

ORDINANCE NO. 090, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN EXTENSION OF THE TEMPORARY EXCEPTION TO THE LAND
USE CODE TO ALLOW T-MOBILE TO PLACE A TEMPORARY WIRELESS
TELECOMMUNICATION FACILITY AT 1800 EAST HARMONY ROAD TO
REPLACE LOST WIRELESS SERVICE COVERAGE

WHEREAS, T-Mobile maintains a network of wireless telecommunication facilities and equipment within the City to provide wireless service; and

WHEREAS, on May 14, 2021, T-Mobile was required to remove certain wireless equipment from the Platte River Power Authority infrastructure which resulted in a loss of T-Mobile wireless service coverage in a portion of south Fort Collins and deprived T-Mobile users in that area of an important means of communication and access to information; and

WHEREAS, to allow for wireless service in the affected area until T-Mobile could construct a permanent wireless facility at 4518 Innovation Drive, City Council adopted Ordinance No. 167, 2021, on December 21, 2021, authorizing a temporary exception to the Land Use Code to allow T-Mobile to place a temporary wireless telecommunication facility, commonly known as a cell-on-wheels or COW, at 1800 East Harmony Road through the end of March 31, 2022, with monthly extensions granted by the Director of Community Development and Neighborhood Services through June 7, 2022; and

WHEREAS, due to unanticipated delays, Council adopted Ordinance No. 055, 2022, to allow the COW to remain at 1800 East Harmony Road through the end of December 1, 2022; and

WHEREAS, due to additional unanticipated delays, Council adopted Ordinance No. 124, 2022, to allow the COW to remain at 1800 East Harmony Road through the end of June 1, 2023; and

WHEREAS, despite T-Mobile diligently pursuing development approval and construction of the permanent facility, further delays have caused T-Mobile to request that Council allow the COW to remain at 1800 East Harmony Road through the end of November 30, 2023; and

WHEREAS, the City has received no complaints nor experienced any issues regarding T-Mobile's COW at 1800 East Harmony Road and City staff supports the extension request due to T-Mobile's diligent efforts to construct the permanent facility; and

WHEREAS, City staff recommends that the authorization for the COW be extended through the end of December 1, 2023, to allow sufficient time for construction of the permanent facility; and

WHEREAS, the Land Use Code does not allow the placement of temporary wireless facilities such as COWs and in order for T-Mobile to do so, City Council must grant an exception to the Land Use Code; and

WHEREAS, City Council finds that authorizing an extension of the COW at 1800 East Harmony Road through the end of December 1, 2023, in order to temporarily replace the lost service coverage, and no more, subject to revocation at Council's will, is in the best interests of the citizens of Fort Collins.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Council extends the authorization for T-Mobile to temporarily maintain the COW with the same terms and requirements set forth in Ordinance No. 055, 2022, through the end of December 1, 2023.

Introduced, considered favorably on first reading and ordered published this 20th day of June, 2023, and to be presented for final passage on the 18th day of July, 2023.

Mayor

ATTEST:

Deputy City Clerk

Passed and adopted on final reading this 18th day of July, 2023.

Mayor

ATTEST:

Deputy City Clerk