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January 14, 2022

El Paso County  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**RE: Update an Existing Antenna Facility – 7220 Lucky 4 Rd. (877034 USWW UTE PASS)  
PCD File No. PPR-21-070**

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Property: 7220 Lucky 4 Rd.  
Green Mountain Falls, CO 80819

APN: 8309200031

Property Owner: (Tower Facility)  
Global Signal Acquisitions II LLC (Crown Castle subsidiary)  
2000 Corporate Drive  
Canonsburg, PA 15317

(Parcel Owner)  
Gwyn Dean Smischny  
825 5th St. SE  
Pelican Rapids, MN 56572-4600

(Applicant – Tower Facility Owner's Agent)  
Zach Phillips w/Crown Castle  
Ph. 503/708-9200  
zach.phillips@crowncastle.com

Zone: R-T, Residential Topographic District

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**Proposal:**

T-Mobile recently merged with Sprint and needs to update equipment on its facility. On the tower, T-Mobile proposes to replace (2) antennas, (4) radios, antenna mounts; add (4)

antennas, (2) radios, and (3) hybrid cables with pendants. On the ground, T-Mobile proposes to add (2) support cabinets, (2) junction boxes, and replace a PPC box. These upgrades will give T-Mobile customers improved coverage.

The proposed modifications meet the federal requirements of an “Eligible Facilities Request” and have been detailed in the original submittal documents. Following is a narrative showing how the proposal meets El Paso County’s Land Development Code, except where the local standards are in conflict with federal standards:

## **El Paso County Code**

### **Chapter 5, Use and Dimensional Standards**

#### **Use-Specific Development Standards**

##### **5.1.19. Commercial Mobile Radio Service Facility (CMRS) Facilities**

###### **(B) General Standards**

###### **(1) Co-Location**

Co-location of CMRS facilities is encouraged when feasible to minimize the number of CMRS facility sites. To further the goal of co-location:

- No CMRS facility owner or operator (other than a private residence) shall unreasonably exclude a telecommunications competitor from using the same facility or location. The owner or operator of CMRS facility or location shall provide evidence and a written statement to explain why co-location is not possible at a particular facility or site at the request of the PCD Director;
- If a telecommunications competitor attempts to co-locate a CMRS facility on an existing or approved CMRS facility or location, and the parties cannot reach an agreement, the County may require a third-party technical study to be completed at the expense of both parties to determine the feasibility of co-location; and
- All facilities shall be designed and constructed to allow for colocation of a minimum of 2 users unless specifically exempted by the BOCC.

***Response:*** *This is an existing facility undergoing typical upgrades. There is no expansion of use. Facility meets the standards of federal law as an Eligible Facility, as detailed in the Code of Federal Regulations; Title 47; Subpart U—State and Local*

*Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications.*

(2) Compliance with FCC Standards

At the request of the PCD Director, which request shall occur no more than once per year, CMRS facility owners and operators shall certify that:

- The CMRS facility complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
- The CMRS facility complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.

In adopting this requirement, the County is not attempting to regulate radio frequency power densities or electromagnetic fields, which regulation is controlled by the FCC.

***Response:*** *The changes to the facility do not violate FCC regulations and the facility meets the standards set by the FCC and meets the categorically excluded standard as outlined in the FCC/LSGAC, Local Official's Guide to RF, Appendix A, see attached.*

(3) Abandonment and Expiration If the CMRS facility ceases operation for any reason for a period of one year:

- The owner or operator shall remove the CMRS facility within 6 months of the expiration; and
- Any permit or approval authorizing the CMRS facility shall be considered expired.

***Response:*** *This is an existing facility, and these requirements continues to be in effect.*

(4) Change in Ownership In the event there is a change in either the owner or operator of a CMRS facility, the new owner or operator shall notify the PCD of the change in identity of the owner or operator within 15 days after the date the change becomes

effective by providing the name and business address of the new owner or operator and verifying in writing that the new owner or operator has fully reviewed the applicable permit or approval and is familiar with its terms; and shall ensure that any required financial assurance is transferred. After receipt of notification of a change in the owner or operator of a CMRS facility, the PCD may inspect the property to make certain that the new owner or operator is complying with all of the terms and conditions of the permit or approval. The PCD may charge the owner an inspection fee authorized in the adopted fee schedule.

***Response:*** *There is no change in ownership of the tower facility. However, the radio center and support equipment that was previously identified as Sprint is now identified as T-Mobile. The name change for the radio center and support equipment is a result of the merging of the two companies.*

(5) Application Approval or Denial In considering an application for a CMRS facility, the County shall base its decision as to the approval or denial of the application on whether the proposed CMRS facility meets the design standards set forth in this Section and any approval criteria associated with the applicable application or review process.

***Response:*** *This is not a new CMRS facility and is therefore subject to the requirements outlined in the Code of Federal Regulations; Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications. These regulations take precedence over local rules that may conflict.*

(6) Facility Inventory The first proposed CMRS facility by a provider shall include a detailed inventory of all the provider's existing and approved facilities in the County, including those facilities which will connect into the proposed CMRS.

***Response:*** *This requirement is in direct conflict with the Code of Federal Regulations; Title 47; Subpart U—State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities; Section 1.6100 Wireless Facility Modifications, subsection (c) (1), as follows:*

(c) *Review of applications.* A State or local government may not deny and shall approve any eligible facilities request for modification of an eligible support

structure that does not substantially change the physical dimensions of such structure.

(1) *Documentation requirement for review.* When an applicant asserts in writing that a request for modification is covered by this section, a State or local government may require the applicant to provide documentation or information only to the extent reasonably related to determining whether the request meets the requirements of this section. A State or local government may not require an applicant to submit any other documentation, including but not limited to documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

#### (7) Standards for Freestanding CMRS Facilities

(a) Financial Assurance Prior to commencing construction of a CMRS facility, the owner of a freestanding CMRS facility shall be required to provide the County with adequate financial assurance to cover removal of the facility if abandoned. The form of financial assurance shall be approved by the PCD Director.

***Response:*** *This standard has previously been met and is not a required for determining whether the modifications meet the standards of an Eligible Facility or not.*

#### (b) Minimum Setbacks for Freestanding CMRS Facilities

##### (i) Located Within 250 Feet of Residential Zoning District

A freestanding CMRS facility located within 250 feet of any property zoned for residential use shall be set back from any residential property line one foot of distance for every foot of facility height (as measured from grade elevation), plus an additional 10 feet.

***Response:*** *Existing CMRS facility is on R-T zoned property and the proposed changes meet the requirement of an Eligible Facility.*

#### (c) Maximum Height for Freestanding CMRS Facilities

A freestanding CMRS facility, including antennae, shall not exceed the maximum structure height limit in the zoning district unless otherwise specifically authorized as a

part of the special use approval. In no case shall a freestanding CMRS facility exceed 120 feet in height.

**Response:** *There is no proposed height extension of the existing tower or antennas.*

(d) Design Standards for Freestanding CMRS Facilities

A freestanding CMRS facility shall adhere to the following design standards to minimize impacts:

(i) Compatible with Surrounding Area

A freestanding CMRS facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area, subject to any applicable FAA regulations.

**Response:** *This is an existing facility. The proposal is to replace (3) antennas and antenna mounts; add (3) antennas and two support cabinets. The wireless facility will continue to be compatible with the surrounding area. The proposed changes meet the standards of an Eligible Facility.*

(ii) Existing Vegetation

Existing land forms, vegetation and structures shall be used to screen the facility from view and blend in with the surrounding environment, to the extent practicable. Existing vegetation shall be preserved or enhanced, where feasible.

**Response:** *There will be no changes to the surrounding vegetation.*

(iii) Landscaping

The facility shall be landscaped in accordance with the requirements of Chapter 6.

**Response:** *There are no proposed changes to landscaping. The only change on the ground will be the addition of (2) support cabinets and ancillary equipment, which is details on sheet C-1.3 of the drawings.*

(iv) Equipment Storage Shelters

All equipment storage shelters shall be located within the lease area for the CMRS facility. No equipment storage shelter shall exceed 15 feet in height. Equipment storage shelters shall be grouped as closely together as practical, so as to minimize impact on adjoining properties.

***Response:*** *There are no equipment shelters (Equipment Storage Shelters) at this site. The proposed support cabinets will be 6' tall and will be located on the existing equipment pad.*

(v) No Lighting

The facility antennae shall not be lighted unless required by the FAA and authorized by the permit or approval.

***Response:*** *There is no new proposed lighting.*

(vi) Dangerous Equipment and Attractive Nuisance

Any equipment that could be dangerous to persons or wildlife shall be adequately fenced. The attractive nuisance potential shall be minimized through fencing and methods to discourage unauthorized climbing.

***Response:*** *There is an existing chain link fence with barbed wire at the top surrounding the compound*

(vii) Dish Diameter Limited

The diameter of a microwave dish antenna shall not exceed 4 feet.

***Response:*** *The is no proposed microwave dish antenna.*

(9) Design Standards for Pole-Mounted CMRS Facilities

A pole-mounted CMRS facility shall adhere to the following design standards to minimize impacts:

(i) Compatible with Surroundings

The facility shall be designed to be compatible with surrounding buildings, structures, or trees and existing or planned uses in the area.

(ii) Colored to Match Pole

The facility shall be colored to match the pole to which it is attached.

***Response: Antennas will be colored to match.***

(iii) Height Limit

The facility shall not extend more than 10 feet above the height of the existing pole.

***Response: Proposed antennas do not reach above the tower.***

(iv) Accessory Equipment and Shelters

The total area of all accessory equipment, including equipment storage shelters, shall not exceed 400 square feet per CMRS facility. Equipment storage shelters shall be screened from view by landscaping, vegetation, fencing, or comparable method of screening.

***Response: There is no proposed ground expansion. T-Mobile's equipment pad is 128 sq. ft.***

The attached information provides a description of what is proposed and demonstrates how it is an Eligible Facility. Please let me know if you have any questions or need any additional information.

Sincerely,



Zach Phillips

Crown Castle

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