

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

### ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller	Steve Gerard	
Dan Schroder –Arrived 5:31	Lowell Moore	

### APPROVAL OF MINUTES

With no changes, the August 6, 2019 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the August 20, 2019 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

### WORK SESSIONS:

#### 1. Policy 50: Wireless Communication Facilities

Ms. Puester presented an overview of proposed amendments to Policy 50A in the Town Development Code to incorporate small cell and broadband and make some minor changes related to FCC rule clarifications. The Commission was asked for feedback regarding the proposed changes.

#### *Commissioner Questions / Comments:*

- Mr. Giller: On page 25 of the ordinance, where it speaks to the conservation district, uniqueness and beauty, can we add the word ‘integrity’? Line 4B (Ms. Puester: That should not be a problem) On page 28 of the ordinance, I think it is fine on 3.A, we covered with non-historic and non-contributing.
- Ms. Leidal: Do you have the administrative rules adopted?
- Ms. Puester: Yes, those are published on the website. It went straight to council for approval. It will be a document that changes over time as technology progresses and federal and state laws change. Those regs are where all the detail in the design and placement location are for small cells in the right of way.
- Mr. Moore: Can you walk me through how this process works for small cell? A company comes in and says we are going to put multiple small cells in the right of way. Then they come to staff and say the best location is x. What is the decision making process of saying that is okay here but not there?
- Ms. Puester: We have limited local decision making power per the federal regulations however, in my experience in conversations with providers thus far, the providers are willing to work with us to the extent that they can still provide the service where they need to as look into our alternative location solutions. We haven’t seen any applications for small cell yet, just discussions. Small cell gets location specific because it is a short span of frequency so they have to follow in a series of deployments when it is 5G. We will likely see these in small cell 4G technology first as 5G isn’t completely ready. 5G is going into larger markets first like downtown Denver. What we see first may not be in a string of deployments.
- Mr. Lamb: Is it faster? More bandwidth?
- Ms. Puester: Yes, more bandwidth because of all the streaming out there now. Providers are having trouble with bandwidth.
- Mr. Lamb: I also heard the 5G has to be placed close to other poles?
- Ms. Puester: That is our understanding of what the 5G would require, it is like breadcrumbs.

- Mr. Schuman: What kind of distances are we talking about? Verizon has a few in town at Beaver Run and the ballfield, AT&T has one or two.
- Ms. Puester: Those are macro sites, you would still be seeing those.
- Mr. Schuman: So in addition to those macros? How many more do they need?
- Ms. Puester: It is hard to say. On D Major or D Minor, you wouldn't see those unless reclassified if the Director had concerns, it would just be the new macro sites.
- Mr. Schroder: Given the class D staff level review needed for shot clock timing, I was looking at a comparison of parking meters that are out there, there is often consternation about new technology, does it all remain in class D and suddenly it will just be there? Like parking meters, it was just there.
- Mr. Truckey: Yes, with this, it is a cellular company with federal reg backing doing this... these things are going to be potentially tall and there isn't much we can do about it. There is some backlash to these. The Feds wanted to get this implemented so the US can keep competitive.
- Ms. Puester: Our local authority is limited federally, but so far the providers I have had preliminary discussions with have been willing to be sensitive to the things we value the most to some degree.
- Mr. Schroder: This is laying the framework for what is coming. No one likes change, whether it be solar panel or parking meters. Once it is in place, it is accepted eventually.
- Mr. Giller: Is there any requirement to co-locate small cell sites?
- Ms. Puester: It is encouraged in our admin standards.
- Mr. Giller: Is it possible we will see the three large operators with their own poles throughout town?
- Ms. Puester: Yes.
- Mr. Lamb: We are the primary people who would notice.
- Mr. Giller: Anything to keep the number of poles down.
- Mr. Schroder: Where does the height limit come from?
- Ms. Puester: That is in our admin standards that are separate from this on the website.
- Mr. Schroder: I kept expecting the size of the podium, but it sounds like that is not the case.
- Mr. Gerard: Page 31 of the packet, 24 of policy 50, Paragraph H 2 (a) that takes out our building height requirements since it is not a building.
- Ms. Puester: We can't have standards that make the technology impossible to exist.
- Mr. Giller: We had a lively debate a year or two ago about the installation on top of the post office. Have we done anything to clarify on page 27 of the ordinance, page 28 of the packet?
- Ms. Puester: They have not changed with regard to this section. Just because they can go in the right of way, doesn't mean putting anything on private property isn't possible.
- Mr. Schroder: Good job to the staff for tracking this and staying up to date.
- Ms. Puester: It is mostly Tim Berry and I'll pass it along.
- Mr. Schroder: I support changes made by staff.
- Mr. Schuman: I agree.
- Mr. Gerard: People won't like it at first but they want their phones to work.
- Mr. Giller: I support staff.

All in support.

**OTHER MATTERS:**

1. Town Council Summary (Memo Only)

- Mr. LaChance: With the annexation of Huron Landing, then Kenington became available for annexation. After public notice, it went for second reading the last council meeting. That Land Use District 45 is now in effect, so we will be updating the map.
- Mr. Truckey: Historic Design Standards were adopted. They took effect immediately as of last Tuesday. At the same time the Council lifted the moratorium in the historic district. Wanted to thank

- Mike and Steve for stepping up to help with the stakeholders group. Julia, Chapin, Chris did a ton of work on that as well. We've responded to the state's concerns and although it does not comply with all their wished, we had to balance that with property rights as well.
- Mr. Gerard: Have any applications come in yet?
- Ms. Puester: Yes, and having said that there are still two applications in process under the old code that you will still be reviewing.
- Mr. Gerard: Are the final versions available online now?
- Mr. Truckey: It takes months to reflect the change with the code codifier, so use the council packet version.
- Ms. Puester: We have hired a graphic designer to update the Handbook and will have that done in October with new photos and graphics, and it will be in HTML and so word searchable.
- Mr. Truckey: Peak 7 Chairlift. Everyone knows Indie chair is pretty busy. They want to add another chair lift just to the northwest there, not all the way to the base, but above Indie. It is a fast process, categorical exclusion...the lowest of three levels of environmental review with NEPA--a pretty quick turnaround. We found out right when it got released so we had little time to react. It is an 'infill' type of lift. If less than 5 acres are disturbed, it qualifies under that categorical exclusion. We requested an extension to that comment period, so we have a little more time until September 1. We are taking the council on a site visit tomorrow. Thought wetlands would be an issue, so it will have to be sensitively designed to avoid any problems there. There will be a lot of older spruce that needs to be removed... so some issues environmentally. How much town council will weigh in is to be seen. Since it is not directly affecting drainage into Cucumber Gulch, it may soften our comments. Construction would be next summer. Council is going to talk again at their next meeting, and decide what they want to put into the comment letter. Individual comment letters will be accepted by the Forest Service by September 1<sup>st</sup>. What the forest service does require is their BMP's (Best Management Practices).
- Mr. Giller: Want to speak to the conferences?
- Ms. Puester: We've signed everyone up except for those who cannot make it for the national historic conference. Hopefully you all booked your hotel. The APA conference, who is going to that one? Mike and Lowell... when it gets closer we can talk carpooling.
- Mr. Gerard: As an aside I think we got a new electric bus. (Mr. Truckey: September 10<sup>th</sup> will be a ribbon cutting and the second bus is coming.)

**ADJOURNMENT:**

The meeting was adjourned at 6:05pm.

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Mike Giller, Chair