



**TOWN OF  
BRECKENRIDGE**

**Town Council Regular Meeting**  
Tuesday, October 8, 2019, 7:00 PM  
Council Chambers  
150 Ski Hill Road  
Breckenridge, Colorado

**I. CALL TO ORDER, ROLL CALL**

**II. APPROVAL OF MINUTES**

A. TOWN COUNCIL MINUTES - SEPTEMBER 24, 2019

**III. APPROVAL OF AGENDA**

**IV. COMMUNICATIONS TO COUNCIL**

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

B. BRECKENRIDGE TOURISM OFFICE UPDATE

**V. CONTINUED BUSINESS**

A. SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS

**VI. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2019

1. *COUNCIL BILL NO. 30, SERIES 2019 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," BY AMENDING POLICY 50 (ABSOLUTE) ENTITLED "WIRELESS COMMUNICATIONS FACILITIES," CONCERNING SMALL CELL FACILITIES*

**VII. PLANNING MATTERS**

A. PLANNING COMMISSION DECISIONS

**VIII. REPORT OF TOWN MANAGER AND STAFF**

**IX. REPORT OF MAYOR AND COUNCIL MEMBERS**

A. CAST/MMC (MAYOR MAMULA)

B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BERGERON)

C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)

D. BRECKENRIDGE HERITAGE ALLIANCE (MS. OWENS)

E. BRECKENRIDGE CREATIVE ARTS (MR. GALLAGHER)

F. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)

G. WATER TASK FORCE (MR. GALLAGHER)

**X. OTHER MATTERS**

**XI. SCHEDULED MEETINGS**

A. SCHEDULED MEETINGS FOR OCTOBER AND NOVEMBER

**XII. ADJOURNMENT**

**I) CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of September 24, 2019 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Ms. Owens, Mr. Gallagher, Mr. Carleton, Ms. Wolfe and Mayor Mamula. Ms. Gigliello was absent.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES – SEPTEMBER 10, 2019**

With no changes or corrections to the meeting minutes of September 10, 2019 Mayor Mamula declared they would stand approved as presented.

**III) APPROVAL OF AGENDA**

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as submitted.

**IV) COMMUNICATIONS TO COUNCIL**

**A) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)**

Mayor Mamula opened Citizen's Comment.

Ms. Shannon Bosgraaf, a Peak 7 resident (outside of Town limits), spoke in favor of paving the Peak 7 roads. She stated the roads will continue to be an issue and they are hard to maintain with the amount of traffic coming through the area to travel to the ski resort. She further stated the Peak 7 Paving Committee would like to work with Town Council and staff to pave the road to benefit the Town. She stated the cost of this project is large, at over \$19,000 for each property in the LID. She asked that the Town, Summit County, Breckenridge Grand Vacations and Breckenridge Ski Resort help pay for the paving of the roads.

Regarding the property on Burro Lane jointly owned by the Town and the County, Mr. Bergeron stated the Town bought that property as a concession for the neighborhood so residents would have a way to hike and bike to Town easily. He further stated it has remained open space and has no density associated with it.

Ms. Megan Greff, a Peak 7 resident, stated she is in support of the paving project, and believes it is for the betterment of the community, not just to pave roads. She further stated the neighborhood has grown and is now a throughway to the ski area. Ms. Greff stated this issue has polarized the neighborhood and they are looking for solutions to help with the cost burden to residents.

Mr. Philip Wolf, an owner of a cannabis hospitality business, stated the State recently passed a bill allowing for marijuana social clubs, and it's up to municipalities to opt in for this. He stated he would like to have conversations about this idea and it is a good opportunity to get ahead of this trend.

There were no additional comments and Citizen's Comment was closed.

**B) BRECKENRIDGE TOURISM OFFICE UPDATE**

Ms. Lucy Kay, Director of the BTO, stated they surveyed people at Oktoberfest and found an even demographic split among participants, with occupancy up throughout the weekend. She also stated the Net Promoter Score was 85% overall, recycling efforts were successful, and they hired extra cleaning and recycling staff to divert over 23% of the waste stream. She further stated there was a known trash issue Monday morning in the Plaza, and the Yeti initiative appealed especially to kids. Ms. Kay stated the integration of Town departments with the BTO was very beneficial for these efforts, and BTO staff worked hard on the event.

Ms. Kay stated the BTO would like to put more teeth in the Special Events Permit Application program, and will discuss that in future meetings. Also, the BTO has won more national recognition with an award, and the Colorado Water Plan will need additional funding so the State will be looking for some of that to come from tourism.

Mr. Holman reminded Council of the Town's sustainability goal related to zero-waste events.

Mayor Mamula asked about the timing of Oktoberfest weekend this year, and BTO staff will look into why it was moved to an earlier date.

**V) CONTINUED BUSINESS**

**A) SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS**

- 1) COUNCIL BILL NO. 27, SERIES 2019 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING OCCUPANCY LIMITS FOR ACCOMMODATION UNITS

Mayor Mamula read the title into the minutes.

Ms. Wolfe was recused due to a potential conflict of interest due to the pending sale of her property. Ms. Leslie Fischer stated there were changes to this ordinance from first reading that are detailed in the memo in the packet.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 27, SERIES 2019 - AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE TOWN OF BRECKENRIDGE "BUSINESS AND OCCUPATIONAL LICENSES AND TAX ORDINANCE," CONCERNING OCCUPANCY LIMITS FOR ACCOMMODATION UNITS. Mr. Gallagher seconded the motion.

The motion passed 5-0. Ms. Gigliello was absent and Ms. Wolfe was recused.

- 2) COUNCIL BILL NO. 28, SERIES 2019 - AN ORDINANCE AMENDING SECTION 11-6-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE EXCEPTIONS TO THE REQUIREMENT THAT A LICENSE AGREEMENT MUST BE OBTAINED TO USE TOWN-OWNED REAL PROPERTY

Mayor Mamula read the title into the minutes. Mr. Berry stated there were no changes to this ordinance from first reading.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 28, SERIES 2019 - AN ORDINANCE AMENDING SECTION 11-6-2 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE EXCEPTIONS TO THE REQUIREMENT THAT A LICENSE AGREEMENT MUST BE OBTAINED TO USE TOWN-OWNED REAL PROPERTY. Mr. Carleton seconded the motion.

The motion passed 6-0. Ms. Gigliello was absent.

**VI) NEW BUSINESS**

- A) FIRST READING OF COUNCIL BILLS, SERIES 2019**
- B) RESOLUTIONS, SERIES 2019**
- C) OTHER**

**VII) PLANNING MATTERS**

- A) PLANNING COMMISSION DECISIONS**

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

**VIII) REPORT OF TOWN MANAGER AND STAFF**

Mr. Holman stated the Breckenridge Retailers Group has received their 501c3 status. He also stated the Town is working with Wellington Neighborhood to open the bridge on Bridge Street on Monday, October 7. Also, he stated the Town was contacted by a representative of the Dreamers group, which would like the Town to support an Amicus Brief coming out of the City of Los Angeles. Mr. Holman further

stated the Charter says that when we engage in outside counsel the Council must agree to it. Mayor Mamula stated he is happy to sign it because it is important, but it's also important to be aware that doing so might put us on a list that would make us ineligible for grant money in the future. Council agreed to support the brief.

**IX) REPORT OF MAYOR AND COUNCIL MEMBERS**

Some reports of the Mayor and Council Members were covered in the afternoon work session.

- A. Cast/MMC
- B. Breckenridge Open Space Advisory Committee
- C. Breckenridge Tourism Office
- D. Breckenridge Heritage Alliance
- E. Breckenridge Creative Arts

Mr. Gallagher stated BIFA attendance totaled about 31,000 people including Troll attendance. He also stated Trail Mix was popular, as well as Bandaloop. He stated 2020 BIFA will be a 4-day festival and won't conflict with bike race, and Trail Mix will be spread over the summer. Mr. Gallagher stated David Sedaris is coming in October, and The Moth is coming in March 2020. He also stated the Executive Director search is ongoing and being narrowed to finalists. Mr. Gallagher stated Tamara Parks from Breck Music met with him yesterday, and they have programmed 12 events through December. He noted that using a talent buyer has paid off and the backstop has been helpful in promoting performances. Mr. Gallagher stated Breck Music would like to ask to continue the backstop in 2020 in order to retain the talent buyer and schedule programs. Mr. Holman stated staff thinks it is a good investment at approximately \$2,000 per concert subsidy.

- F. Breckenridge Events Committee
- G. Water Task Force

Mr. Gallagher stated the Task Force reviewed the schedule and budget, and both are looking good and the project is on target. Also, the Task Force will start looking at Tarn Dam work in 2020, with the majority of the work in 2021. He stated it is a 20 million dollar project, with FEMA funding approximately half of that. Mr. Gallagher stated outreach to community about the project will be important, and the core of Town could be destroyed if the dam were to fail. He further stated Council will be reviewing the Water Fund and proformas at the Budget Retreat.

**X) OTHER MATTERS**

Mr. Carleton stated he and Mr. Gallagher attended a session about minimum wage. He stated the group hopes to come to some consensus. Mr. Gallagher stated they tried to zero in on who they are trying to help with this, and how to factor in housing and other benefits provided by employers. He further stated it would be nice to agree to this decision countywide and through all municipalities so employees don't just move around. Mr. Carleton stated the next meeting is to review some requested data and talk about pros and cons, with the goal of trying to put something together by December.

Mayor Mamula asked if there would be an opportunity for Councils to buy in to the proposed Minimum Wage discussions. Mr. Carleton stated it is a 10% cap of all state entities that can participate, and if the County decides to move forward, we have reserved a spot. Mr. Bergeron stated he would like to have some tutorial to see the ramifications of this initiative and know how it would be implemented. Mr. Gallagher stated the difference between minimum wage and sustainable wage is a concern. Ms. Wolfe asked if anyone brought up the idea that it won't help the housing solution in this community, and Mr. Gallagher stated it's more of a feel-good approach. Ms. Wolfe asked what happens to those employers who choose to take away housing or other benefits to pay the higher wage? She then stated we need to look at the whole picture and other benefits. Mr. Carleton stated we can't discount that for some of these people a 25% raise is significant. Mr. Gallagher encouraged Council to attend some of these meetings to listen to the discussions.

Mr. Carleton stated he has received numerous calls about the Post Office and the new package boxes being in the way. Council noted there is nothing they can do to influence the Post Office as it is a federal operation.

Ms. Owens stated a culvert is being replaced at the B&B trailhead, and other consultants had concerns about the project. Mr. Reid, Open Space and Recreation Director, stated the

intent was to make the culvert larger and wider.

Mr. Holman stated for the record there is no desire from Council for any further discussion about Peak 7 paving. He further stated the area is not in Town limits.

**XI) SCHEDULED MEETINGS**

A) SCHEDULED MEETINGS FOR SEPTEMBER AND OCTOBER

**XII) ADJOURNMENT**

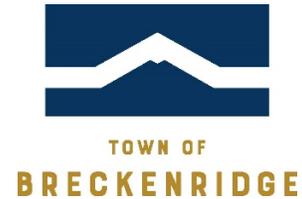
With no further business to discuss, the meeting adjourned at 7:52pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

\_\_\_\_\_  
Eric S. Mamula, Mayor

DRAFT



# Memo

To: Mayor and Town Council  
From: Julia Puester, AICP, Assistant Director of Community Development  
Date: 10/2/19 for meeting of October 8, 2019  
Subject: Policy 50 Wireless Communication Facilities Modifications (First Reading)

---

In response to recent changes to federal and state rules, Staff is bringing Policy 50/A *Wireless Facilities* for modifications at first reading. There is some conflict between the FCC Small Cell Order that was issued last fall and the changes to state law made by the Colorado legislature in 2017. Ken Fellman, the Town's consulting attorney in the wireless field, has suggested that, although there is some risk, where there is a conflict between the federal law and the state law the Town should update our ordinance to implement the state law changes that were made in 2017 and wait to see how the court challenge to the FCC Small Cell Order comes out.

This proposed ordinance does not make any changes to design requirements such as height, appearance and location previously approved by the Town Council in April. Primary changes to the ordinance are for the purposes of defining small cells and the procedure in which to process them in addition to some house cleaning items needed after the FCC modifications. The attached changes reflect this approach.

Below is a summary of the primary concepts incorporated into the attached draft of the amendments to the Policy 50/A of the Town Development Code.

1. Incorporate Small Cell facilities and Broadband Service into Policy 50 with definitions and processes.
2. Classify small cell facilities as Class D Minor permits due to the short "shot clock" review time period set by the FCC. It would still be possible for the Director to reclassify Class D Majors to a higher classification, if necessary.
3. In Section 1 of the ordinance on page 1, staff has amended the definition of "Class D-Minor Development" in the Development Code to include small cell applications.
4. In the definition of "Wireless Communications Facility" (WCF) on page 13, we have clarified that a small cell facility is a WCF.
5. A new section D3 has been added on page 15 to specifically establish the Class D-Minor permit process for small cell applications.

The Planning Commission unanimously supported the proposed modifications. Staff has attached the proposed Policy 50 Wireless Communications Facilities policy in full with a strike and bold version for review.

Staff and the applicant will be available at the meeting for any questions.

1 **FOR WORKSESSION/FIRST READING – OCT. 8**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. \_\_\_\_\_

7  
8 Series 2019

9  
10 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE  
11 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE,” BY  
12 AMENDING POLICY 50 (ABSOLUTE) ENTITLED “WIRELESS COMMUNICATIONS  
13 FACILITIES,” CONCERNING SMALL CELL FACILITIES

14  
15 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
16 COLORADO:

17  
18 **Section 1. The definition of “Class D – Minor” development in Section 9-1-5 of the**  
19 **Breckenridge Town Code is amended by the addition of a new item DD, which shall read as**  
20 **follows:**

21  
22 **DD. Those small cell facilities applications described in 9-1-19-50A, subsection**  
23 **D(3) of this chapter.**

24 Section 2. Section 9-1-19-50A, “Policy 50 (Absolute) of the Breckenridge Town Code is  
25 repealed and readopted with changes so as to read in its entirety as follows:

26 9-1-19-50A: POLICY 50 (ABSOLUTE) WIRELESS COMMUNICATIONS  
27 FACILITIES:

28  
29 A. PURPOSE AND INTENT:

- 30 1. The purpose of this policy is to regulate the installation and operation of  
31 various wireless communications facilities in the Town, recognizing the  
32 benefits of wireless communications while reasonably respecting other  
33 important Town needs, including the protection of public health, safety, and  
34 welfare.
- 35 2. The overarching intent of this policy is to make wireless communications  
36 reasonably available while preserving the unique aesthetic character, beauty,  
37 **integrity**, and historic charm of the Town. This will be realized by:

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (a) Minimizing the visual and physical effects of wireless communications  
2 facilities through appropriate design, siting, screening techniques, and  
3 location standards;
- 4 (b) Encouraging the installation of wireless communications facilities at  
5 locations where other such facilities already exist;
- 6 (c) Encouraging the installation of such facilities where and in a manner  
7 such that potential adverse impacts to the Town are minimized; and
- 8 (d) Providing for the efficient modification and upgrading of existing  
9 wireless communications facilities to accommodate changing  
10 technologies.
- 11 (e) Accommodating the installation of small cell facilities within the  
12 Town's right- of- ways as required by applicable federal and state  
13 law.
- 14 3. It is not the purpose or intent of this policy to:
- 15 (a) Prohibit or have the effect of prohibiting wireless communications  
16 services; or
- 17 (b) ~~to~~ Regulate the placement, installation, or modifications of wireless  
18 communications facilities on the basis of the environmental effects of  
19 radio frequency emissions where it is demonstrated that the wireless  
20 communications facilities do or will comply with the applicable FCC  
21 regulations; or
- 22 (c) Unreasonably discriminate among providers of functionally equivalent  
23 wireless communications services.
- 24 4. Nothing in this policy is intended to waive, relinquish, modify, diminish,  
25 or in any way affect the Town's police power authority provided by  
26 applicable Colorado law.
- 27 5. Nothing in this policy is intended to allow the Town to preempt any state or  
28 federal law or regulation applicable to a wireless communications facility.
- 29 6. The provisions of this policy are in addition to, and do not replace, obligations  
30 a wireless communications facility permittee may have under franchises,  
31 licenses, other permits issued by the Town, or any other agreement with the  
32 Town.

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 B. EXCLUSIONS:

- 2 1. Except as specifically provided in the Spectrum Act, this policy does not  
 3 apply to and no wireless communications facilities permit shall be required  
 4 for: (i) ordinary maintenance of a WCF as defined in this policy; (ii) the siting  
 5 of Distributed Antenna Systems facilities located within a building, stadium,  
 6 or similar structure, or campus, and intended primarily to provide wireless  
 7 coverage within that building, stadium, or similar structure, or campus; (iii)  
 8 antennas used by residential households solely for broadcast radio and  
 9 television reception; (iv) satellite antennas used solely for residential or  
 10 household purposes; (v) amateur radio antennas; (vi) television and AM/FM  
 11 radio broadcast towers and associated facilities; (vii) WCFs placed for a  
 12 period of not more than 21 days for temporary uses related to special events if  
 13 authorized by a special events permit issued pursuant to chapter 13 of title 4 of  
 14 this code; (viii) WCFs owned by or exclusively operated for government  
 15 agencies, including the Town; and (ix) development as defined in Section 9-1-  
 16 5 that does not meet the definition of a WCF, which development is subject to  
 17 the other provisions of this chapter.
- 18 2. **Except as provided by applicable law,** ~~This~~ this policy does not apply to the  
 19 Town when the Town is acting in its **proprietary** ~~propriety~~ capacity as owner  
 20 of land. This policy applies to the Town only when it acts as a land use  
 21 regulator.

22 C. DEFINITIONS:

- 23 1. For the purposes of this policy, the following terms shall have the following  
 24 meanings:

ANTENNA: ~~A device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting dishes, panels, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations.~~ **Communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.**

ANTENNA ARRAY:

Two or more antennas having active elements extending in one or more directions, and directional antennas mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be part of the antenna.

BASE STATION:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this policy or any equipment associated with a tower. Base Station includes, but is not limited to:

(a) 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.

(b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small cell networks).

(c) Any structure other than a tower that, at the time the relevant application is filed with the Town, supports or houses equipment described in subsections (a) and (b) of this definition that has been reviewed and approved under this chapter or policy, even if the structure was not built for the sole or primary purpose of providing such support.

The term does not include any structure that, at the time the relevant application is filed

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

with the Town, does not support or house equipment described in subsections (a) and (b) of this definition.

**BROADBAND FACILITY:**

**Any infrastructure used to deliver broadband service or for the provision of broadband service.**

**BROADBAND SERVICE:**

**Has the same meaning as set forth in 7 U.S.C. sec. 950bb(b)(1) as of August 6, 2014, and for the purposes of this policy includes: (a) “cable service”, as defined in 47 U.S.C. sec. 522(6) as of August 6, 2014; (b) “telecommunications service”, as defined in 47 U.S.C. sec. 153 as of August 6, 2014; and (c) “wireless service”, which means data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless services, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.**

**CAMOUFLAGED OR CONCEALED WIRELESS COMMUNICATIONS FACILITY:**

A WCF that: (a) is integrated as an architectural feature of an existing structure such as a false facade; (b) is integrated in an outdoor fixture such as a flagpole; (c) uses a design that mimics and is consistent with nearby natural or architectural features; or (d) is incorporated into or replaces existing permitted facilities (including, but not limited to, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

**COLLOCATION (Eligible Facilities Request):**

~~With respect to an eligible facilities request, means 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.~~ **The mounting or**

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

**installation of broadband service equipment on a tower, building, or structure with existing broadband service equipment for the purpose of transmitting or receiving radio frequency signals for communications purposes.**

- CONSERVATION DISTRICT: Has the meaning provided in Section 9-1-5.
- DISTRIBUTED ANTENNA SYSTEM (OR DAS): A network of one or more antennas and related fiber optic nodes typically mounted to streetlight poles, or utility poles, which provide access and signal transfer for wireless service providers. DAS also includes the equipment location, sometimes called a “hub” or “hotel,” where the DAS network is interconnected with one or more wireless service provider’s facilities to provide the signal transfer services.
- 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: (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.
- ELIGIBLE SUPPORT STRUCTURE: Any tower or base station as defined in this policy, provided that it is existing at the time the relevant application is filed with the Town under this policy.
- EXISTING: A constructed tower or base station if it has been reviewed and approved by the Town under this chapter or policy; provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully installed, is existing for purposes of this chapter and policy.
- FCC: The Federal Communications Commission.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

LATTICE TOWER: An open framework structure used to support one or more antennas, typically with three or four support legs.

**MICRO WIRELESS FACILITY:**

**A small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.**

MONOPOLE: A single freestanding pole used to act as or support an externally mounted antenna or antenna arrays.

ORDINARY MAINTENANCE: Ensuring that WCFs and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing, and modifications that maintain functional capacity, and aesthetic and structural integrity (e.g., the strengthening of a support structure's foundation or of the support structure itself). Ordinary maintenance includes: (i) replacing existing antennas with antennas of the same **substantially similar** color, when such replacement antennas will not increase the overall height or footprint of the WCF; (ii) replacing accessory equipment within an existing WCF; and (iii) relocating the antennas of approved WCFs to different height levels on an existing monopole or vertical facility upon which they are currently located if such height level is in compliance with the applicable requirements of this chapter. Ordinary maintenance does not constitute a modification to a WCF, whether classified as an eligible facilities requests or otherwise.

RF: Radio frequency.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

**RADOME:** A visually-opaque, radio frequency transparent enclosure which may contain one or more antennas, cables, and related facilities therein.

**REVIEWING AUTHORITY:** The Director, the Planning Commission, or the Town Council with respect to a Class D - Major or a Class D – Minor WCF permit application, or the Planning Commission or Town Council with respect to a Class A WCF permit application.

**RIGHT-OF-WAY:** Any publicly-owned or controlled street, roadway, alley, sidewalk, and other public way, including any public utility easements that extend beyond the curb onto private property.

**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. For other towers in the public right-of-way, a site is further restricted to that area comprising the base of the structure and to other transmission equipment already deployed on the ground.

~~**SMALL-CELL:** A deployment that meets the following conditions:~~

~~1. All antennas that are part of the small cell deployment fit within enclosures (or if the antennas are exposed, within imaginary enclosures) that are individually no more than three (3) cubic feet in volume, and all antennas on the structure, including any pre-existing antennas on the structure, fit within enclosures (or if the antennas are exposed, within imaginary enclosures) that total no more than six (6) cubic feet in volume; and~~

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

2. All other wireless equipment associated with the structure, including pre-existing enclosures and including equipment on the ground associated with antennas on the structure, are cumulatively no more than seventeen (17) cubic feet in volume, exclusive of: (a) vertical cable runs for the connection of power and other services; (b) ancillary equipment installed by other entities that is outside of the applicant's ownership or control; and (c) comparable equipment from pre-existing wireless deployments on the structure.

**SMALL CELL FACILITY:**

**A wireless communication facility that meets both of the following qualifications:**

**(a) each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and (b) primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.**

**“Small cell facility” includes a micro wireless facility.**

**SMALL CELL NETWORK:**

A network consisting of one or more nodes connected, directly or indirectly, by fiber to a

**WIRELESS COMMUNICATIONS FACILITIES ORDINANCE**

carrier's mobile switching center or other point of interconnection.

SPECTRUM ACT AND  
SPECTRUM REGULATIONS:

Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §1455(a), as amended from time to time. The FCC's rules under the Spectrum Act are contained in the FCC Report and Order adopted October 17, 2014, as amended from time to time, and codified at 47 C.F.R. §1.~~610040001~~.

SUBSTANTIAL CHANGE:

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater. 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 in February 2012;

(b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

would protrude from the edge of the tower more than twenty (20) 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 (6) feet;

(c) 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 (4) 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 pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;

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

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

(f) 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 non-compliant only in a manner that would not exceed the thresholds identified in subsections (a) – (d) of this definition.

**SUPPORT EQUIPMENT:**

The physical, electrical, and/or electronic equipment included within a WCF used to house, power, and/or process signals from or

**WIRELESS COMMUNICATIONS FACILITIES ORDINANCE**

to the WCFs antenna or antennas, but specifically excluding the base station.

**SUPPORT STRUCTURE:** A structure, outdoor fixture, tower, or utility pole capable of safely supporting a WCF, but does not include a wireless tower.

**TEMPORARY WCF:** A WCF that is designed and intended to be used for a limited period of time as described in subsections D1b or D2d of this policy.

**TOWER:** **Any structure built for the sole or primary purpose of supporting antennas licensed or authorized by the Federal Communications Commission and the antennas' associated facilities, including structures that are constructed for wireless communications services including private, broadcast, and public safety services; unlicensed wireless services; fixed wireless services such as backhaul; and the associated site.**

**TOWN PROPERTY:** Property owned or under the control of the Town, but specifically excludes the Town's right-of-way. By way of example and not limitation, public property includes structures and outdoor fixtures owned by the Town.

**TRANSMISSION EQUIPMENT:** Equipment that facilitates transmission for any FCC-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.

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

UNIPOLE: A uniform width pole with one or more antennas and associated equipment and cables contained within the interior of the pole, and with a Radome at the top of the pole being the same width as the pole.

UTILITY POLE: A metal or wood pole or structure located in the right-of-way and dedicated to use by multiple utilities and providers of communications authorized by the Town, or otherwise authorized to use the pole by applicable law.

WIRELESS COMMUNICATIONS FACILITY (WCF): A facility for the transmission or reception of low power radio signals used for two-way communications provided by a FCC licensee. WCFs shall not include facilities for broadcasting or receiving commercial or public radio or television programming, or facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users. WCFs are composed of two or more of the following components:  
(a) antenna;  
(b) support structure;  
(c) equipment enclosure; or  
(d) security barrier.

**WIRELESS SERVICE FACILITY:** **A facility for the provision of wireless services; except that “wireless service facility” does not include coaxial or fiber-optic cable that is not immediately adjacent to, or directly associated with, a particular antenna.**

WCF ADJUSTMENT: An authorization to deviate from the requirements of this policy granted by the reviewing authority pursuant to Section K of this policy.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

WCF APPLICATION  
(OR APPLICATION):

An application for a WCF permit submitted pursuant to this policy.

~~WIRELESS TOWER:~~

~~Any structure, such as a monopole or unipole, built for the sole or primary purpose of supporting a WCF. A support structure which is modified or replaced to allow for the installation of all or a portion of a WCF retains its prior use as its primary use, and the wireless use is only a secondary use thereof, even if the WCF is the only attachment to the support structure.~~

WCF PERMIT  
(OR PERMIT):

A WCF permit for the initial placement of a WCF, or the modification, replacement, or removal of a WCF, issued by the Town pursuant to this policy and chapter.

1

2

3

2. Terms not defined in this policy that are defined in applicable federal law or regulation shall have the meaning provided in such law or regulation.

4

5

3. Terms not defined in this policy or applicable federal law or regulation are to be given their common meaning.

6

7

D. WCF PERMIT CLASSIFICATIONS: Applications for WCF permits submitted under this policy are classified as follows:

8

1. Class A ~~Development~~ WCF Permit.

9

10

11

(a) All collocation applications and modifications of an existing WCF permit that are not eligible facilities requests **or a small cell facility application.**

12

13

14

15

16

17

18

19

20

(b) An application for a temporary WCF that will be operational for a period of time more than 30 but less than 180 days. No temporary WCF shall be approved if it will be operational for 180 days or longer unless the use of such temporary WCF is in response to and during a period of a declaration of emergency by the Governor of the State of Colorado. The Director shall not accept an application for a temporary WCF under this policy: (i) that is not filed concurrently with an application for a permanent WCF; or (ii) that will be operational for 180 days or longer unless the use of the Temporary WCF is in

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 response to and during a period of a declaration of emergency by the  
2 Governor of the State of Colorado.

3 (c) All other applications to install, modify, or replace a WCF within the  
4 Town that are not classified as a Class D - Major application pursuant  
5 to subsection D2 or a Class D – Minor application pursuant to  
6 subsection D3.

7 2. Class D - Major ~~Development~~ WCF Permit.

8 (a) An application for an eligible facilities request.

9 (b) An application to install a new WCF at one of the preferred locations  
10 as set forth in Section I4 of this policy if the application meets the  
11 applicable design requirements of this policy.

12 (c) An application to install a new wall-or roof-mounted WCF if such  
13 installation is preferred under Section J6 of this policy, and if the  
14 application meets the applicable design requirements of this policy.

15 (d) An application for a temporary WCF that will be operational for a  
16 period of time not longer than 30 days, whether in response to and  
17 during the period a period of a declaration of emergency by the  
18 Governor of the State of Colorado, or otherwise.

19 (e) An application to install a WCF that is part of a DAS ~~or small-cell~~  
20 ~~network~~, and is camouflaged consistent with the design requirements  
21 contained in this policy.

22 3. Class D- Minor WCF Permit.

23 (a) An application to locate, collocate, replace, or modify any small  
24 cell facility or small cell network in the public right-of-way.

25 4. Director’s Authority to Reclassify an Application. The Director’s authority to  
26 reclassify a ~~development~~ WCF permit application as authorized by the  
27 definition of “Classification” in Section 9-1-5 may only be used in connection  
28 with an application filed under this policy to reclassify a Class D - Major  
29 application to a Class A ~~Development~~ WCF application. The Director cannot  
30 ~~’s authority to reclassify a~~ Class D – Major application as a Class D –  
31 Minor, or Class D – Minor application as a under Section 9-1-18-4-1C does  
32 not apply to a Class D - Major application. ~~filed pursuant to this policy.~~

1 E. WCF PERMIT REQUIRED:

- 2 1. A WCF may not be installed, modified, or replaced without a WCF permit,  
3 except as provided in this policy.
- 4 2. An applicant must obtain all other WCF permits, authorizations, and  
5 approvals that are required for the installation, modification, replacement, or  
6 removal of the WCF, or for the installation, modification, replacement, or  
7 removal of the support structure or wireless tower under federal, state, or local  
8 law, including, but not limited to, **right-of-way permits**, building permits or  
9 FCC approvals. A WCF permit is not in lieu of any other permit required  
10 under this code or other applicable law, except as specifically provided in this  
11 policy, nor is it a franchise, license, or other authorization to occupy the right-  
12 of-way, or a license, lease, or agreement authorizing occupancy of any other  
13 private or public property.
- 14 3. An application for a Temporary WCF related to a special event for which a  
15 special events permit is required under chapter 13 of title 4 of this code may  
16 be approved in such special events permit without a separate WCF permit  
17 being issued pursuant to this policy.
- 18 4. A WCF permit issued in error, based on incomplete, false, or misleading  
19 information submitted by an applicant, or that conflicts with the provisions of  
20 this policy, is void and of no effect.

21 F. APPLICATION REQUIRED; DIRECTOR TO PREPARE APPLICATION  
22 FORMS; ESTIMATED DEPOSITS:

- 23 1. An applicant for a WCF permit must utilize the form of application required  
24 by the Town. The Director is authorized to prepare forms of application, and  
25 may develop application forms that distinguish between different types of  
26 installations and modifications, **and shot clocks**, in order to streamline the  
27 processing of applications, and to comply with legal requirements. Without  
28 limiting the generality of the preceding sentence, the Director shall prepare  
29 and make publicly available an application form that requires the applicant for  
30 an eligible facilities request to provide documentation or information only to  
31 the extent reasonably related to determining whether the application is in fact  
32 an eligible facilities request. An application for an eligible facilities request  
33 shall not require the applicant to submit any other documentation, including,  
34 but not limited to, documentation intended to illustrate the need for the WCFs  
35 that are the subject of the application or to justify the business need to modify  
36 such WCFs.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1           2.     If required by the Director the applicant shall deposit with the Town funds  
2           sufficient to reimburse the Town for the cost of having a third-party review  
3           the application, and provide analysis and testimony before the Town regarding  
4           the application. In determining whether to require third-party review under  
5           this subsection, the Director shall consider the complexity and legal issues  
6           involved in reviewing the application. The Director may defer the requirement  
7           for the payment of the deposit described in this subsection F2 until after the  
8           application is received and the complexity and legal issues involved in  
9           reviewing the application have been identified. Upon the approval, conditional  
10          approval, denial, or withdrawal of the WCF application, any unexpended  
11          portion of the deposit shall be returned to the applicant without interest. If the  
12          deposit did not cover the Town’s costs, the Town will charge the applicant  
13          therefore, and in the event of an approval or conditional approval of the WCF,  
14          the Town shall not issue the WCF permit until such charge is fully paid.
- 15          3.     When a WCF is part of a network of WCFs that will be installed  
16          contemporaneously or sequentially, such as a DAS, the applications for each  
17          of the facilities in the proposed network shall be submitted simultaneously.
- 18          4.     If an applicant for a small cell network so elects, the Director shall allow the  
19          applicant to file a consolidated application and receive a single WCF permit  
20          for the small cell network instead of filing separate applications for each small  
21          cell facility. **No more than five (5) applications may be filed within a single**  
22          **consolidated application.**
- 23          5.     If an applicant for the collocation of several WCFs so elects, the Director shall  
24          allow the applicant to file a single set of documents that will apply to all of the  
25          collocated WCFs to be sited.
- 26          6.     Applications for new support structures with proposed WCFs shall be  
27          considered as one application requiring only a single application fee.

28           G.    PROCEDURE FOR REVIEW OF WCF PERMIT APPLICATIONS:

- 29           1.     Pre-Application Meetings Required; **Exception for Small Cell Facility**  
30           **Application;** Submission of Application By Appointment Only.
- 31                   (a) Except for eligible facilities requests **and small cell facilities**  
32                   **applications,** one pre-application meeting with Town staff is normally  
33                   required for an application for a WCF permit. At the meeting the  
34                   prospective applicant should be prepared to present to staff a service  
35                   area map, description of the type of WCF sought, preliminary site  
36                   plan, and visual impact drawings. This meeting is not a public hearing

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 and is not subject to any public notification requirements. The Director  
2 may require a second pre-application meeting if the first meeting did  
3 not adequately address all relevant issues. The provisions of this  
4 subsection G1 control over the pre-application meeting requirements  
5 for a Class D-Major permit application set forth in Section 9-1-18-4-  
6 1A.

7 **(b) Prior to submitting an eligible facilities request or a small cell**  
8 **facility application the applicant is encouraged to initiate and**  
9 **schedule a pre-submittal meeting by contacting the Town's**  
10 **Department of Community Development. However, a pre-**  
11 **submittal meeting is not required for these applications, and will**  
12 **only be held if the applicant requests one. By participating in the**  
13 **pre-submittal meeting, the applicant agrees that the mandatory**  
14 **review time stated in Section G5d, below, does not start until the**  
15 **application is submitted, subject to the tolling provisions of**  
16 **Section G5e.**

17 (c) All WCF applications, ~~including eligible facilities requests,~~ may be  
18 submitted to the Director only by appointment. **The Director shall**  
19 **schedule appointments within a reasonable time after a request for**  
20 **an appointment has been made. Applications shall be submitted in**  
21 **hard copy; e-mailed applications shall not be accepted.**

22 2. Procedure for Class A ~~Development~~-WCF Permit **Application.**

23 (a) The provisions of this subsection G2 control in the event of any  
24 conflict between this subsection and the rules for processing a Class A  
25 ~~development~~ WCF permit application set forth in Section 9-1-18-1.

26 (b) The presumptively reasonable time period for the Town to review and  
27 act upon a Class A WCF permit application to collocate on **or modify**  
28 an existing WCF that does not qualify as an eligible facilities request is  
29 90 days.

30 (c) The presumptively reasonable time period for the Town to review and  
31 act upon all other Class A WCF permit applications is 150 days.

32 (d) The 90 or 150-day period begins to run when the application is filed,  
33 and may be tolled only by mutual agreement or in cases where the  
34 Director determines that the application is incomplete.

- 1 (i) To toll the timeframe for incompleteness, the Director must  
2 provide written notice to the applicant within 30 days of receipt of  
3 the application, clearly and specifically delineating all missing  
4 documents or information.
- 5 (ii) The timeframe for review begins running again when the  
6 applicant makes a supplemental submission in response to the  
7 Director's notice of incompleteness.
- 8 (iii) Following a supplemental submission, the Director will have 10  
9 days to notify the applicant that the supplemental submission did  
10 not provide the information identified in the original notice  
11 delineating missing information. The timeframe is tolled in the  
12 case of second or subsequent notices pursuant to the procedures  
13 identified in this subsection G2d. Second or subsequent notices of  
14 incompleteness may not specify missing documents or  
15 information that were not delineated in the original notice of  
16 incompleteness.
- 17 (e) A complete application submitted under this subsection G2 shall be  
18 scheduled for a hearing before the Planning Commission as required  
19 for Class A development permit applications by Section 9-1-18-1.
- 20 (f) Notice of the public hearing on an application submitted under this  
21 subsection G2 shall be given in the same manner required for any  
22 Class A development permit application under this chapter.
- 23 (g) Subject to the tolling provision described above, the Planning  
24 Commission must issue a written decision approving, conditionally  
25 approving, or denying an application submitted under this subsection  
26 G2 within the 90 or 150-day period described above, whichever time  
27 period is applicable to the application.
- 28 (h) Should the Planning Commission deny an application submitted under  
29 this subsection G2, the Planning Commission shall provide written  
30 justification for the denial. The denial must be based on substantial  
31 evidence in the written record.
- 32 (i) A decision of the Planning Commission under this policy is subject to  
33 call up by the Town Council as provided in Section 9-1-18-1E6 of this  
34 chapter. Any decision by the Town Council shall be made within the  
35 90 or 150-day period described above, whichever time period is  
36 applicable to the application.

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 3. Procedure for Class D - Major ~~Development~~ WCF Permit **Application** That Is  
2 Not An Eligible Facilities Request ~~or a Small Cell Facility Application~~.

3 (a) The provisions of this subsection G3 control in the event of any  
4 conflict between this subsection and the rules for processing a Class D  
5 - Major development permit application set forth in Section 9-1-18-4-  
6 1.

7 (b) The presumptively reasonable time period for the Director to review a  
8 Class D - Major WCF permit application that is not an eligible  
9 facilities request is 90 days.

10 (c) The 90-day period begins to run when the application is filed, and may  
11 be tolled only by mutual agreement or in cases where the Director  
12 determines that the application is **materially** incomplete.

13 (i) To toll the timeframe for incompleteness, the Director must  
14 provide written notice to the applicant within 30 days of receipt of  
15 the application, clearly and specifically delineating all missing  
16 documents or information **that the applicant must submit to**  
17 **render the application complete and the specific rule or**  
18 **regulation creating this obligation**.

19 (ii) The timeframe for review begins running again when the  
20 applicant makes a supplemental submission in response to the  
21 Director's notice of incompleteness.

22 (iii) Following a supplemental submission, the Director will have 10  
23 days to notify the applicant that the supplemental submission did  
24 not provide the information identified in the original notice  
25 delineating missing information. The timeframe is tolled in the  
26 case of second or subsequent notices pursuant to the procedures  
27 identified in this subsection (c). Second or subsequent notices of  
28 incompleteness may not specify missing documents or  
29 information that were not delineated in the original notice of  
30 incompleteness.

31 (d) Subject to the tolling provisions described above, the Director must  
32 issue a written decision approving, conditionally approving, or  
33 denying an application submitted under this subsection within 90 days  
34 of the submission of the initial application

1 (e) Should the Director deny an application submitted under this  
2 subsection G3, the Director shall provide written justification for the  
3 denial. The denial must be based on substantial evidence in the written  
4 record.

5 (f) The Director's decision approving, conditionally approving, or  
6 denying an application submitted under this subsection G3 may be  
7 appealed by the applicant to the Planning Commission and Town  
8 Council. Such appeal shall be filed and processed in accordance with  
9 the requirements of Section 9-1-18-4-1D. Any decision by the  
10 Planning Commission or Town Council shall be made within the 90 or  
11 150-day period described above, whichever time period is applicable  
12 to the application.

13 4. Procedure for Eligible Facilities Request.

14 (a) The provisions of this subsection G4 control in the event of any conflict  
15 between this subsection and the rules for processing a Class D - Major  
16 development permit application set forth in Section 9-1-18-4-1.

17 (b) Upon receipt of an application for an eligible facilities request the Director  
18 shall review such application to determine whether the application qualifies  
19 as an eligible facilities request under the Spectrum Act, the Spectrum Act  
20 rules, and this policy.

21 (c) Within 60 days of the date on which an applicant submits a request seeking  
22 approval under this subsection G4, the Director shall approve the  
23 application unless the Director determines that the application is not  
24 covered by this subsection.

25 (d) The 60-day period begins to run when the application is filed, and may be  
26 tolled only by mutual agreement or in cases where the Director determines  
27 that the application is incomplete.

28 (i) To toll the timeframe for incompleteness, the Director must  
29 provide written notice to the applicant within 30 days of receipt of  
30 the application, clearly and specifically delineating all missing  
31 documents or information. Such delineated information is limited  
32 to documents or information necessary for the Director to  
33 determine if the application qualifies as an eligible facilities  
34 request under the Spectrum Act, the Spectrum Act rules, and this  
35 policy.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (ii) The timeframe for review begins running again when the  
2 applicant makes a supplemental submission in response to the  
3 Director's notice of incompleteness.
- 4 (iii) Following a supplemental submission, the Director will have 10  
5 days to notify the applicant that the supplemental submission did  
6 not provide the information identified in the original notice  
7 delineating missing information. The timeframe is tolled in the  
8 case of second or subsequent notices pursuant to the procedures  
9 identified in this subsection G4d. Second or subsequent notices of  
10 incompleteness may not specify missing documents or  
11 information that were not delineated in the original notice of  
12 incompleteness.
- 13 (e) The Director shall not approve an eligible facilities request that does not  
14 comply with the Spectrum Act, the Spectrum Act rules, or the applicable  
15 requirements of this policy. Without limiting the generality of the  
16 preceding sentence, the Director shall not approve an application for an  
17 eligible facilities request that substantially changes the dimensions of the  
18 eligible support structure that is the subject of the application.
- 19 (f) Should the Director deny the application, the Director shall provide written  
20 justification for the denial. The denial must be based on substantial  
21 evidence in the written record.
- 22 (g) An application for an eligible facilities request that has been denied by the  
23 Director may be refiled at the applicant's discretion as a Class A WCF  
24 permit application.
- 25 (h) If the Director fails to approve, conditionally approve, or deny an  
26 application for an eligible facilities request within the applicable timeframe  
27 (accounting for any tolling), the request shall be deemed granted. The  
28 deemed grant does not become effective until the applicant notifies the  
29 Director in writing after the review period has expired (accounting for any  
30 tolling) that the application has been deemed granted.
- 31 (i) The Director's decision on an application submitted under this subsection  
32 G4 may be appealed by the applicant to the Planning Commission and  
33 Town Council. Such appeal shall be filed and processed in accordance with  
34 the requirements of Section 9-1-18-4-1D.

35 5. **Procedure for a Small Cell Facility Application.**

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (a) The provisions of this subsection G5 control in the event of any  
2 conflict between this subsection and the rules for processing a  
3 Class D - Minor development permit application set forth in  
4 Section 9-1-18-4.
- 5 (b) Small cell facilities in the right-of-way shall be considered a  
6 permitted use, subject to administrative review by the Director as  
7 set forth in this provision.
- 8 (c) The Town shall prepare, and from time to time revise, and make  
9 publicly available, an application form which shall require  
10 submittal of information necessary for the Town to consider  
11 whether a project is eligible as a small cell facilities in the right-of-  
12 way, meeting certain criteria. The application shall not require the  
13 applicant to demonstrate a need or business case for any proposed  
14 modification or collocation.
- 15 (d) The presumptively reasonable time period for the Director to  
16 review a small cell facility application that is not an eligible  
17 facilities request is 90 days.
- 18 (e) The Director shall review a small cell facility application for  
19 completeness and respond to the applicant within 10 days of the  
20 date of submission of the application with a report identifying any  
21 items missing from the application. If an application is materially  
22 incomplete, the Director shall specifically identify the missing  
23 documents or information, and the specific rule or regulation  
24 creating the obligation to submit such documents or information.  
25 The shot clock set forth in subsection (G)(5)(f) below shall restart  
26 at zero on the date which the applicant submits all the documents  
27 and information identified by the Town to make the application  
28 complete. If the applicant's supplemental submission fails to make  
29 the application complete, and the Director notifies the applicant  
30 within 10 days of the supplemental submission and clearly and  
31 specifically identifies the missing documents or information, the  
32 shot clock set forth in subsection G5d shall be tolled until the  
33 applicant provides the missing documents and information. The  
34 shot clock resumes (the date calculation does not restart) to run on  
35 the date when the applicant submits all the documents and  
36 information identified by the Town to render the application  
37 complete. If the applicant fails to submit all of the missing items  
38 identified in the Director's completeness report within such

1 reasonable time as the Director shall require in the report, the  
2 application shall be denied without prejudice.

3 (f) The Director will complete his or her review of a small cell facility  
4 application and either approve, conditionally approve, or deny the  
5 application within 90 days from the date of submission of the  
6 application, or from the date of submission of the completed  
7 application if tolled due to an incomplete submission as provided  
8 above, whichever is the later date.

9 (g) Should the Director deny an application submitted under this  
10 subsection G5, the Director shall provide written justification for  
11 the denial. The denial must be based on substantial evidence in the  
12 written record.

13 (h) The Director's decision on a small cell facility application may be  
14 appealed by the applicant to the Planning Commission and Town  
15 Council. Such appeal shall be filed and processed in accordance  
16 with the requirements of Section 9-1-18-4-C.

17 (i) If the Director approves a small cell facility application all other  
18 permits required by the Town to authorize the installation of a  
19 small cell facility in the Town ROW shall also be approved within  
20 the same ninety (90) day period described in subsection G5d.

21 6. Appeal to Court. The 30 day period to appeal the Town's decision on an  
22 application for a WCF permit provided in 47 U.S.C. §332(c)(7)(B)(v) shall  
23 commence as follows:

24 (a) With respect to a Class D – Minor application or a Class D - Major  
25 WCF permit application, upon the final decision made by the Director  
26 if the Director's decision is not appealed, or upon the final decision of  
27 Planning Commission or the Town Council, whichever last rules on  
28 the application; or

29 (b) With respect to a Class A WCF permit application, upon the Town  
30 Council's affirmation of the Planning Commission's written decision  
31 on the application, or the Town Council's own written decision on the  
32 application if the Planning Commission decision is called up by the  
33 Town Council.

1 H. RULES FOR APPROVAL OR DENIAL OF APPLICATION:

2 1. Pursuant to Section 9-17-6, it is the applicant’s burden to show **by a**  
3 **preponderance of the evidence** that a WCF permit submitted under this  
4 policy should be granted.

5 2. In evaluating an application for a WCF permit, **except an application for a**  
6 **small cell facility or an eligible facilities request**, all relevant absolute and  
7 relative development policies of this chapter shall be considered by the  
8 reviewing authority; provided, however:

9 (a) Policies 9-1-19-6A “Policy 6 (Absolute) Building Height” and 9-1-19-  
10 6R “Policy 6 (Relative) Building Height” shall not apply to an  
11 application to install a WCF; and

12 (b) Although density must be provided for a WCF to be installed pursuant  
13 to this policy, no negative points shall be assessed against a WCF  
14 permit application under Policy 9-1-19-3R “Policy 3 (Relative)  
15 Compliance With Density/Intensity Guidelines.”

16 (c) Notwithstanding subsection 2b of this Section, no density shall be  
17 required for:

- 18 (i) an underground mechanical room installation;
- 19 (ii) an installation in an existing interior space; or
- 20 (iii) an outdoor equipment cabinet.

21 3. Except as otherwise provided in this policy, this chapter, or other applicable  
22 law, an application submitted under this policy, **except an application for a**  
23 **small cell facility or an eligible facilities request**, may be lawfully denied  
24 for any of the following reasons:

25 (a) The application does not implement all affected absolute policies of  
26 this chapter (subject to variance);

27 (b) The applicant has not shown that the application conforms to the  
28 applicable requirements of this policy; or

29 (c) The applicant has not provided to the Town all of the information  
30 required by this policy to WCF permit the reviewing authority to  
31 approve, conditionally approve, or deny the application taking into

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 account legal deadlines affecting the Town’s consideration of the  
2 application.

3 4. Except as to an eligible facilities request, **or an application for a small cell**  
4 **facility**, and when the Town is prohibited from considering a matter by  
5 applicable law, in determining whether to approve, conditionally approve, or  
6 deny an application, the reviewing authority may consider the following and  
7 such other matters as the reviewing authority may be entitled or required to  
8 consider as a matter of law:

9 (a) Whether the applicant is authorized to file the application;

10 (b) Whether the WCF and support structure additions and modifications  
11 proposed will adversely affect or alter the unique aesthetic character,  
12 beauty, and historic charm of the Town. If the application is for a  
13 location in the Conservation District, the reviewing authority shall also  
14 consider Section 9-1-19-5A, “Policy 5 (Absolute)(Architectural  
15 Compatibility)””; Section 9-1-19-5R, “Policy 5 (Relative)(Architectural  
16 Compatibility)””; and the “Handbook of Design Standards/Handbook  
17 of Design Standards For the Historic and Conservation Districts;”

18 (c) Whether the WCF and support structure modifications and additions  
19 proposed comply with the design standards of this policy, and other  
20 applicable provisions of this policy or chapter;

21 (d) Whether the WCF and support structure modifications and additions  
22 proposed comply with generally applicable building, structural,  
23 electrical and other safety codes and laws, interfere with the public’s  
24 use of right-of-way, or create undue risks to persons or property;

25 (e) Whether the applicant has or will have necessary local, state, or federal  
26 regulatory approvals required in connection with the WCF; and

27 (f) Whether alternative designs or locations would minimize the impact of  
28 the WCF and support structure modifications and additions required.

29 5. **The rules for the approval or denial of a small cell facility application**  
30 **shall be as set forth in the Director’s administrative rules and regulations**  
31 **promulgated pursuant to Section 9-1-28 of this chapter.**

32 6. Notwithstanding any other provision of this policy or chapter to the contrary,  
33 the reviewing authority may approve an application for a WCF permit under  
34 this policy, notwithstanding that the evidence supported denial of the

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 application, if the reviewing authority makes a finding that the applicant has  
2 demonstrated that the refusal to approve the application would prohibit or  
3 have the effect of prohibiting **or effectively prohibiting** the provision of  
4 personal wireless services within the meaning of 47 U.S.C. Section  
5 332(c)(7)(B)(i)(II), or finds that the Town authority to deny the application is  
6 otherwise preempted or prohibited by state or federal law.

7 I. LOCATION CRITERIA FOR WCFs: The purpose of this Section I is to provide  
8 guidance to prospective applicants as they seek appropriate WCF locations within  
9 the Town. This Section I does not express a preference for any category of  
10 technology. **This Section I does not apply to the location of a small cell facility**  
11 **which shall be located in accordance with the location criteria contained in the**  
12 **Director's administrative rules and regulations promulgated pursuant to**  
13 **Section 9-1-28 of this chapter.**

- 14 1. WCFs are encouraged to be located on existing buildings and structures  
15 because of aesthetics and land use compatibility.
- 16 2. WCFs shall be collocated with existing WCFs, if within 1,500 feet of an  
17 existing WCF, unless the Town determines that doing so would create  
18 excessive visual clutter.
- 19 3. No WCF permit to install a new freestanding WCF shall be granted unless the  
20 applicant first demonstrates that no existing wireless tower or structure can  
21 accommodate the applicant's needs.
- 22 4. Unless subsection I5 applies, WCFs shall be located outside of the  
23 Conservation District. The preferred locations for WCFs outside of the  
24 Conservation District are listed below in order of preference:
  - 25 (a) Collocation to existing WCF facilities located in non-residential land  
26 use districts;
  - 27 (b) Town property;
  - 28 (c) Other publicly owned property and facilities;
  - 29 (d) Rights-of-way;
  - 30 (e) Public and private utility installations;
  - 31 (f) Land use districts where commercial uses are recommended; and  
32  
33

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 (g) Community facilities (such as places of worship, community centers,  
2 etc.).

3 5. Notwithstanding subsection I4, and except for a wall-mounted WCF, an  
4 application to locate a new WCF in the following areas of Town: (i) in the  
5 Town's Conservation District; (ii) in Land Use Districts where single-family  
6 residential uses are a recommended use; (iii) in any land use district that  
7 contains a legally established single family residential use; (iv) on vacant  
8 land; (v) on an environmentally sensitive habitat; (vi) on a ridgeline; or (vii)  
9 any other area of the Town not specifically described as a preferred location  
10 for the placement of a WCF in subsection I4, may be granted if the applicant  
11 demonstrates that all of the following factors exist:

12 (i) a significant gap in the provider's service exists;

13 (ii) the proposed WCF is the least visually intrusive means to close  
14 the significant gap;

15 (iii) no feasible alternative exists to close the significant gap; and

16 (iv) the provider's existing WCFs lacks the capacity to service the  
17 wireless users except by the installation of one or more WCF sites  
18 in the otherwise restricted locations described in this subsection  
19 I5.

20 When considering an application for a WCF to be located in the Conservation  
21 District, the reviewing authority shall also consider those policies listed in  
22 Section H4b.  
23

24 J. DESIGN STANDARDS: The design standards set forth in this Section J shall apply  
25 to the location of all WCFs that are subject to this policy; provided, however, **that**  
26 **this Section J shall not apply to a small cell facility which shall be subject to the**  
27 **design standards contained in the Director's administrative rules and**  
28 **regulations promulgated pursuant to Section 9-1-28 of this chapter.**~~†~~The  
29 reviewing authority may waive any design standard if it determines the overall intent  
30 of this policy will not be served by the implementation of the particular design  
31 standard with respect to a particular WCF or application.

32 1. All WCFs shall be designed to comply with current standards and regulations  
33 of the Federal Aviation Administration, the FCC, the National Environmental  
34 Policy Act, and any other agency of the state or federal government with the  
35 authority to regulate WCFs.

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1  
2
- 3  
4  
5  
6
- 7  
8  
9  
10  
11
- 12  
13
- 14
- 15  
16  
17  
18  
19  
20  
21  
22  
23  
24
- 25  
26
- 27  
28  
29  
30  
31  
32  
33
- 34
2. All WCFs shall be designed to comply with all applicable laws, rules, and regulations, including, but not limited to, the FCC’s RF emission safety rules.
  3. A WCF shall be designed and located to minimize the impact on the surrounding neighborhood, and to maintain the unique aesthetic character, beauty, and historic charm of the Town, consistent with other provisions of this chapter. To that end, WCFs should:
    - (a) Employ the least intrusive design for the proposed location in terms of size, mass, visual and physical impact, and effects on properties from which the WCF is visible, and, if located within the Conservation District, be located on a structure that is non-historic and non-contributing as defined by Town policy or ordinance; and
    - (b) Accommodate collocation consistent with the other design requirements of this policy; and
    - (c) Be consistent with the Town’s Master Plan.
  4. Unless an adjustment is granted pursuant to Section K, no WCF, or tower or other structure designed or intended to be used for the placement of one or more antennas, may be approved outside the Conservation District at a height that is taller than the maximum height for nonresidential structures and multifamily structures provided in Section D (Exceptions) in the definition of “Building Height Measurement” in Section 9-1-5 of this Chapter. Unless an adjustment is granted pursuant to Section K, no WCF, or tower or other structure designed or intended to be used for the placement of one or more antenna may be placed on the roof of any structure within the Conservation District.
  5. DAS networks ~~and small cell networks~~ are encouraged WCF facilities under this policy.
  6. Wall- or roof-mounted WCFs and DASs are preferred over freestanding WCFs and DASs outside the Conservation District. Within the Conservation District wall-mounted WCFs and DASs are preferred. An applicant proposing to install a freestanding WCF that is not a DAS must first demonstrate that a wall- or roof-mounted WCF is not feasible or is inadequate to provide service. The Town may require that an alternative WCF that reflects the character of the surrounding property (developed or undeveloped) be employed.
  7. No new lattice tower may be approved under this policy.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1           8.     All WCFs shall be concealed or camouflaged. The installation of an  
2           uncamouflaged WCF is prohibited. Without limiting the foregoing, all  
3           portions of a WCF affixed to a support structure shall be designed to blend in  
4           or be screened from view in a manner consistent with the support structure’s  
5           architectural style, color, and materials, when viewed from any part of the  
6           Town. WCFs shall be painted and textured or otherwise camouflaged to match  
7           the color and finish of the support structure on which they are mounted.  
8           Where the support structure is a building, the WCF support equipment,  
9           including, without limitation, base station cabinets, remote transmitters and  
10          receivers, and antenna amplifiers, shall be placed within the building or  
11          mounted behind a parapet screened from public view unless that is not  
12          feasible. If the Director determines that such in-building placement is not  
13          feasible, the equipment shall be roof-mounted in an enclosure or otherwise  
14          screened from public view as approved by the Director.
- 15          9.     A WCF located in the right-of-way **shall comply with the administrative**  
16          **rules and regulations promulgated pursuant to Section 9-1-28 of this**  
17          **chapter.** :
- 18          ~~10. — If to be located on a street light, be compatible with the design of the existing~~  
19          ~~street lights;~~
- 20          ~~11. — With respect to its pole-mounted components, be located on an existing utility~~  
21          ~~pole serving another utility;~~
- 22          ~~12. — Be concealed consistent with other existing natural or manmade features in~~  
23          ~~the right-of-way near the location where the WCF is to be located;~~
- 24          ~~13. — With respect to its pole-mounted components, be located on a new utility pole~~  
25          ~~where other telephone distribution lines are aerial, if there are no reasonable~~  
26          ~~alternatives, and the applicant is authorized to install new utility poles;~~
- 27          ~~14. — Be installed and maintained so as not to obstruct or hinder the usual travel on~~  
28          ~~such right-of-way, or required maintenance or snow removal within the right-~~  
29          ~~of-way; and/or~~
- 30          15.    ~~Be painted a dark color to blend in with the surrounding area.~~
- 31          10.    The pole-mounted components of a WCF on a utility pole shall, whether in or  
32          outside of the right-of-way, be consistent with the size and shape of pole-  
33          mounted equipment installed by communications companies on utility poles  
34          near the WCF.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 11. To the extent a WCF is permitted aboveground, a WCF shall otherwise be  
2 appropriately screened, landscaped, and camouflaged to blend in with the  
3 surroundings, and non-reflective paints shall be used.
- 4 12. Unless it is determined by the reviewing authority that there is no less  
5 intrusive alternative available to close a significant gap in the service provided  
6 by a WCF, or it is determined that the Town is legally required to approve an  
7 application, the height of the WCF may not exceed the minimum height that is  
8 necessary from an engineering perspective to allow the WCF to function  
9 properly.
- 10 13. If an application proposes the construction of improvements to the surface of  
11 the roof of a building for the purpose of locating the utility box or cabinet that  
12 will hold the mechanical equipment required to operate the WCF, such  
13 improvements must:
- 14 (a) be made of the same materials that exist on the building;
- 15 (b) be of a height no taller than is necessary from an engineering  
16 perspective in order for the WCF to function properly; and
- 17 (c) must have density, subject to the provisions of Section H2b.
- 18 14. Unless it is determined by the Town that there is no less intrusive alternative  
19 available to close a significant gap in the service provided by a WCF, or it is  
20 determined that the Town is legally required to approve an application, the  
21 Town shall not approve an application for a WCF where the application  
22 proposes a design that would require extensions from any support structure  
23 inconsistent in size with the extensions otherwise WCF permitted under this  
24 policy.
- 25 15. WCFs shall not be lighted except with the authorization of the reviewing  
26 authority. The reviewing authority may permit lighting at the lowest intensity  
27 necessary:
- 28 (a) For proximity-triggered and/or timer-controlled security lighting;
- 29 (b) To comply with regulations for the illumination of any flag attached to  
30 a WCF; or
- 31 (c) Where such lighting is required to protect public health or welfare, or  
32 as part of the camouflage for a particular design **or to comply with**  
33 **the federal aviation administration**.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 Any approved lighting shall comply with Section 9-1-19-46A, "Policy 46  
2 (Absolute)(Exterior Lighting)."  
3

- 4 16. No advertising signage shall be displayed on any WCF, except for  
5 government-required signs shown in the WCF permit application. Additional  
6 site identification, address, warning, and similar information plates may be  
7 WCF permitted where approved by the Director.
- 8 17. The WCF shall be designed so that it does not operate by a generator except  
9 when the permanent power to the WCF is temporarily interrupted.
- 10 18. The WCF shall not inconvenience the public (including without limitation,  
11 persons with disabilities) in its use of any structure, or any portion of the  
12 right-of-way.

13 K. ADJUSTMENTS TO STANDARDS:

- 14 1. Applicability. Except as otherwise provided in this policy, no WCF shall be  
15 used or developed contrary to any applicable development standard of this  
16 policy unless an adjustment has been granted pursuant to this Section K. The  
17 provisions of this Section apply exclusively to WCFs, and shall control over  
18 the variance criteria set forth in Section 9-1-11 of this title. **Provided,**  
19 **however, that this Section K shall not apply to a small cell facility**  
20 **application which shall be subject to the administrative waiver provisions**  
21 **of the Director's administrative rules and regulations promulgated**  
22 **pursuant to Section 9-1-28 of this chapter.**
- 23 2. Application Classification. An application for a WCF adjustment is classified  
24 as a Class A ~~Development~~ WCF application.
- 25 3. Submittal Requirements. In addition to the general submittal requirements for  
26 a Class A ~~Development~~ WCF application, an application for a WCF  
27 adjustment shall include:
- 28 (a) a written statement demonstrating how the requested adjustment would  
29 meet the criteria;
- 30 (b) a site plan that includes:
- 31 (i) a description of the proposed facility's design and dimensions, as  
32 it would appear with and without the adjustment;

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (ii) elevations showing all components of the WCF as it would appear  
2 with and without the adjustment;
- 3 (iii) color simulations of the WCF after construction demonstrating  
4 compatibility with the vicinity, as it would appear with and  
5 without the adjustment; and
- 6 (iv) such other information as is required by the Director;
- 7 4. Criteria. An application for a WCF adjustment shall be granted if applicant  
8 demonstrates that:
- 9 (a) the adjustment is consistent with the purpose of the development  
10 standard for which the adjustment is sought;
- 11 (b) based on a visual analysis, the design significantly minimizes the  
12 visual impacts to residential zones through mitigating measures,  
13 including, but not limited to, building heights, bulk, color, and  
14 landscaping; and
- 15 (c) the applicant demonstrates the existence of either of the following:
- 16 (i) Gap in Service.
- 17 (A) A gap in the coverage, capacity, frequency, or technologies of the  
18 service network exists such that users are regularly unable to connect  
19 to the service network, or are regularly unable to maintain a  
20 connection, or are unable to achieve reliable wireless coverage within  
21 a building;
- 22 (B) The gap can only be filled through an adjustment to one or more  
23 of the standards in this policy; and
- 24 (C) The adjustment is narrowly tailored to fill the service gap such  
25 that the WCF conforms to this policy's standards to the greatest  
26 extent possible.
- 27 (ii) Minimization of Impacts.
- 28 The adjustment would significantly minimize or eliminate negative  
29 impacts to surrounding properties and their uses, through a utilization  
30 of existing site characteristics, including, but not limited to, the site's  
31  
32  
33

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 size, shape, location, topography, improvements, and natural features.  
2 Negative impacts are minimized or eliminated if there is:

- 3 (A) a substantial decrease in negative visual impacts, including, but  
4 not limited to, visual clutter;
- 5 (B) better preservation of views or view corridors; or
- 6 (C) a substantial decrease in any other identifiable negative impacts to  
7 the surrounding area's primary uses.

8  
9 L. STANDARD WCF PERMIT CONDITIONS: **Except as provided in Section 12,**  
10 **below.** The following conditions shall be included in each WCF permit issued by  
11 the Town, unless otherwise approved by the Town Attorney for good cause:

- 12 1. The term of a Class A WCF permit granted pursuant to this policy shall be 10  
13 years from the date of issuance, unless sooner revoked or terminated as  
14 provided in this policy. The term of a Class D-Major WCF permit granted  
15 pursuant to this policy shall be as provided in Section 9-1-17-8, unless sooner  
16 revoked or terminated as provided in this policy.
- 17 2. As a condition of every WCF permit issued pursuant to this policy, the  
18 Director may establish a reasonable installation build-out period for a WCF.
- 19 3. The WCF shall be operated in compliance with: (i) the terms of the permit; (ii)  
20 all other applicable requirements of this chapter and policy; and (iii) all  
21 applicable laws, rules, and regulations, including, but not limited to, the  
22 FCC's RF emission safety rules.
- 23 4. The permittee shall obtain and maintain all other applicable WCF permits,  
24 approvals, and agreements necessary to install and operate the WCF in  
25 conformance with federal, state, and local laws, rules, and regulations.
- 26 5. Within 30 days after installation of a WCF, the permittee shall demonstrate to  
27 the Director that its WCF as installed and normally-operating fully complies  
28 with all of the conditions of the WCF permit, including, but not limited to,  
29 height and size restrictions, and applicable building and safety codes. The  
30 demonstration shall be provided in writing to the Director containing all  
31 technical details to demonstrate such compliance, and certified as true and  
32 accurate by a qualified professional engineer or, in the case of height or size  
33 restrictions, by a qualified surveyor. This report shall be prepared by the  
34 permittee and reviewed by the Town at the sole expense of the permittee. The  
35 Director may require additional proofs of RF emission compliance on an  
36 ongoing basis to the extent the Town may do so consistent with federal law.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1           6.     The Town may inspect WCF permitted facilities and property and may enter  
2           onto a site to inspect WCF facilities upon reasonable notice to the permittee.  
3           In case of a bona fide emergency or risk of imminent harm to persons or  
4           property within the vicinity of WCF permitted facilities, the Town has the  
5           right, but not the duty, to enter upon the site of the facilities and to support,  
6           disable, or remove those elements of the facilities posing an immediate threat  
7           to public health and safety. Prior to taking any action pursuant to this  
8           subsection, the Town shall make a reasonable effort to locate the permittee  
9           and advise it of the existence and nature of the emergency. The  
10          reasonableness of Town’s efforts to locate the permittee shall be determined  
11          based upon the nature of the emergency and the Town’s efforts to locate and  
12          notify the permittee. If, after reasonable efforts, the permittee cannot be  
13          located, the Town shall have the right to enter the property and perform any  
14          needed emergency repairs as herein provided and, upon demand, the permittee  
15          shall reimburse Town for the reasonable and necessary costs of such  
16          emergency repairs. Failure of the permittee to pay to the Town upon demand  
17          the costs of such emergency repairs shall constitute a default event under the  
18          WCF permit.

19          7.     The permittee shall maintain on file with the **Town’s Department of**  
20          **Community Development** and onsite at the WCF current and updated contact  
21          information of all parties responsible for maintenance of the WCF.

22          8.     The permittee shall defend, indemnify, and hold harmless the Town, its  
23          agents, officers, officials, and employees: (i) from any and all damages,  
24          liabilities, injuries, losses, costs and expenses, and from any and all claims,  
25          demands, lawsuits, and other actions or proceedings brought against the Town  
26          or its agents, officers, officials, or employees to challenge, attack, seek to  
27          modify, set aside, void, or annul the Town’s approval of the WCF permit; and  
28          (ii) from any and all damages, liabilities, injuries, losses, costs and expenses  
29          and any and all claims, demands, lawsuits, or causes of action and other  
30          actions or proceedings of any kind or form, whether for personal injury, death  
31          or property damage, arising out of or in connection with the permittee’s or the  
32          permittee’s agents, employees, licensees, contractors, subcontractors, or  
33          independent contractors, activities, or performance related to the WCF  
34          contractors ((i) and (ii) collectively are “Actions”). If the Town becomes  
35          aware of any such Actions , the Town shall promptly notify the permittee and  
36          shall reasonably cooperate in the defense. It is expressly agreed that the Town  
37          shall have the right to approve, which approval shall not be unreasonably  
38          withheld, the legal counsel providing the Town’s defense, and the property  
39          owner and/or permittee (as applicable) shall reimburse Town for any costs and  
40          expenses directly and necessarily incurred by the Town in the course of the

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 defense. The indemnity obligation described in this subsection L8 shall  
2 survive the expiration or termination of the WCF permit, and shall continue to  
3 be enforceable thereafter, subject to any applicable statute of limitation.

4 9. The permittee shall file with the Town, and shall maintain in good standing  
5 throughout the term of the WCF permit, proof that the permittee has a policy  
6 of commercial general liability insurance with minimum limits of liability of  
7 not less than One Million Dollars (\$1,000,0000) per claim and One Million  
8 Dollars (\$1,000,0000) aggregate, or such other limits as may be reasonably  
9 acceptable to the Director. The Town shall be named as an additional insured  
10 under such insurance policy.

11 10. If determined to be necessary by the Director in order to adequately protect  
12 the Town, the permittee shall file with the Town, and maintain in good  
13 standing throughout the term of the WCF permit, a performance bond or other  
14 surety or another form of security acceptable to the Town Attorney to pay for  
15 the removal of the WCF in the event that the use is abandoned; the WCF  
16 permit expires, is revoked, or is otherwise terminated; or the permittee is  
17 otherwise financially unable to pay for the removal of the WCF. If required,  
18 the security shall be in the amount equal to one hundred fifteen percent  
19 (115%) of the cost of physically removing the WCF and all related facilities  
20 and equipment on the site.

21 11. The permittee shall make a good faith effort to minimize project-related  
22 disruptions to adjacent properties. Without limiting the generality of the  
23 preceding sentence, site improvement and installation work, including set-up,  
24 loading, or unloading of materials or equipment, performed as part of the  
25 installation of the approved this project are subject to the provisions of Section  
26 5-8-6 of this code. Emergency maintenance and repairs are exempt from the  
27 restricted hours. Violation of this condition may result in issuance of a Stop  
28 Work Order or other appropriate enforcement action by the Town.

29 12. **This Section shall not apply to a small cell facility WCF permit. The**  
30 **standard conditions of such permit shall be addressed in the Master**  
31 **License Agreement between the Town and the permit holder.**

32 M. OPERATIONAL REGULATIONS:

33 1. All WCFs within the Town shall be designed, maintained, and operated at all  
34 times to comply with the provisions of this policy, the terms and conditions of  
35 the WCF permit, and the following additional requirements:

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

- 1 (a) Conditions of any license for the WCF issued by a local, state, or
- 2 federal agency, which has jurisdiction over the WCF;
- 3 (b) Rules, regulations, and standards of the state and federal governments,
- 4 including, but not limited to the FCC, and the Town, including, but not
- 5 limited to, this chapter and policy;
- 6 (c) Easements, covenants, conditions, and/or restrictions on or applicable
- 7 to the underlying real property; and
- 8 (d) All other laws, codes, and regulations applicable to the WCF.

9 2. All WCFs shall be maintained in good working condition and to the visual  
 10 standards established at the time of approval over the life of the WCF permit.  
 11 The WCF and surrounding area shall remain free from trash, debris, litter,  
 12 graffiti, and other forms of vandalism. Any damage shall be repaired as soon  
 13 as is practicable, and in no instance more than 30 days from the time of  
 14 notification by the Town or after discovery by the permittee, weather  
 15 permitting. If landscaping was required by the WCF permit, the landscaping  
 16 must be maintained by the permittee.

17 N. MODIFICATION OF A WCF PERMIT: The following provisions shall apply to the  
 18 modification of a WCF permit notwithstanding any other provision of this chapter or  
 19 policy to the contrary. In the event of a conflict between the provisions of N and any  
 20 other provision of this chapter or policy, this Section shall control.

- 21 1. The Town may modify a WCF permit before its termination date where
- 22 necessary to protect public health and safety, or where the WCF permit as
- 23 issued is no longer enforceable in accordance with its terms.
- 24 2. A permittee may modify a WCF permit by seeking either an eligible facilities
- 25 request or other modification.
- 26 3. Requests for modifications shall be reviewed in accordance with the
- 27 provisions of this chapter that are in effect at the time modification is sought,
- 28 and not the provisions of this chapter and policy that were in effect at the time
- 29 the WCF permit was initially issued.

30 O. RENEWAL OF A CLASS A WCF PERMIT: A Class A WCF permit issued  
 31 pursuant to this policy may be renewed for additional terms of 10 years each. Any  
 32 renewal application must be submitted to the Director between 365 days and 180  
 33 days prior to the expiration of the current WCF permit, and shall be processed as a  
 34 Class D Major WCF Permit. A renewal of a Class A WCF permit under this section

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 shall be subject to the WCF's continuing compliance all conditions of approval of  
2 the Class A Permit. If a renewal application is submitted less than 180 days prior to  
3 expiration of the current WCF permit, the applicant must submit a new Class A  
4 WCF permit application, which will be subject to all then-current relevant absolute  
5 and relative development policies of this chapter shall be considered by the  
6 reviewing authority, except as provided in Section B of this policy. Even if a renewal  
7 application for a Class A WCF Permit is submitted 180 days or more prior to  
8 expiration of the current WCF permit, the director may reclassify such application as  
9 a Class A WCF Permit pursuant to Section D3 of this policy. **No renewal is**  
10 **required for a WCF Permit that was issued as a Class D – Minor WCF permit.**

11 P. ABANDONMENT, REMOVAL, OR RELOCATION OF WCF FACILITY:

- 12 1. Any permittee who abandons or discontinues use of a WCF for a continuous  
13 period of 180 days shall notify the Director by certified mail within 30 days  
14 after the end of the 180 day period. If there are two or more permittees  
15 collocated on a single WCF, this Section shall not apply until all permittees  
16 cease using the WCF for a continuous period of 180 days.
- 17 2. If the Director believes a WCF has been abandoned or discontinued for a  
18 continuous period of 180 days, the Director shall send a notice of proposed  
19 abandonment or discontinuation to the permittee stating why the Town  
20 believes the WCF to be abandoned or discontinued. Failure of the permittee to  
21 reply to the Director in writing within 30 days after receiving, rejecting, or  
22 returning the Town's certified letter shall entitle the Director to make a  
23 determination that the WCF is, in fact, abandoned or discontinued.
- 24 3. Upon declaration of the Director pursuant to Section P2 that the WCF is  
25 abandoned or discontinued, the permittee or, if located on private property, the  
26 owner of the affected real property, shall have 90 days from the date of the  
27 declaration, weather permitting, or a further reasonable time as may be  
28 approved by the Director, within which to complete one of the following  
29 actions:
- 30 (a) Reactivate use of the WCF;
- 31 (b) Transfer the rights to use the WCF to another entity (who shall be  
32 subject to all the provisions of this policy and the permit) in the  
33 manner provided in Section R of this policy; or
- 34 (c) Remove the WCF and any supporting structures installed solely in  
35 connection with the WCF, and restore the site to be consistent with the  
36 then-existing surrounding area.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 4. If the permittee disputes that the WCF has been abandoned or discontinued for  
2 a continuous period of 180 days, the Town Council shall hold a public hearing  
3 to consider such matter and the evidence related thereto. Except where  
4 inconsistent with the terms of this policy, any public hearing conducted by the  
5 Town Council pursuant to this Section P shall be governed by chapter 19 of  
6 title 1 of this code. If the evidence supports such decision by a preponderance  
7 of the evidence, the Town Council may declare that the WCF is deemed  
8 abandoned. If such a declaration is made, the Director shall provide notice of  
9 such finding to the permittee and to the wireless provider last known to use  
10 the WCF and, if applicable, to the owner of the affected private real property,  
11 requiring such parties to complete one of the following actions within 30 days  
12 from the date of the notice:

- 13 (a) Reactivate use of the WCF, subject to the terms and conditions of the  
14 applicable WCF permit;
- 15 (b) Transfer the rights to use the WCF to another entity (who shall be  
16 subject to all the provisions of this policy and the permit) in the  
17 manner provided in Section R of this policy; or
- 18 (c) Remove the WCF and any supporting structures installed solely in  
19 connection with the WCF, and restore the site to be consistent with the  
20 then-existing surrounding area.

21 5. If there is no reactivation, transfer, or removal as set forth in subsection P4,  
22 the Town may thereafter remove the abandoned WCF, repair any and all  
23 damages to the premises caused by such removal, and otherwise restore the  
24 premises as is appropriate to be in compliance with applicable codes. If the  
25 Town removes the WCF, the Town may, but shall not be required to, store the  
26 removed WCF or any part thereof, and may use it, sell it, or dispose of it in  
27 any manner deemed by the Town to be appropriate. The entity that abandoned  
28 the WCF, or its successor in interest, and if on private property, the private  
29 property owner, shall be jointly and severally liable for the entire cost of such  
30 removal, repair, restoration, and storage and shall remit payment to the Town  
31 promptly after demand therefor is made. In addition, the Town Council, at its  
32 option, may utilize any financial security required in conjunction with  
33 granting the WCF permit to recover such costs.

34 6. Until the cost of removal, repair, restoration, and storage is paid in full, a lien  
35 shall be placed on the WCF, and any related personal property and any private  
36 real property on which the WCF was located for the full amount of the cost of  
37 removal, repair, restoration, and storage. The Town Clerk shall cause a notice

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 of the Town's lien under this subsection P6 to be recorded with the Summit  
2 County, Colorado Clerk and Recorder. The Town's lien provided by this  
3 subsection may be foreclosed in the manner provided by Colorado law for the  
4 foreclosure of a mortgage.

5 7. If an existing utility pole that hosts a WCF must be replaced, the permittee  
6 shall, at no cost to the Town and within 30 days after the installation of the  
7 replacement pole, either relocate its WCF in the same configuration on the  
8 replacement pole, or remove the prior-existing WCF rather than relocate it,  
9 notify the Director of the removal, and surrender its WCF permit for  
10 cancellation by the Director.

11 8. If the permittee fails to relocate or remove the WCF as required by this  
12 Section P, the Town may elect to treat the WCF as a nuisance to be abated as  
13 set forth in chapter 1 of title 5 of this code.

14 Q. TRANSFER OF INTEREST IN WCF PERMIT: A permittee shall not assign or  
15 transfer any interest in its WCF permit for a WCF without advance written notice to  
16 the Town. The notice shall specify the identity of the assignee or transferee of the  
17 WCF permit, as well as the assignee's or transferee's address, telephone number,  
18 name of primary contact person(s), and other applicable contact information, such as  
19 an e-mail address or facsimile number. The new assignee or transferee shall comply  
20 with all of the terms and conditions of the WCF permit, and this policy, and shall  
21 submit to the Town a written acceptance of the WCF permit's terms and conditions  
22 and a written assumption of the obligations thereafter accruing under such WCF  
23 permit prior to the date that such assignment or transfer is intended to take effect.

24 R. INJUNCTIVE RELIEF: In addition to any other remedies that are available to the  
25 Town, if a WCF is installed, modified, replaced, removed, operated, or located  
26 anywhere within the Town without a valid WCF permit issued by the Town pursuant  
27 to this policy, or is otherwise installed, modified, replaced, removed, operated, or  
28 located in violation of this policy, such action may be enjoined by the Town in an  
29 action brought in any court of competent jurisdiction. In any case in which the Town  
30 prevails in a civil action initiated pursuant to this Section R, the Town may recover  
31 its reasonable attorney fees, together with expert witness fee and costs of the  
32 proceeding.

33 Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the  
34 various secondary codes adopted by reference therein, shall continue in full force and effect.  
35

36 Section 4. The Town Council hereby finds, determines and declares that this ordinance is  
37 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and

## WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

1 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
2 thereof.

3  
4 Section 5. The Town Council hereby finds, determines and declares that it has the power  
5 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,  
6 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal  
7 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)  
8 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) Section 31-15-702, C.R.S.  
9 (concerning municipal streets and alleys); (vi) Section 38-5.5-106, C.R.S. (concerning consent  
10 necessary to use of streets); (vii) the authority granted to home rule municipalities by Article XX  
11 of the Colorado Constitution; (viii) the powers contained in the Breckenridge Town Charter; (ix)  
12 47 U.S.C. §332(c)(7); and (x) 47 U.S.C. §1455(a).

13  
14 Section 6. This ordinance shall be published and become effective as provided by Section  
15 5.9 of the Breckenridge Town Charter.

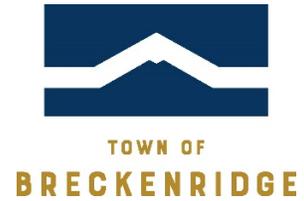
16  
17 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
18 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2019. A Public Hearing shall be held at the  
19 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
20 \_\_\_\_\_, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
21 Town.

22  
23 TOWN OF BRECKENRIDGE, a Colorado  
24 municipal corporation

25  
26  
27  
28 By: \_\_\_\_\_  
29 Eric S. Mamula, Mayor

30  
31 ATTEST:

32  
33  
34  
35 \_\_\_\_\_  
36 Helen Cospolich  
37 Town Clerk



# Memo

To: Breckenridge Town Council Members  
From: Mark Truckey, Director of Community Development  
Date: October 2, 2019  
Subject: Planning Commission Decisions of the October 1, 2019 Meeting

---

***DECISIONS FROM THE PLANNING COMMISSION MEETING, OCTOBER 1, 2019:***

**CLASS A APPLICATIONS:** None.

**CLASS B APPLICATIONS:** None.

**CLASS C APPLICATIONS:**

1. Gravity Haus Master Sign Plan, 605 S. Park Ave, PL-2019-0391  
A proposal for a new Master Sign Plan at the Gravity Haus Hotel building. *Approved.*

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.



Gravity Haus Master Sign  
Plan, 605 S. Park Ave.



### Breckenridge South



## PLANNING COMMISSION MEETING

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

### ROLL CALL

Christie Mathews-Leidal  
Mike Giller  
Dan Schroder

Jim Lamb  
Steve Gerard  
Lowell Moore

Ron Schuman

### APPROVAL OF MINUTES

With no changes, the September 17, 2019 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the October 1, 2019 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

### CONSENT CALENDAR:

1. Gravity Haus Master Sign Plan (CL), 605 S. Park Avenue, PL-2019-0391

With no call ups, the Consent Calendar was approved as presented.

### WORK SESSIONS:

1. Subdivision Code

Mr. Lott reviewed proposed changes to the Subdivision Code including amendments, updates to grammar, updates to definitions, and changes to content in regards to site disturbance envelopes. The Commission was asked for any questions or feedback.

#### *Commissioner Questions / Comments:*

Mr. Giller: Under 9-2-1-2.G. it lists all of the codes and plans and criteria, but I wondered if there is a hierarchy to the list? (Mr. Lott: I wouldn't think so.) (Mr. Kulick: The Comprehensive Plan is the overarching advisory document for Town Planning but is advisory. Other documents such as the Handbook of the Design Standards fall under the umbrella of the Comprehensive Plan but are narrower in focus and mandatory) If there is a conflict, which would have precedence? (Mr. Kulick: We try and keep them so they are not in conflict. We occasionally find incidental conflicts such as different definitions for the same word, but historically have not had any glaring philosophical differences between documents. Sometimes there are slight differences when we do a joint plan such as the Joint Upper Blue Master Plan.) (Ms. Puester: The Joint Upper Blue Master Plan is more density and land use related as it would apply here.) (Ms. Leidal: Jeremy is going to check to make sure all those documents exist, like the urban design plan.) (Mr. Kulick: I don't think we've updated that the Urban Design Plan recently, many of the items in the plan have been completed such as the majority of the Riverwalk.) (Ms. Leidal: Jeremy is also going to add some definitions, like defining a building envelope.)

Mr. Gerard: One of the things that came up in my mind before is that I'd really like to see a definition for the term 'adjacent lot'. On page 63, under the class C subdivision procedures, there is a definition that would work quite well in the definitional section as well. In the Highlands for example, we have a lot of properties separated with open space between them, and this would make the two lots adjacent, though they are really not. If you make a definitional description of what adjacent lot means, it comes into play a lot. One other comment, this may be policy,

on page 81 under utilities, telephone, electric, gas, cable, it talks about all of those things being placed underground. I think we should put the word fiber in there, and make the subdivider responsible for the fiber drops. The Town is paying for that right now. Maybe the Town Engineer can review this. (Ms. Puester: We will run that through the Town Manager's office. We do have a one-dig policy, where once the ground is opened up for utilities, everything needs to be installed at that time.) I think it needs to be completely articulated. It makes economic sense for the town. (Ms. Puester: It's a good point and we will follow up on that).

Mr. Giller: Small question, I know this dealt with building envelopes, but will you address sustainability in subdivisions at some point? (Mr. Lott: We have things like provisions for wildlife corridors, we added some language for solar and wind turbines) (Ms. Puester: What are your specific concerns?) Some of our tours and conferences we look at storm water detention areas, permeable pavements, and I do not know what code that falls under. (Mr. Kulick: We are meeting with engineering for some of these updates specifically related to preservation of flood plains and wetland areas. Also we look at steep slopes. We are looking at a property to potentially annex now and one of the things required is a slope map, so they can only count the areas that are under 15% for their density. The remainder will need to be placed in Land Use District 1. (Mr. Lott: And we updated what could be outside of a disturbance envelope, we included freestanding solar arrays and wind turbines.) (Ms. Puester: We added solar and wind to be allowed outside of the disturbance envelope. Of course they will still get reviewed under the Development Code, so they will have to adequately sight and screen those type of developments. Is the Commission comfortable with those outside? That's new to the code here.) (Note: All Commissioners were fine with that change)

Mr. Gerard: I have one other comment. Page 87, street lighting, in the second sentence it talks about lighting being compatible, and I would like to see it say it will be dark sky compliant. (Ms. Puester: I think we need to tie it in with Chapter 12, which address outdoor lighting standards and we also don't want the commission 'determining' the fixtures, we should that to 'approving').

Mr. Giller: When might we see the next round? (Ms. Puester: If the Commission is comfortable with this, we would like to go to Council. The Council has seen the previous minutes on this and they've requested a work session. Let us know if you have any more comments between now and first reading if you happen to see anything else you would like to add, just contact staff.)

#### **OTHER MATTERS:**

##### 1. Town Council Summary (Memo Only)

Mr. Schroder: They talked about burying power lines, but really that is all county that is left. (Ms. Puester: The program is with Xcel, we drop the line in conformance with an existing Xcel program. Anything new is automatically underground, but anything old... that's how it works. Usually when we touch the property for development, we drop it otherwise.)

Mr. Giller: List of five-year projects was interesting.

Ms. Puester: Past Forward conference is next Thursday/Friday.

Mr. Kulick: I'm working to get us a tour of Moose Landing. Tentatively plan for that site visit October 15<sup>th</sup>.

Ms. Puester: October 15<sup>th</sup> is going to be a really long meeting, maybe we should set it up for another day. (The Planning Commission agreed to look into another day, an off meeting day.)

**ADJOURNMENT:**

The meeting was adjourned at 6:02 pm.

---

Mike Giller, Chair



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

### October 2019

<b>Tuesday, October 8, 2019</b>	<b>3:00 pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
Oct. 18th - 20th, 2019	All Day	Riverwalk Center	Still on the Hill / Craft Spirits Fest
<b>Tuesday, October 22, 2019</b>	<b>10:00am - 7:00pm</b>	<b>Town Hall Chambers</b>	<b>Budget Retreat</b>
<b>Tuesday, October 22, 2019</b>	<b>7:00pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>
Oct. 31st - Nov. 2nd, 2019	All Day	Old Masonic Hall	Dia de los Muertos

### November 2019

November 8th, 2019	All Day	Breck Ski Resort	Opening Day
<b>Tuesday, November 12, 2019</b>	<b>3:00 pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
November 23rd, 2019	Evening	South Gondola Lot	SnowDance
<b>Tuesday, November 26, 2019</b>	<b>3:00 pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>

### Other Meetings

October 8th, 2019	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm 1:30pm
October 10th, 2019	I-70 Coalition	10:00am
October 15th, 2019	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
October 17th, 2019	QQ - Quality and Quantity - Water District	9:00am
October 21st, 2019	Breckenridge Creative Arts Open Space & Trails Meeting	4:00pm 5:30pm
October 22nd, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
October 23rd, 2019	Summit Stage Transit Board Meeting Summit Combined Housing Authority	8:15am 9:00am
October 24th, 2019	Transit Advisory Council Meeting Breckenridge Tourism Office Board Meeting Northwest CO Council of Governments RW&B Board Meeting	8:00am 8:30am 10:00am 3:00pm
October 24th - 25th, 2019	CAST	Noon
November 5th, 2019	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
November 6th, 2019	Police Advisory Committee Breckenridge Events Committee Childcare Advisory Committee	7:30am 9:00am 3:00pm



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

November 12th, 2019	Board of County Commissioners Meeting Workforce Housing Committee	9:00am / 1:30pm Noon
November 13th, 2019	Breckenridge Heritage Alliance	Noon
November 14th, 2019	Upper Blue Sanitation District	5:30pm
November 19th, 2019	Board of County Commissioners Meeting Liquor & Marijuana Licensing Authority Planning Commission Meeting	9:00am 9:00am 5:30pm
November 25th, 2019	Open Space & Trails Meeting	5:30pm
November 26th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
November 27th, 2019	Summit Stage Transit Board Meeting Summit Combined Housing Authority	8:15am 9:00am
November 28th, 2019	Transit Advisory Council Meeting Breckenridge Tourism Office Board Meeting RW&B Board Meeting	8:00am 8:30am 3:00pm
December 3rd, 2019	Board of County Commissioners Meeting Planning Commission Meeting	9:00am 5:30pm
December 4th, 2019	Police Advisory Committee Breckenridge Events Committee Childcare Advisory Committee	7:30am 9:00am 3:00pm
December 5th, 2019	Northwest CO Council of Governments	10:00am
December 12th, 2019	Upper Blue Sanitation District	5:30pm
TBD	Troll Committee Meeting	9:00am
TBD	Water Task Force Meeting	8:30am