all requirements in Chapter 27 of this Code.

(5) To ensure proper identification of underground elements of CFs, upon request by the Town, the applicant shall provide as-built drawings and a statement of compliance with all permit location conditions for CFs permitted under this Article. The failure of an applicant to submit completed as-built drawings shall be interpreted as a waiver of all claims for damages or injuries arising from inaccurate locates by the Town or third parties as to the location of applicant's underground CF elements.

(6) The CF will remain free from graffiti and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in all instances upon the earlier of ten (10) calendar days from the date of notification by the Town and/or discovery by the applicant or CF operator.

(7) In the event of conflict between the requirements of this subsection (e) and a master license agreement, the master license agreement shall have priority.

(f) *Abandonment and removal.* If a small cell facility has not been in use for a period of three (3) months, the permittee shall notify the Town of the non-use and indicate whether re-use is expected within the ensuing three (3) months. Any CF that is not operated for a continuous period of six (6) months shall be considered abandoned without regard to whether the permittee has provided notice, and any CF permit issued in connection therewith shall be deemed to have expired.

(1) The Town, in its sole discretion, may require an abandoned CF to be removed. The permittee shall remove the same within thirty (30) days of the date on a written notice from the Town. Upon removal, the land shall be restored and re-landscaped, at the permittee's expense, to the level of finish of the adjacent landscaped area.

(2) If such CF is not removed within said period, the Town may remove it at the permittee's expense and any approved permits for the CF shall thereupon expire. Reimbursement for all such removal costs shall be paid by applicant to the Town prior to permittee's receipt of any additional permit under this Article.

(3) In addition, a CF shall be removed within one hundred twenty (120) days after notification by the Town that the public highway is needed for expansion, construction, or reconstruction, or other use by the Town for any Town project. Such removal shall be at the sole expense of the applicant and if the applicant fails to remove the CF within the said one hundred twenty (120) days, or such longer period as may be established in a master license agreement, the Town may remove the CF and charge the costs to the applicant. Reimbursement for all such removal costs shall be paid by the permittee to the Town prior to issuance of any additional permit under this Article.

(g) *Rules and regulations.* The **Engineer** may promulgate rules and regulations consistent with the provisions of this Article for the administration of CF installations and extensions, including minor additions, revisions and corrections thereto as may, in the judgment of the Engineer, be necessary to better conform to good engineering and/or construction standards and practice. The Engineer shall approve only those proposed technical revisions that:

- (1) are consistent with all existing policies relevant to the revisions,
- (2) do not result in any significant additional cost to persons affected by the revision, and
- (3) do not materially alter the standard or level of service to be accomplished through the specified infrastructure.

Upon adoption of any technical revisions pursuant to this subsection (g), the **Engineer** shall provide to the Town Clerk documentation of such technical revisions specifying the date upon which they shall become effective, and shall maintain said documentation on file in the permanent records of the Town Clerk and shall make the same available for public inspection.

(Redline) **Sec. 16-30-60. - Radio frequency emissions (RFEs). Addressed in 16-30-70 below**

~~All owners and operators of wireless communication facilities shall comply with federal regulations for radio frequency emissions (RFEs). At the time of application for a wireless communication facility, and thereafter at the request of the Town upon complaint (but not more than annually), the owner or operator shall submit a report that provides cumulative field measurements of RFEs of all antennae installed at the subject site and that compares the results with established federal standards. If, upon review, or at any time any wireless communication facility with the Town is operational, the Town finds that the facility does not meet federal regulations, the Town may require corrective action within a reasonable period of time and, if not corrected, may require removal of the wireless communication facilities at the owner's expense. Any reasonable costs incurred by the Town, including reasonable consulting costs to verify compliance with these requirements for removal of wireless communication facilities, shall be borne by the owner.~~

(Clean) Sec. 16-30-60. Design Standards.

(a) *Standards.* The requirements set forth in this Section shall apply to the location and design of all CFs governed by this Article as specified below. To that end and to the maximum extent reasonably feasible, CFs shall be designed and located to minimize their impacts, consistent with this Article.

(b) *Site Design Flexibility.* To the maximum extent feasible, individual CFs shall be installed to best camouflage, disguise, or conceal the facility to make it more closely compatible with and blend into the setting and/or host structure. The Engineer may nevertheless grant a modification of the standards in this Section, provided he or she finds the modification would not be detrimental to the public good, and that:

(1) the plan in the application as submitted will promote the general purpose of the standard for which the modification is requested equally well or better than would a plan which complies with the standard for which a modification is requested; or

(2) the granting of a modification from the strict application of any standard would, without impairing the intent and purpose of this Article, substantially alleviate an existing, defined and described problem of Town-wide concern or result in a substantial benefit to the Town by reason of the fact that the proposed CF would substantially address an important community need specifically and expressly defined and described in the Town's Comprehensive Plan or an adopted policy, ordinance or resolution of the Town Board, and the strict application of such a standard would render the CF practically infeasible; or

(3) by reason of exceptional physical conditions or other extraordinary and exceptional situations, unique to the site, including, but not limited to, physical conditions, including shallowness or topography, or physical conditions which hinder the applicant's ability to overcome existing physical signal obstructions, the strict application of the standard sought to be modified would result in unusual and exceptional practical difficulties, or exceptional or undue hardship upon the applicant, provided that such difficulties or hardship are not caused by the act or omission of the applicant; or

(4) the plan in the application as submitted will not diverge from the standards of this Article that are authorized by this Section to be modified except in a nominal, inconsequential way when considered from the perspective of the affected public highway, and will continue to advance the purposes of this Article.

(c) *Conditions.*

(1) Camouflage/concealment. All CFs shall use camouflage design techniques, including, but not limited to undergrounding, installing equipment internal to the pole, use of materials, colors, textures, screening, landscaping, or other design options that blend the CF into the surrounding natural setting and built environment.

a. *Vault standards.* No vault shall be larger than seventeen (17) cubic feet in volume. The interior dimensions of any vault approved for installation under this Article shall include sufficient space to accommodate installation of an electric meter, subject to approval by Windsor Utilities. All vaults shall at a minimum meet ANSI/SCTE 77, Tier 15 standards for non-deliberate traffic applications.

b. *Pole standards.* A small cell facility may be deployed in the public highway using vertical components of a street light pole or similar structure. Such facilities shall be subject to the following:

1. All utility poles approved under this Article to host CFs shall be electrically and structurally sound, meeting all applicable structural requirements and permanent installation criteria of Chapter 5 of this Code

and otherwise satisfy AASHTO and National Electric Code standards adopted under § 5-80 of this Code and applicable to Town utility structures installed in public highways.

2. The pole or structure shall be no more than ten (10) feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within six hundred (600) feet of the pole or structure.

3. In no case shall any CF be higher than forty (40) feet, unless the applicable support structure is already existing at a greater height prior to attachment of the CF.

4. The applicant shall provide appropriately authorized written permission from the landowner at the time the application is submitted, pursuant to § 23-175(d).

c. *Antenna*. No antenna shall extend more than five (5) feet above the principal host structure, relative to original height of such structure. Nor shall any antenna significantly exceed the diameter of any host structure to which the antenna is attached or exceed a total of eighteen (18) inches in diameter, including housing and shroud elements.

d. Where the Engineer determines particular sensitivity (e.g., proximity to historic or aesthetically significant structures, views, and/or community features) warrants special consideration and in areas of high visibility, CFs shall to the extent reasonably feasible be designed to minimize their profile.

e. All visible CF components, such as antennas, vaults, and equipment enclosures, shall be constructed of non-reflective materials, be painted to match the surrounding environment, and blend in with adjacent structures and vegetation.

f. Any CF sited on a traffic signal standard shall be designed so the antenna is placed in a manner so the size, appearance, and function of the traffic signal is not altered.

(2) Hazardous materials. No hazardous materials shall be permitted in association with CFs, except those necessary for the operations of the CF and only in accordance with all applicable laws governing such materials.

(3) Siting.

a. All elements of CF permitted under this Article shall be located principally within the boundaries of a public highway.

b. The number of poles within the public highway shall be limited as much as possible and shall adhere to structural requirements set forth in an MLA.

c. Applicants may be required to design and construct CFs to accommodate equipment for at least two (2) service providers on the same structure, unless the **Engineer** approves an alternative design, to the extent reasonably feasible based upon construction, engineering and design standards. No permittee or CF operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the **Engineer**, the permittee shall provide evidence explaining why collocation is not possible at a particular facility or site. No applicant shall unfairly exclude a competitor from using a site when collocation is reasonably feasible based upon applicable construction, engineering, and design standards.

d. CFs shall be sited in a location that does not alter or reduce parking or otherwise inhibit another principal uses of the public highway.

e. Without regard to whether any portion of a CF is approved to be installed above ground, all elements of a CF shall be grouped as closely as reasonably feasible, contained within a total footprint area no greater than thirty-five (35) square feet, and otherwise located in a manner necessary to address public safety and aesthetic concerns in the reasonable discretion of the **Engineer**.

f. A CF shall not be located or maintained in a manner that causes unreasonable interference with a public highway.

(4) Lighting. A CF shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the CF is mounted on a structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible to minimize glare and light falling onto nearby properties.

(5) Landscape and fencing requirements.

a. CFs shall be sited in a manner that does not reduce landscaped areas of the public highway.

b. Applicants shall restore all landscaping impacted during CF installation to Town street vegetation standards. Supplemental landscaping will be a condition of approval for any CF requiring visible ground-mounted equipment not internal to the support structure or in a below-grade vault.

c. Existing tree growth and natural landforms on the site shall be preserved and negative impacts to tree canopies and root systems avoided to the maximum extent feasible.

d. No tree may be removed in siting a CF, unless authorized by the **Town Forester**. To obtain authorization the applicant shall show wireless services are not technically feasible without tree removal; the applicant's plan minimizes the total number of trees to be removed, avoids removal of any tree larger than four (4) inches at four and one-half (4 ½) feet high, and replaces any tree to be removed at a ratio of 2:1; and all new trees meet the replacement size standards in **§ 3.2.1. (d)(4) of the Land Use Code**.

(6) Noise. Noise generated on the site must not exceed levels permitted in **Chapter 20**.

(7) Anticipated redevelopment. If the built environment is anticipated to change significantly during the usable life of a CF, such as within an urban renewal district, the CF shall be compatible with the anticipated future built environment.

(8) Additional design requirements. Other requirements applicable to various types of CFs are specified below:

a. *Non-Town utility structure attachments*. If a CF is installed on a Town structure other than utility, light, or traffic infrastructure, the CF shall be of a neutral, non-reflective color identical to, or closely compatible with, the color of the supporting structure, or use other camouflage/concealment design techniques to make the CF as visually unobtrusive as possible, e.g., painting antennas and equipment, and meet the following:

1. All pole-mounted components of the CF shall be located on or within an existing utility pole serving another utility;
2. To the extent reasonably feasible, the CF shall be consistent with the size and shape of pole-mounted equipment installed by telecommunication providers on utility poles near the CF; and
3. The CF shall be sized to minimize the negative aesthetic impacts to the public highway, and designed and constructed to resemble structures typically found in the area.

b. *Related Accessory Equipment*. Transmission equipment, other than antennae, sited in a public highway must comply with **§ 23-174**.

(Redline) Sec. 16-30-70. - Structural integrity of towers, freestanding communications facilities.

~~To ensure the structural integrity of towers, freestanding communication facilities and wall-mounted communication facilities upon which other wireless communication facilities may be mounted, the owner of such structures shall ensure that they are of sufficient structural strength~~

~~to accommodate reasonable co-location and are maintained in compliance with the following standards: any standards contained in applicable Town building codes; the applicable standards for towers published by the Electronic Industries Alliance, as amended from time to time (presently TIA/EIA-222-G as of January 1, 2006); and all other applicable codes of the Town. In addition to any other applicable standards and requirements, the following shall apply to all structures upon which wireless communication facilities are located:~~

~~(1) Sufficient anti-climbing measures must be incorporated into each facility to reduce potential for trespass and injury.~~

~~(2) No guy wires employed may be anchored within the area in front of any principal buildings or structures on a parcel.~~

~~(3) All wireless communication facilities shall comply with the power line clearance standards set forth by the Colorado Public Utilities Commission.~~

~~(4) All wireless communication facilities must be structurally designed and physically sited so that they do not pose a potential hazard to nearby residences or surrounding properties or improvements. Any tower or freestanding communication facility shall be designed and maintained to withstand, without failure, maximum forces expected from wind, tornadoes, hurricanes and other natural occurrences, when the facility is fully loaded with antennae, transmitters, other wireless communications facilities and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report included in the application to the Director of Planning, prepared by a structural engineer licensed in the State, describing the structure, specifying the number and type of antennae it is designed to accommodate, providing the basis for the calculations done and documenting the actual calculations performed. Proof of ongoing compliance shall be provided upon request. If, upon inspection, the Town concludes that a wireless communication facility fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of a wireless communication facility, the owner shall have thirty (30) days to bring such facility into compliance with such standards. Upon good cause shown by the owner, the Director of Planning may extend such compliance period, not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such facility into compliance within said time limit, the Town may remove such facility at the owner's expense.~~

(new) Sec. 16-30-70. Application, review procedures and requirements.

(a) *Small cell facilities.* Small cell facilities shall be a permitted use by right in all zoning districts, and permits shall be issued pursuant to this Article.

(b) *Submittal Required.* No new CF shall be constructed and no collocation or modification to any CF may occur except after a written request from an applicant, reviewed and approved by the **Engineer** and issuance of an encroachment permit in accordance with this Article.

(c) *Consolidated applications and collocation.*

(1) A single permit may be issued for siting and collocating multiple small cell facilities spaced to provide wireless coverage in a contiguous area, provided all associated equipment is underground, or attached to or inside an existing structure that provides required clearances for the CFs' operation without the necessity of constructing any apparatus to extend an antenna more than five (5) feet above the existing structure.

(2) Additional site-specific reviews are required when the applicant proposes a new vertical support structure or above-ground accessory equipment, pursuant to subsection (d)(2) and (3).

(3) If any support structure must be constructed to achieve needed elevation or if an attachment adds more than ten (10) feet or ten percent (10%) to the height of an existing structure, the proposal is subject to additional review, as described in § 23-176 (c)(1)b. The height limitation applies to cumulative increases and includes in the measurement any height additions previously approved under this Section.

(d) Submittal requirements and review procedures for collocation and small cell facilities. CF permit applications shall be reviewed pursuant to the following procedures:

(1) Elements. A complete application for a permit under this Article must include the following:

- a. Application form, as provided by the Engineer;
- b. Executed master license agreement or letter of authorization;
- c. Statement made under penalty of perjury by the applicant or the CF owner, representing that all CFs that are the subject of the application shall comply with federal standards for radio frequency emissions;
- d. Signal interference letter certification signed under penalty of perjury by the applicant or CF owner, representing that all CFs covered by the application shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference signal interference requirements, and as otherwise described in § 23-175 (c);
- e. Submittal fees;
- f. Scaled site plan, photo simulation, scaled elevation view and supporting drawings, calculations, showing the location and dimension of all improvements, including information concerning topography, tower height, setbacks, drives, parking, street trees, adjacent uses, drainage;
- g. Narrative for each new installation proposed in a residential zone district or within one hundred fifty (150) feet of an existing residential lot; and

h. Proof of bonding and insurance satisfying the requirements of § 23-19 for any CF installation that entails excavation of a public highway.

i. Other information reasonably deemed by the Engineer to be necessary to assess compliance with this Article. Documents requiring signatures and seals by appropriate qualified professionals shall be provided by applicant prior to issuance of a permit under this Article.

(2) Structural Assessment. Prior to issuance of a CF permit for any CF proposing a new pole or attachment to a non-Town-owned structure, the applicant shall submit a stamped and signed structural assessment for each new proposed CF host support structure conducted by a professional engineer, licensed in the State of Colorado.

a. When the structural assessment indicates a need for a stronger structure to address issues such as wind load factor, applicant shall provide a replacement structure at applicant's cost satisfactory to the Engineer in consultation with Windsor Utilities, as applicable.

b. All costs for conducting an assessment under this subsection (3) shall be borne by the applicant, and shall be paid by the applicant prior to issuance of a permit under this Article.

(3) New structures. All applications for new vertical structures associated with a CF in a public highway shall demonstrate that other alternative siting options, including collocations, are not reasonably feasible. Notwithstanding anything in this Article to the contrary, all structures located in a public highway shall satisfy the location and design criteria set forth in §§ 23-174 and 23-176.

(4) Decision. Except for eligible facilities requests, within ninety (90) days of the date on which the Engineer deems an application is complete, the Engineer shall render a decision to issue or deny a CF permit. Any decision to approve, approve with conditions, or deny an application for a CF permit, shall be in writing and supported by substantial evidence in a written record. The Engineer shall cause a copy of the decision to be provided to the applicant. The foregoing shall apply only to applications for CF permits under this Article and shall not apply to any building, excavation, or any other permit issued pursuant to or required by other Articles of this Code.

(e) Submittal requirements and review procedures for eligible facilities requests.

(1) Application. The Town shall prepare, and from time to time revise and make publicly available, an application form which shall be limited to the information necessary for the Engineer to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the project:

a. Results in a substantial change; or

- b. Violates a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health and safety.

The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.

(2) Type of Review. Upon receipt of an application for an eligible facilities request pursuant to this Section, the Engineer shall review such application to determine whether the application so qualifies.

(3) Timeframe for review. Subject to the tolling provisions of subsection (4) c. below, within sixty (60) days of the date on which an applicant submits a complete application under this Section, the Engineer shall act on the application unless he or she determines the application is not covered by this subsection.

(4) Tolling of the timeframe for review. The 60-day review period begins to run when the application is filed, and may be tolled only by agreement of the Engineer and applicant, or in cases where the Engineer determines the application is incomplete:

- a. To toll the timeframe for incompleteness, the Town must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;

- b. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the Town's notice of incompleteness; and

- c. Following a supplemental submission, the Town will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (4) a. In the case of a second or subsequent notice of incompleteness, the Town is not required to specify missing information or documents that were not delineated in the original notice of incompleteness.

(5) Failure to act. In the event the Engineer 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. In such event, the grant 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.

(6) Interaction with Telecommunications Act 47 U.S.C. § 332. Presumptively reasonable timeframes under 47 U.S.C. § 332, as prescribed FCC Order 14-153, part VI ("Shot Clock" order), and clarified by FCC-CIRC1809-02, will begin to run upon submission of the application. The clock will pause when the Town notifies the applicant within 30 days

that the application is incomplete. The clock may also pause if Town provides written notice within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information.

(f) *Abandonment and removal.* Unless otherwise provided in a master license agreement, prior to approval, the applicant shall submit affidavits acknowledging responsibility for removal of a CF that is abandoned or is unused for a period of six (6) months, pursuant to § 23-175 (f).

REDLINE --~~Sec. 16-30-80. -- Application fees. -- (Suggest move to 16-30-90?)~~

~~The fee and any additional application-related financial requirements for wireless communication facilities shall be fixed and published by resolution of the Town Board, and any amendments to such fees and financial requirements shall likewise require a resolution of the Town Board.~~

Sec. 16-30-80. Standards for approval.

(a) *Administrative approval.* An applicant for a CF permit shall be subject to administrative review and determination as to whether it may be approved under the applicable standards set forth in §§ 23-174 through 177.

(b) Notwithstanding the approval of an application for collocation or a new non-Town owned structure as described herein, all work performed on CFs must be completed in accordance with applicable building and safety requirements of the Town.

Existing Code language remaining – Keep/incorporate/repeal?

Sec. 16-30-90. - Wireless communication facilities in public rights-of-way.

(a) Subject to the Town's applicable right-of-way permitting process administered by the Director of Engineering, wireless communication facilities located solely within public rights-of-way shall be permitted based upon the following criteria:

(1) The facilities must be placed on existing poles, upon replacement poles of the same dimensions or upon replacement poles of a dimension that would otherwise be permitted under existing regulations for any utility operating within the Town.

(2) Any necessary wiring or cabling shall be located within the pole or camouflaged to blend with the color and texture of the pole.

(3) The area of the facilities on any pole shall be designed to minimize the visual impact of such facilities. The facilities shall add no more than five (5) feet of additional height to any pole and shall not project outward in any direction a distance of more than eighteen (18) inches.

(4) Any ground equipment shall be buried or screened by landscaping approved by the Town. The owner of such facilities shall irrigate and maintain such landscaping.

(5) Notwithstanding the administrative approval contemplated in this Section, if an applicant is proposing to add to the total number of poles located in the area impacted by its application, the request shall require a separate application and approval, unless otherwise agreed in writing between the Town and the applicant/owner.

(6) The applicant shall provide confirmation that it has the written consent of any owner of poles or other structures upon or to which the applicant intends to fasten wireless communication facilities.

(b) Any permit customarily required for the location of facilities within public rights-of-way may be waived by the Director of Engineering, following review of the applicant's proposed facilities.

Sec. 16-30-100. - Co-location.

(a) The shared use of existing towers or other freestanding communication facilities upon which wireless communications facilities can be mounted shall be preferred to the construction of new facilities. As a condition of approval of any tower or other freestanding communications facilities, the applicant shall be required to allow co-location on such facilities in the future if: (1) the facility is capable of supporting co-location, (2) the entity wishing to co-locate is willing to pay fair market value for the space; and (3) the Town requests such co-location.

(b) The application for any wireless communication facility involving a new tower or other freestanding communication facility shall include evidence that reasonable efforts have been made to co-locate within or upon an existing wireless communication facility within a reasonable distance of the proposed site, regardless of municipal boundaries. The applicant must demonstrate that the proposed wireless communication facility cannot be accommodated on existing facilities due to one (1) or more of the following reasons:

(1) The planned equipment would exceed the structural capacity of the existing and approved wireless telecommunications facilities, considering existing and planned use for those facilities.

(2) The planned equipment, if co-located, would cause radio frequency interference with other existing or planned equipment or exceed radio frequency emission standards which cannot be reasonably prevented.

(3) Existing or approved wireless communications facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.

(4) Other technical reasons make it impracticable to place the equipment proposed by the applicant on existing facilities or structures.

(5) The landowner or owner of the existing wireless communication facility refuses to allow such co-location or requests an unreasonably high fee for such co-location compared to current industry rates.

(6) No existing wireless communication facilities upon which the applicant's facilities can be mounted are located within the geographic area required to meet the applicant's engineering requirements.

(7) Existing wireless communication facilities are not of sufficient height to meet the applicant's engineering requirements.

(8) Existing wireless communication facilities upon which the applicant's facilities can be mounted do not have sufficient structural strength to support the applicant's proposed antennae and related equipment.

(9) Any other reason, in the reasonable discretion of the Director of Planning.

Sec. 16-30-110. - Town action on applications.

(a) The Director may, in his or her discretion, refer any application for wireless communication facilities for review by the Planning Commission and Town Board consistent with the requirements of this Code for conditional use grants or tower applications. If not so referred or not otherwise required by this Code, the Director shall review and determine any application for siting of wireless communication facilities within the Town in accordance with the standards set forth in this Code. If approved, the Director shall issue a written statement of approval containing any conditions for such approval. If denied, the Director shall likewise issue a written statement of denial to the applicant.

(b) Conditional use grants. Wireless communication facilities may be allowed as conditional uses on private property or public property owned by an entity other than the Town within all zone districts, if approved as a conditional use in compliance with the Town's standards and procedures for approval of conditional use grants as set forth in Article VII of this Chapter. Wireless communication facilities may be allowed as conditional uses on property owned by the Town in any zone district if approved as a conditional use in compliance with the Town's standards and procedures for approval of conditional use grants as set forth in Article VII.

(c) Tower approvals. All applications for siting of any tower shall first be reviewed by the Director and then referred to the Planning Commission for review and recommendation. After the Planning Commission has completed its review of a tower application, the matter shall be referred to the Town Board for determination of the application with due regard to the Planning Commission's recommendation. The Town Board shall conduct a public hearing before considering any application for the construction of a tower. Notice of the Town Board public hearing shall be conspicuously posted upon the telecommunications site, shall be published in a newspaper of general circulation within the Town and shall be mailed by first-class mail to all property owners within a radius of three hundred (300) feet from the proposed tower site. The applicant shall provide the Director with written verification that all mailings required by this Section have been issued no less than thirty (30) days prior to the Town Board hearing. The Town Board may continue any public hearing to assure a full and fair presentation of evidence. The Town Board's decision on whether to approve or deny an application for construction of a tower shall be issued within thirty (30) days of the conclusion of the Town Board public hearing.

The Town Board's decision on whether to approve or deny an application for construction of a tower shall be in writing, based upon evidence presented to the Town Board at the public hearing and shall take into account a recommendation of the Planning Commission. Nothing in this Section shall be deemed to prohibit the Planning Commission from conducting a public hearing upon any tower application referred to it, provided that the Planning Commission hearing complies in all respects with the notice requirements of this Section.

Sec. 16-30-120. - Telecommunications provider agreement. - KEEP

Any approval for the installation, erection or construction of wireless communication facilities within the Town shall be conditioned upon the applicant entering into a telecommunications provider agreement with the Town under which, at a minimum, the following provisions shall be addressed:

- (1) The removal of all antennae, driveways, structures, buildings, equipment sheds, lighting, utilities, fencing, gates and accessory equipment or structures, as well as any tower or freestanding communication facility used as a wireless communication facility if such facility is deemed abandoned, becomes technologically obsolete or ceases to perform its originally intended function for more than one hundred eighty (180) days. Upon removal, the owner shall restore the telecommunication site, including but not limited to the landscaping of exposed areas.
- (2) Removal of wireless communication facilities where, upon inspection, the Town concludes that a wireless communication facility fails to comply with any applicable conditions of approval or constitutes a danger to person or property. Under such circumstances, upon written notice, the owner shall have thirty (30) days to bring such facility into compliance. If the owner fails to bring such facility into compliance within said thirty (30) days, the Town may remove the facility at the owner's expense.
- (3) Removal of any wireless communication facility that is not operated for a continuous period of one hundred eighty (180) days and which has been declared abandoned by the Town. The Town, in its sole discretion, may require any abandoned wireless communication facility to be removed within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. Upon removal, the site shall be restored and revegetated to blend with the surrounding environment. If such removal is not completed within said ninety (90) days, the Town may consider the facility a nuisance under this Code, and the Town may remove and dispose of the same at the owner's expense. If there are two (2) or more users of a structure upon which wireless communication facilities are mounted, then this provision shall not become effective until all users cease using the structure.
- (4) Every applicant shall post security for the discharge of duties undertaken by the applicant and owner of each wireless communication facility. Such security shall be in any form approved by and in an amount deemed sufficient by the Director to cover the anticipated cost of the owner obligations established under this Code and/or any agreements between the Town and the owner/applicant.

(5) Every telecommunications provider agreement shall require that the applicant's wireless telecommunication facilities be upgraded as technology advances and as may be accomplished at reasonable cost upon such timetable as is feasible.

(6) Every telecommunications provider agreement shall require that, as co-location occurs on the telecommunication site, each owner within such telecommunication site shall utilize alternative communications facilities to assure that the visual impacts of multiple wireless communication facilities are minimized.

(7) If the owner contemplates phasing of wireless communication facilities within a single application approval, such phasing shall be set forth in the telecommunications provider agreement. Phasing of wireless communication facilities pursuant to an existing telecommunications provider agreement shall not require a new application. To the extent phasing is not clearly set forth in an existing telecommunications provider agreement, a new application and approval pursuant to this Code shall be required for such phasing.

Sec. 16-30-130. - Existing wireless communication facilities.

Any wireless communication facilities approved before the effective date of the ordinance codified herein shall comply only with the applicable sections herein with respect to modifications of such facilities.

Introduced and passed on first reading and ordered published this [date], 2020.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Passed on second reading, and ordered published this [date], 2020.

TOWN OF WINDSOR, COLORADO

Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

DRAFT



MEMORANDUM

Date: August 10, 2020
To: Mayor and Town Board
Via: Shane Hale, Town Manager
From:
Re:
Item #: 3.

ATTACHMENTS:

- ▢ Future Meetings Agenda



FUTURE TOWN BOARD MEETINGS

August 13, 2020 4:00 p.m.	Special Meeting—Town Strategic Plan Community Engagement Meeting
August 17, 2020 5:00 p.m.	Town Board Work Session CIP Presentations
August 24, 2020 4:00 p.m.	Town Board Work Session Pandemic Update
August 24, 2020 5:00 p.m.	Town Board Regular Meeting
August 31, 2020	Fifth Monday—No Meeting
September 7, 2020	No Meeting—LABOR DAY HOLIDAY
September 14, 2020 4:00 p.m.	Town Board Work Session Clearview Library Strategic Plan Presentation
September 14, 2020 5:00 p.m.	Town Board Regular Meeting
September 21, 2020 4:00 p.m.	Town Board Work Session Tanko Lighting—Street light audit review 7 th Street Pedestrian Bridge
September 28, 2020 4:00 p.m.	Town Board Work Session
September 28, 2020 5:00 p.m.	Town Board Regular Meeting
October 5, 2020 4:00 p.m.	Town Board Work Session 2021 Budget
October 12, 2020 4:00 p.m.	Town Board Work Session 2021 Budget
October 12, 2020 5:00 p.m.	Town Board Regular Meeting
October 19, 2020 4:00 p.m.	Town Board Work Session 2021 Budget
October 26, 2020 4:00 p.m.	Town Board Work Session 2021 Budget

October 26, 2020
5:00 p.m.

Town Board Regular Meeting

Future Work Session Topics

- Visitor Tax Discussion—Joint Meeting with Chamber (30-45 days after retreat to report back to Board).
- Comprehensive Plan Review—End August early September
- 7th Street Pedestrian Bridge—Sept.
- Proportional services and amenities for planned population (February 2021)
- Land Use Code Update meeting with Planning Commission (next code section in series) – Planning
- Economic development/retail needs at 60,000 population
- Joint Meeting with Town of Windsor, Town of Severance, Fire District and School District – Tentative for Fall of 2020
- Code Amendments for Reimbursements