

**ADMINISTRATIVE LOW POWER
TELECOMMUNICATIONS PERMIT
PROCESS GUIDE**

*Clear Creek County Planning Department
P.O. Box 2000
Georgetown, Colorado 80444
(303) 679-2436 -phone
(303) 569-1103 -fax*

PURPOSE: The purpose of this process is to permit a roof mount or building wall telecommunications facility.

DEFINITION: A facility that is supported entirely by a legally existing building or structure. (For purposes of this regulation, legally existing structures eligible for location of low-power telecommunications facilities as a use-by-right are those which have and maintain a primary purpose other than residential structures or structures supporting telecommunications equipment, and which were legally constructed at least two years before the application for installation of any low-power telecommunications facilities. The burden of proof shall be on the applicant to demonstrate that the primary purpose of the structure is not to house or support telecommunications equipment.)

APPLICABILITY: Certain facilities may qualify for an Administrative Low Power Telecommunications Permit, to be approved by the Planning Department upon reaching written findings of fact which confirm compliance with this Section and other relevant County land use laws.

CRITERIA FOR APPROVAL: Administrative Low Power Telecommunications Permit will be allowed only if the proposed facility meets the following criteria for approval:

1. Facilities shall be sited to take advantage of existing land forms and vegetation to aid in screening and to blend in with the surrounding built and natural environment. Buildings, cabinets, antennas, and their support structures must be architecturally and visually compatible with existing and historic uses in the area, or those likely to exist under the terms of the applicable zone district.
2. Facilities, access roads, and utility lines should be located to avoid a dominant silhouette on ridge lines and to preserve view corridors.
3. Building, wall, and roof mounted antennas shall be of a non-reflective material and screened or camouflaged to match the background or structure.
4. A variety of screening techniques should be used depending on site conditions. Techniques may include, but are not limited to, landscaping, berming, camouflaging, screening, and fencing, where appropriate. Equivalent screening shall be maintained throughout the life of the facility and until such time as conditions no longer warrant equivalent screening, as determined by the Board of County Commissioners.
5. Any telecommunications facilities not being used for telecommunications purposes must be removed within twelve (12) months of cessation of use of the site.
6. At any time, the County Planning Department may request a letter from the applicant certifying that the facility is in use in accordance with FCC regulations. If the County Planning Department determines that the facility is not in use, a letter will be sent to the land owner and/or the telecommunication company providing sixty (60) days notice to remove the facility and reclaim the land. If the facility is not removed and the land reclaimed, a lien may be filed on the property equal to the cost of removing the facility and the associated clean up, including administrative costs, if said costs exceed the amount secured pursuant to the conditions outlined in Subsection B.12. below. Appeal of the County Planning Department's determination may be made to the Board of County Commissioners at any time within the sixty (60) day notice period.

7. Planned Development rezoning applicants shall evaluate whether the proposed site is capable of accommodating other low power telecommunication service providers. The applicant's written evaluation shall include an analysis of the available space, access, power, telephone, willingness of landowner(s), and relative visual/environmental impacts. No low power telecommunication service provider shall act to exclude any other low power telecommunication provider from using the same location for other low-power telecommunication facilities. If co-location is determined to be not technically feasible, the applicant shall provide evidence/justification as to why co-location is not feasible.
8. Fencing materials shall be consistent with Section 15 - Fencing, Walls, and Landscaping Standards of these Regulations.
9. Whip antennas which are allowed as a use-by-right shall be setback five (5) feet from the edge of the roof or structure to which they are mounted, may extend no more than ten (10) feet above the parapet of the roof or the structure with an allowable increase of six (6) inches for every one (1) foot of increased setback, not to exceed fifteen (15) feet in height.
10. Panel (or antenna configurations other than whip) antenna and accessory equipment which are allowed as a use by right, shall be mounted to the structure and may extend no more than six and one-half (6.5) feet above the parapet of a flat roof with a required five (5) feet setback from the edge of the structure, with an allowable increase of six (6) inches for every one (1) foot of increased setback not to exceed ten (10) feet in height. The antenna and equipment shall be subject to the Performance Standards outlined in this Section. If the roof is not flat and the proposed antennae exceed the height of the peak of the roof, panel antenna shall be a use-by-right subject to Planning Commission site plan review and approval. All other antenna which are mounted to the walls or roof and do not exceed the height of the peak of the roof, may be allowed as a use by right subject to Planning Staff review and issuance of a Low-Power Telecommunications Permit.
11. A reclamation bond, irrevocable letter of credit, or other security approved by the County Attorney adequate to ensure site demolition, removal of structures, access improvements and earthwork associated with the site, and reclamation in accordance with an approved plan with engineered cost estimates, shall be provided upon final approval prior to the issuance of a County Building Permit. The reclamation plan may accommodate anticipated future uses in conformity with the zoning district involved. The County may, from time to time, review the adequacy of the security in light of inflation to ensure adequate security to fund one-hundred (100) percent of the work in accordance with the approved reclamation plan.
12. It shall be unlawful for any person, firm, or corporation to erect or construct a low-power telecommunication facility as a use-by-right under Subsection A.1 without first obtaining a permit from the Planning Department or review and approval by the Planning Commission.
13. A third party independent study, performed by a qualified entity specializing in radio frequency electromagnetic fields, may be required by the County to insure compliance with FCC guidelines for human exposure to radio frequency electromagnetic fields on any new telecommunication facility..

SUBMITTAL PROCESS:

1. A complete application and appropriate documentation must be submitted to the Planning Department by the applicant. Additional information may be required later in the process.
2. The submittal shall be reviewed in a timely manner for completeness by the Planning Department. The applicant shall be notified of any inadequacies, missing, or incomplete documentation. An incomplete submittal will not be processed.
3. The Planning Department will publish a notice in a newspaper of general circulation in the county for twenty-one (21) calendar days prior to the Planning Department's decision.
4. The Planning Department will notify adjacent property owners and any referral agencies that may be affected by the proposal. The applicable agencies shall be determined on a case by case basis. Adjacent property owners and referral agencies shall be given twenty-one (21) calendar days to comment prior to a Staff decision.
5. At least fourteen (14) calendar days prior to a Staff decision, the applicant shall post and maintain a notice on the parcel(s) under consideration. Signs will be provided by the Planning Department.
6. The Planning Department will prepare a Site Characteristics Analysis, and a visit to the site will be made by Staff.
7. Staff will review submittal documentation, site characteristics analysis, and comments received in order to prepare a staff report that will identify why the proposal should be approved, approved with conditions or denied.
8. The Case Manager will notify the applicant of what is required to finalize the Planning Department's decision.
9. If granted, the Administrative Temporary Special Use Permit will be monitored for compliance by the Planning Department. If all conditions and stipulations in the Planning Department's Findings of Facts are **not** met timely, a hearing will be scheduled before the Planning Director to determine if the permit should be revoked. The holder of the permit shall be notified of the hearing date and time. A permit may be revoked for non-compliance with ten days written notice to the applicant.

GENERAL SUBMITTAL REQUIREMENTS: A complete application and appropriate documentation must be submitted to the Planning Department by the applicant, including:

- Completed application form
- Application fee
- Scaled site plan, of which the number of copies will be determined by case manager. At least two (2) copies of the site plan will be required after the review process is complete.
- Location map that indicates the location of the subject property in relation to roads, streams, utilities, adjacent properties and other features.

- Vicinity map that indicates the location of the subject property in relation to the general context of the county.
- Copy of deed
- A narrative explaining the nature of the proposal and how it meets the criteria for approval as outlined above.
- Completed landowner authorization if applicant is not the owner of the property
- Supplemental material, such as elevation drawings, parking layout, water supply plan, ISDS plan, etc., as determined by case manager as follows:
 - _____
 - _____
 - _____
 - _____
 - _____
- If requested use relates to a proposed or existing building permit, a construction schedule will be required.
- Additional information may be required later in the process.

APPEALS TO ADMINISTRATIVE DECISIONS ON SPECIAL USE PERMITS:

1. Comments or objections may be filed by any affected party and must be submitted in writing to the Planning Department within twenty-one (21) calendar days following publication. If valid objections cannot be resolved between parties, the case will go to the Board of County Commissioners for a decision in a public hearing.
2. If the Planning Department denies the application, the applicant shall have the right to appeal it to the Board of County Commissioners for a decision in a public hearing.
3. Anyone alleging injury by a Planning Department decision shall have the right to appeal the decision of the Planning Department to the Board of County Commissioners pursuant to these regulations. Such appeal must be filed in writing within fourteen (14) days following the decision.

FINANCIAL GUARANTEE REQUIRED: As stated in the **Applicability** section of this Process Guide; a financial guarantee in a form approved by the County Attorney, shall be required to ensure termination of the use and removal of associated structures, and reclamation and/or revegetation when appropriate.

ADMINISTRATIVE LOW POWER TELECOMMUNICATIONS APPLICATION

Application Fee: \$295.00

CLEAR CREEK COUNTY PLANNING DEPARTMENT
Post Office Box 2000 Georgetown, Colorado 80444
Phone (303) 679-2436 FAX (303) 569-1103

OWNER _____
HOME PHONE _____ WORK PHONE _____
MAILING ADDRESS _____
CITY _____ STATE _____ ZIP _____
EMAIL ADDRESS _____

OWNER _____
HOME PHONE _____ WORK PHONE _____
MAILING ADDRESS _____
CITY _____ STATE _____ ZIP _____
EMAIL ADDRESS _____

APPLICANT _____
HOME PHONE _____ WORK PHONE _____
MAILING ADDRESS _____
CITY _____ STATE _____ ZIP _____
EMAIL ADDRESS _____

LEGAL DESCRIPTION OF PROPERTY _____

¼ Section & Section-Township-Range or Subdivision-Lot & Block or Mine and MS#

CURRENT ZONING _____ TOTAL ACREAGE _____ PROPOSED TERM OF PERMIT _____

PARCEL# _____ ADDRESS OF PROPERTY _____

DESCRIBE USE REQUESTED _____

DESCRIBE HISTORY OF PROPERTY / REASON FOR REQUEST _____

I (we) do hereby certify that information contained in or presented in connection with this application is true and accurate to the best of my (our) knowledge and belief. I (we) do hereby further agree to abide by the agreements, conditions and stipulations that are a part of this request. I (we) understand that the Planning Staff will need to go onto my (our) property in order to process this request.

Owner _____ Date _____

Owner _____ Date _____

Applicant _____ Date _____