



PLANNING + NEIGHBORHOOD SERVICES

Land Use Review

Eligible Facilities Request (EFR) Application Requirements

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This checklist is intended to assist in preparing a complete plan that will address all City development standards, requirements, and review criteria. The following information must be included with the plan submittal. If justified, the City may except any requirement. The Land Use Review Division may require additional information in accordance with City Code Section 7.5.403: *All documents should be neat and legible; inaccurate, incomplete, and poorly completed documents may be rejected.*

Please submit via the Planning Department's [online submittal system](#).

Submittal Checklist

General Requirements

- [General Applicant and Owner Acknowledgement Form](#)

A Project Statement including the following:

- 1. Clear description of the proposed development.
- 2. Justification based on UDC Section 7.5.512 'WCF Eligible Facilities Request' addressing how the proposed project qualifies as an Eligible Facilities Request (EFR).

- A Plan that shows existing vs proposed conditions. This may include a site plan, building elevations, or previously approved Development Plan.

The Planning Department may require additional information for this application as needed.

Review Criteria

Eligible Facilities Request Review Criteria

7.5.512 WCF Eligible Facilities Requests

A. Purpose

The purpose of this Section is to provide a mechanism for evaluating whether a change to an Existing Tower or Existing Base Station is an Eligible Facilities Request and for approving Eligible Facilities Requests.

B. Applicability

This Section applies to all proposed changes to Wireless Communication Facilities that the applicant seeks to qualify as an Eligible Facilities Request.

C. Eligible Facilities Request Process

1. Application Submission

The applicant shall submit the application on a form provided by the City that is limited to the information necessary for a determination of the eligibility for an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation. Such information may include, without limitation, whether the project:

- a. Would result in a Substantial Change; or Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.



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2. Determination of Application Completeness

- a. Applications shall be subject to a review period of sixty (60) days. The sixty (60)-day review period begins to run when the application is filed and may be tolled only by mutual agreement of the City and the Applicant, or in cases where the Manager determines that the application is incomplete. If the Manager determines that the application is incomplete:
 1. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application and specifically identify all missing documents or information required in the application.
 2. The timeframe for review continues running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.
 3. Following a supplemental submission, the City shall notify the applicant within ten (10) days that the supplemental submission did not provide the missing information identified in the original notice. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Subsection (1) above. In the case of a second or subsequent notice of incompleteness, the Manager may not specify missing information or documents that were not delineated in the original notice of incompleteness.
- b. For purposes of determining if a constructed Tower or Base Station is Existing, the Tower or Base Station shall be presumed to have not been approved under a zoning or siting process, or other regulatory review process, unless a Building Permit or other proof of such process is provided by the applicant or by the City.

3. Manager's Decision

If the Manager determines that the request is an Eligible Facilities Request, the Manager shall approve the application. If the Manager determines that the Applicant's request is not an Eligible Facilities Request, the Manager shall deny the application, and, notwithstanding any other provision in this UDC, the applicant may immediately submit an application for modification of the WCF. Each decision shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

4. Post-Decision Actions or Limitations

If the Manager denies an application for an Eligible Facilities Request at least fifteen (15) days prior to the expiration of the review period, the applicant may request reconsideration of the application by submitting a written objection that identifies clear error on the part of the Manager at least ten (10) days prior to the expiration of the review period. If the Manager does not approve the application in writing upon reconsideration, the original denial shall stand as the final decision of the Manager.