

**Planning and Community Development Department**

2880 International Circle, Colorado Springs, CO 80910

Phone 719.520.6300 | Fax 719.520.6695 | www.elpasoco.com**Type C Application Form (1-2B)**

Please check the applicable application type
(Note: each request requires completion of a
separate application form):

- ☐ Administrative Relief
- ☐ Certificate of Designation, Minor
- ☐ Site Development Plan, Major
- ☐ Site Development Plan, Minor
- ☐ CMRS Co-Location Agreement
- ☐ Condominium Plat
- ☐ Crystal Park Plat
- ☐ Early Grading Request associated with a Preliminary Plan
- ☐ Maintenance Agreement
- ☐ Minor PUD Amendment
- ☐ Resubmittal of Application(s) (>3 times)
- ☐ Road or Facility Acceptance, Preliminary
- ☐ Road or Facility Acceptance, Final
- ☐ Townhome Plat

Administrative Special Use (mark one)

- ☐ Extended Family Dwelling
- ☐ Temporary Mining or Batch Plant
- ☐ Oil and/or Gas Operations
- ☐ Rural Home Occupation
- ☐ Tower Renewal
- ☐ Other _____

Construction Drawing Review and Permits (mark one)

- ☐ Approved Construction Drawing Amendment
- ☐ Review of Construction Drawings
- ☐ Construction Permit
- ☐ Major Final Plat
- ☐ Minor Subdivision with Improvements
- ☐ Site Development Plan, Major
- ☐ Site Development Plan, Minor
- ☐ Early Grading or Grading
- ☐ ESQCP

Minor Vacations (mark one)

- ☐ Vacation of Interior Lot Line(s)
- ☐ Utility, Drainage, or Sidewalk Easements
- ☐ Sight Visibility
- ☐ View Corridor

☐ Other: _____

This application form shall be accompanied by all
required support materials.

PROPERTY INFORMATION: Provide information to identify properties and
the proposed development. Attached additional sheets if necessary.

Property Address(es):

Tax ID/Parcel Numbers(s)

Parcel size(s) in Acres:

Existing Land Use/Development:

Zoning District:

- ☐ Check this box if **Administrative Relief** is being requested in
association with this application and attach a completed
Administrative Relief request form.
- ☐ Check this box if any **Waivers** are being requested in association
with this application for development and attach a completed
Waiver request form.

TOWER OWNER INFORMATION: Indicate the person(s) or
organization(s) who own the property proposed for development.
Attached additional sheets if there are multiple property owners.

Name (Individual or Organization):

SBA 2012 TC Assets, LLC

Mailing Address:

Daytime Telephone:

Fax:

Email or Alternative Contact Information:

Description of the request: *(attach additional sheets if necessary):*

For PCD Office Use:

Date:

File :

Rec'd By:

Receipt #:

DSD File #:



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APPLICANT(S): Indicate person(s) submitting the application if different than the property owner(s) (attach additional sheets if necessary).

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

AUTHORIZED REPRESENTATIVE(S): Indicate the person(s) authorized to represent the property owner and/or applicants (attach additional sheets if necessary).

Name (Individual or Organization):	
Mailing Address:	
Daytime Telephone:	Fax:
Email or Alternative Contact Information:	

AUTHORIZATION FOR OWNER'S APPLICANT(S)/REPRESENTATIVE(S):

An owner signature is not required to process a Type A or B Development Application. An owner's signature may only be executed by the owner or an authorized representative where the application is accompanied by a completed Authority to Represent/Owner's Affidavit naming the person as the owner's agent

OWNER/APPLICANT AUTHORIZATION:

To the best of my knowledge, the information on this application and all additional or supplemental documentation is true, factual and complete. I am fully aware that any misrepresentation of any information on this application may be grounds for denial or revocation. I have familiarized myself with the rules, regulations and procedures with respect to preparing and filing this application. I also understand that an incorrect submittal may delay review, and that any approval of this application is based on the representations made in the application and may be revoked on any breach of representation or condition(s) of approval. I verify that I am submitting all of the required materials as part of this application and as appropriate to this project, and I acknowledge that failure to submit all of the necessary materials to allow a complete review and reasonable determination of conformance with the County's rules, regulations and ordinances may result in my application not being accepted or may extend the length of time needed to review the project. I hereby agree to abide by all conditions of any approvals granted by El Paso County. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I acknowledge that I understand the implications of use or development restrictions that are a result of subdivision plat notes, deed restrictions, or restrictive covenants. I agree that if a conflict should result from the request I am submitting to El Paso County due to subdivision plat notes, deed restrictions, or restrictive covenants, it will be my responsibility to resolve any conflict. I hereby give permission to El Paso County, and applicable review agencies, to enter on the above described property with or without notice for the purposes of reviewing this development application and enforcing the provisions of the LDC. I agree to at all times maintain proper facilities and safe access for inspection of the property by El Paso County while this application is pending.

Owner (s) Signature: _____

Date: **04/20/2020**

Owner (s) Signature: _____

Date: _____

Applicant (s) Signature: _____

Date: _____

Letter of Intent

A Letter of Intent shall be submitted with all zoning, rezoning, special use, variance of use, nonconforming use, sketch plan, preliminary plan, final plat, minor subdivision, vacations, Board of Adjustment petitions, etc. Where applicable, please provide the following appropriate information to serve as a cover page for the Letter of Intent.

For all Letters of Intent, the following information is required:

- ___ 1. Owner/applicant and consultant, including addresses and telephone numbers.
- ___ 2. Site location, size and zoning.
- ___ 3. Request and justification.
- ___ 4. Existing and proposed facilities, structures, roads, etc.
- ___ 5. Waiver requests (if applicable) and justification.

The following information, when applicable, shall be submitted for zoning and rezoning requests:

- ___ 6. The purpose and need for the change in zone classification.
- ___ 7. The total number of acres in the requested area.
- ___ 8. The total number of residential units and densities for each dwelling unit type.
- ___ 9. The number of industrial or commercial sites proposed.
- ___ 10. Approximate floor area ratio of industrial and/or commercial uses.
- ___ 11. The number of mobile home units and densities.
- ___ 12. Typical lot sizes: length and width.
- ___ 13. Type of proposed recreational facilities.
- ___ 14. If phased construction is proposed, how it will be phased.
- ___ 15. Anticipated schedule of development.
- ___ 16. How water and sewer will be provided.
- ___ 17. Proposed uses, relationship between uses and densities.
- ___ 18. Areas of required landscaping.
- ___ 19. Proposed access locations.
- ___ 20. Approximate acres and percent of land to be set aside as open space, not to include parking, drive, and access roads.



AT&T FirstNet Modification Project

Dear El Paso County Staff,

Md7, LLC is working with AT&T for a proposed FirstNet upgrade to the existing wireless facility located at 15642 Highway 94, Colorado Springs, CO, 80930.

The FirstNet mission is to deploy, operate, maintain, and improve the first high-speed, nationwide wireless broadband network dedicated to public safety. This reliable, highly secure, interoperable, and innovative public safety communications platform will bring 21st century tools to public safety agencies and first responders, allowing them to get more information quickly and helping them to make faster and better decisions. This site will have equipment solely dedicated to supporting the emergency responder network. This network can only be operated on by emergency responders that have been enrolled in FirstNet.

Getting this site on air will support the FirstNet mission by extending broadband LTE coverage for First Responders and the general public into previously uncovered areas.

FirstNet is a federally mandated network and it is essential to utilize FirstNet funding in a timely fashion or run the risk of that funding being used elsewhere.

Enclosed you will find project documents for your review.

Please do not hesitate to contact me with any questions or concerns. Thank you for your time and I look forward to working with you.

Best Regards,

A handwritten signature in black ink, appearing to read 'Lorelei Foronda', with a stylized flourish at the end.

Lorelei Foronda, Land Use
Md7, LLC



April 20, 2020

To:

El Paso County
Planning and Community Development
Department
2880 International Circle
Colorado Springs, CO 80910

From:

Md7, LLC
Lorelei Foronda, Land Use
10590 W Ocean Air Drive, Suite 300
San Diego, CA 92130
(858) 754-2151
lforonda@md7.com

**RE: Request for Minor Modification to Existing Wireless Facility - Section 6409/47
CFR § 1.40001 ("6409")**

Site Address: 15642 Highway 94, Colorado Springs, CO, 80930

AT&T Project No.: 10099187 / DNVRCO2065

Dear El Paso County Planning and Community Development Department:

On behalf of New Cingular Wireless PCS, LLC ("AT&T") we are pleased to submit this request to modify AT&T's existing wireless communication site at the location referenced above, as an Eligible Facilities Request for a minor modification under Section 6409. A copy of the Federal Communication Commission's new 6409 rule is enclosed for your information.

Scope of Work

AT&T proposes the following minor modifications to this site. (Please note: all work will be performed wholly within the existing premises and utility easements; this site is free of any concealment features; and the project otherwise complies with the site's original conditions of approval.)

<u>Component</u>	<u>Federal Section 6409 Limits</u>	<u>AT&T's Proposed Modification</u>
Increase height of tower	20 feet or less	No increase in height.
Antennas extending horizontally from edge of tower	20 feet or less	No increase in extending horizontally.
Additional equipment cabinets	4 or fewer	1 additional equipment cabinet

MD7, LLC

10590 W. Ocean Air Drive, Suite 300, San Diego, CA 92130



FCC Shot Clock for Section 6409 Minor Modifications

Based on a filing date of April 20, 2020, the projected FCC deadline for a decision is June 19, 2020. In order for any State or Local jurisdiction to toll the timeframe for incompleteness, a written notice must be presented to the applicant by May 20, 2020, outlining the specific documents or information missing from the application.

Our goal is to work with you to obtain approval of this minor modification earlier than the deadline. We will respond promptly to any requests for information you may have for our application. Please let us know how we can work with you to expedite the approval process. We look forward to working with you on this important project, which will significantly improve wireless telecommunication services in your community without requiring an additional site. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Lorelei Foronda', written in a cursive style.

Lorelei Foronda, Land Use
Md7, LLC

Enclosures: FCC Rule for Section 6409 Applications (47 CFR § 1.40001); Plans and drawings

MD7, LLC

10590 W. Ocean Air Drive, Suite 300, San Diego, CA 92130



Title 47: Telecommunication

[PART 1—PRACTICE AND PROCEDURE](#)

[Subpart CC—State and Local Review of Applications for Wireless Service Facility Modification](#)

§1.40001 Wireless Facility Modifications.

(a) *Purpose.* These rules implement section 6409 of the Spectrum Act (codified at 47 U.S.C. 1455), which requires a State or local government to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station.

(b) *Definitions.* Terms used in this section have the following meanings.

(1) *Base station.* A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subpart or any equipment associated with a tower.

(i) The term includes, but is not limited to, 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.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that 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.



(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of this section.

(2) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(3) *Eligible facilities request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

- (i) Collocation of new transmission equipment;
- (ii) Removal of transmission equipment; or
- (iii) Replacement of transmission equipment.

(4) *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.

(5) *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

(6) *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

(7) *Substantial change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;



(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside the current site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in §1.40001(b)(7)(i) through (iv).

(8) *Transmission equipment.* Equipment that facilitates transmission for any Commission-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.

(9) *Tower.* Any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for 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, and the associated site.

(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.

(2) *Timeframe for review.* Within 60 days of the date on which an applicant submits a request seeking approval under this section, the State or local government shall approve the application unless it determines that the application is not covered by this section.

(3) *Tolling of the timeframe for review.* The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the reviewing State or local government determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

(i) To toll the timeframe for incompleteness, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of this section.

(ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the State or local government's notice of incompleteness.

(iii) Following a supplemental submission, the State or local government will have 10 days to notify the applicant 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 this paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.



(4) *Failure to act.* In the event the reviewing State or local government fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(5) *Remedies.* Applicants and reviewing authorities may bring claims related to Section 6409(a) to any court of competent jurisdiction.

[80 FR 1269, Jan. 8, 2015]