

Revised May 17, 2022

TOWN OF BRECKENRIDGE, COLORADO

PROCEDURES AND DESIGN GUIDELINES FOR SMALL CELLS LOCATED IN A TOWN RIGHT-OF-WAY (May 17, 2022)

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1 **1. Introduction**

2 1.1 These Small Cell Procedures and Guidelines (“**Guidelines**”) set forth and establish
3 the procedures, standards, requirements, and design guidelines for the location of Small Cell
4 Wireless Communication Facilities (“**Small Cell WCFs**”) within a rights-of-way owned and
5 controlled by the Town of Breckenridge¹ (“**Town ROW**”). In order to facilitate public access to
6 a wide range of telecommunication, broadband, and wireless services, and in accordance with: (i)
7 Sections 29-27-401, et seq., C.R.S.; (ii) Sections 38-5.5-101, et seq., C.R.S.; (iii) the applicable
8 provisions of the Federal Telecommunications Act of 1996, including Sections 253 and 332; and
9 (iv) the applicable orders of the Federal Communications Commission, Small Cell WCFs are
10 allowed to be located within the publicly owned or controlled rights of way, subject to the
11 Town’s consent. These Guidelines set forth the terms under which the Town will consent to the
12 placement of Small Cell WCFs in the Town ROW.

13 1.2 These Guidelines may be revised from time to time as appropriate to reflect changes
14 in applicable law, to address technological changes in the telecommunication industry, or as
15 otherwise may be determined to be necessary in the judgement of the Director. These Guidelines
16 supersede in their entirety all prior versions of the Town’s small cell guidelines

17 **2. The Importance of Aesthetics**

18 2.1 The Town’s economy is tourist based, and it is essential to the continued economic
19 vitality of the Town that the aesthetic appeal of the Town be preserved and enhanced. Protecting
20 the Town’s Conservation District, including that portion of the Town designated by the Secretary
21 of the Interior as a National Historic District, by avoiding damage to the Town’s sense of history,
22 and by reinforcing the character of the Town’s Historic District and its visual elements, is a key
23 Town value. For avoidance of doubt, the overarching intent of these Guidelines is to make small
24 cell wireless technology available and to help foster a competitive wireless communications
25 marketplace in the Town, while preserving the unique aesthetic character, beauty, and historic
26 charm of the Town.

27 2.2 Many of the properties within the Town’s Historic District have also been designated
28 as local landmarks under the Town’s Historic Preservation Ordinance². Such structures are
29 considered to be vital to the Town’s historic and aesthetic character, and require additional
30 sensitivity.

31 2.3 The Federal Communications Commission has recognized that aesthetic regulations
32 of small cells should be directed to preventing the “intangible public harm of unsightly or out-of-
33 character deployments (of small cells).” This is in lock-step with the Town’s traditional zoning
34 objectives of preventing small cell deployments that are unsightly, out of neighborhood
35 character, or fail to preserve the unique characteristics of the Town’s historic neighborhoods and
36 the Conservation District.

¹ Town ROW includes public streets and alleys owned and controlled by the Town.

² Chapter 11 of Title 9 of the Breckenridge Town Code.

1 2.4 Without the adoption of standards to assure that the installation of Small Cell WCFs
2 are context sensitive, wireless service providers would be free to install their equipment in the
3 Town ROW with no concerns for the visual impact they create. These Guidelines seek to
4 accommodate the implementation of the small cell technology within the Town while assuring
5 that the new infrastructure is installed using context sensitive solutions.

6 2.5 These Guidelines are intended to: (i) protect the health, safety, and welfare of the
7 public, and to provide for managed development, installation, modification, and removal of
8 Small Cell WCF infrastructure that is consistent with the Town’s historic and mountain resort
9 character, while at the same time not unreasonably discriminating among wireless
10 communications providers (ii) ensure a complete, thorough, and consistent review of proposals
11 for the location of Small Cell WCF in the Town ROW in accordance with applicable state,
12 federal, and local laws, without creating barriers to the deployment of wireless communication
13 services; and (iii) provide technically feasible design criteria that is consistent with the Town’s
14 character and that is applied in a non-discriminatory manner that reasonably matches the
15 aesthetics and character of the immediate area of the Town in which a Small Cell WCF is
16 proposed to be located.

17 2.6 Applicants are strongly encouraged to work with Town staff to identify locations for
18 Small Cell WCFs in the Town ROW that acknowledge the Town’s historic past and, if to be
19 located outside of the Conservation District, are sensitive to the Town’s mountain resort
20 character, while at the same time allowing for the deployment of small cell technology which is
21 essential to the future of the Town.

22 3. Definitions and Interpretation of Guidelines

23 3.1 In addition to those terms defined parenthetically in Section 1 of these Guidelines,
24 and those terms defined in Section 9-1-5 of the Town’s Development Code, the following
25 definitions apply to these Guidelines:

- 26 A. **“Applicant”** means a person who has filed an Application with the Director seeking
27 a development permit to install one or more Small Cell WCFs in a Town ROW.
- 28 B. **“Conservation District”** is described in the Town’s “Handbook Of Design Standards
29 for the Historic and Conservation Districts.” The Conservation District is a
30 geographic area within the Town which has been determined by the community to
31 contain resources of special value to the community. To protect such special and
32 sensitive resources special standards are required with respect to the proposed
33 location of new Small Cell WCF within the Conservation District, all as provided in
34 these Guidelines.
- 35 C. **“Collocation”** means the mounting or installation of a Small Cell WCF on a pre-
36 existing structure or modifying a structure for the purpose of mounting or installing
37 an antenna facility on that structure.
- 38 D. **“Day”** means a calendar day.

- 1 E. **“Development Code”** means the Town of Breckenridge Development Code, codified
2 as Chapter 1 of Title 9 of the Breckenridge Town Code, as amended from time to
3 time.
- 4 F. **“Director”** means the Director of the Department of Community Development of the
5 Town, or such person’s designee acting pursuant to Section 1-7-2 of the Breckenridge
6 Town Code.
- 7 G. **“Master License Agreement”** or **“MLA”** means an agreement between the Town
8 and a wireless service provider providing general authorization for the wireless
9 service provider to use a Town ROW for its Small Cell WCFs. The placement of the
10 wireless service provider’s individual Small Cell WCFs in the Town ROW must be
11 authorized by individual Site Supplements. Each Site Supplement is part of and
12 subject to the Master License Agreement.
- 13 H. **“Multi-User Facility”** means a facility that is designed to accommodate two or more
14 service providers.
- 15 I. **“Principal View Corridor”** means the line of sight identified as to height, width, and
16 distance of an observer looking from the location of a Small Cell WCF toward the
17 Breckenridge Ski Area. Such view corridor is determined to be of significance to the
18 community.
- 19 J. **“Small Cell WCF Application”** or **“Application”** means an application to install
20 one or more Small Cell WCFs within a Town ROW filed with the Director pursuant
21 to the Development Code.
- 22 K. **“Small Cell WCF”** means and includes small cell facilities as defined in Section 29-
23 27-402(4), C.R.S., as amended. This Section currently provides in pertinent part as
24 follows:
 - 25 (4)(a) **“Small Cell Facility”** means . . . :
 - 26
 - 27 (II) A wireless service facility that meets both of the following qualifications:
 - 28 (A) Each antenna is located inside an enclosure of no more than three cubic
 - 29 feet in volume or, in the case of an antenna that has exposed elements, the
 - 30 antenna and all of its exposed elements could fit within an imaginary
 - 31 enclosure of no more than three cubic feet; and
 - 32 (B) Primary equipment enclosures are no larger than seventeen cubic feet in
 - 33 volume. The following associated equipment may be located outside of the
 - 34 primary equipment enclosure and, if so located, is not included in the
 - 35 calculation of equipment volume: Electric meter, concealment,
 - 36 telecommunications demarcation box, ground-based enclosures, backup
 - 37 power systems, grounding equipment, power transfer switch, and cut-off
 - 38 switch.
 - 39

1 (b) “Small cell facility” includes a micro wireless facility.
2

3 L. **“Town”** means the Town of Breckenridge, Colorado, a Colorado home rule
4 municipality.

5 M. **“Town Engineer”** means the Town Engineer of the Town, or such person’s designee
6 acting pursuant to Section 1-7-2 of the Breckenridge Town Code.

7 N. **“Unreasonable Interference With the Town ROW”** means and includes any use of
8 a Town ROW by a wireless service provider that disrupts vehicle or pedestrian traffic,
9 interferes with any public utility, and any other activity that presents a hazard to
10 public health, safety, or welfare.

11 O. **“Unreasonable Interference With Another Wireless Service Provider”** means
12 interference with the existing approved radio frequency of another wireless service
13 provider.

14 4. **Applicability and Rules of Interpretation**

15 4.1 These Guidelines only apply to Small Cell WCFs proposed to be located in the Town
16 ROW. Small Cell WCFs proposed to be located outside of the Town ROW, including, but not
17 limited to, on buildings, are subject to the requirements of Section 9-1-19-50A, “Policy 50
18 (Absolute) Wireless Communications Facilities,” of the Development Code.

19 4.2 These Guidelines are to be interpreted in accordance with the ordinances, rules, and
20 regulations of the Town, as amended from time to time. These Guidelines do not repeal or amend
21 Section 9-1-19-50A, “Policy 50 (Absolute) Wireless Communications Facilities,” of the
22 Development Code.

23 4.3 Except as expressly provided in these Guidelines to the contrary, if there is a conflict
24 between these Guidelines and any ordinance, rule, or regulation of the Town, the ordinance, rule,
25 or regulation shall prevail.

26 4.4 Wherever applicable in these Guidelines, the singular shall include the plural, and the
27 plural shall include the singular.

28 5. **Small Cell WCF Application Process**

29 5.1 No new Small Cell WCF, no Collocation of a Small Cell WCF, and no modification
30 to any Small Cell WCF may occur without a development permit issued by the Town pursuant to
31 the Development Code.

32 5.2 Prior to submitting a Small Cell WCF Application, the Applicant is encouraged to
33 initiate and schedule a pre-submittal meeting by contacting the Town’s Department of
34 Community Development. By participating in the pre-submittal meeting, the Applicant agrees
35 that the mandatory review time stated in Section 5.8 does not start until the Application is
36 submitted.

1 5.3 A Small Cell WCF Application is classified and will be processed as a class D-minor
2 development permit application as described in the Development Code. All provisions of the
3 Development Code that are applicable to class D-minor development permit applications shall
4 apply to a Small Cell WCF Application, but if there is a conflict between these Guidelines and
5 the Development Code, these Guidelines will control. Without limiting the generality of the
6 preceding sentence, the time normally allowed for processing of class D-minor development
7 permit application, and the normal class D-minor application fee, do not apply to the processing
8 of a Small Cell WCF Application (see Section 5.8, below).

9 5.4 All Small Cell WCF Applications shall be submitted in hard copy and electronically
10 (PDF format). “Batched” Applications to install multiple Small Cell WCF in the Town ROW
11 may be filed to the extent permitted by applicable law.

12 5.5 Small Cell WCF Application submittal materials shall include:

- 13 i) Professional engineer-stamped plans and specifications showing such detail of the
14 proposed Small Cell WCF;
- 15 ii) In the event the Town Engineer requires an updated survey for the relevant ROW
16 location, the applicant shall submit a survey prepared by a Colorado Licensed
17 Surveyor.
- 18 iii) Any additional materials requested by the Director to evaluate the aesthetics and
19 impacts of the proposed Small Cell WCF structure it is to be attached to, including,
20 but not limited to, the structural and loading capacity of the structure to which it is to
21 be attached, and a photo simulation of the proposed Small Cell WCF.

22 5.6 At the time of the submission of a Small Cell WCF Application, the Applicant must
23 simultaneously pay the applicable Town fees as described in Section 17 of these Guidelines. If
24 the required fees do not accompany the Small Cell WCF Application, the Application will be
25 rejected without prejudice and returned to the Applicant by the Director.

26 5.7 The Director will review a Small Cell WCF Application for completeness and
27 respond to the Applicant within ten (10) days of the date of submission of the Application with a
28 report identifying any items missing from the Application. The mandatory review periods
29 provided in Section 5.8 shall be deemed tolled pending the Applicant’s complete submission of
30 any missing item identified in the Director’s completeness report.

31 5.8 The Director will complete their review of a Small Cell WCF Application. A
32 completed Application for a new Small Cell WCF shall be approved, conditionally approved, or
33 denied within ninety (90) days from the date of submission of the Application A completed
34 Application for Collocation and/or multi user facilities in Section 6 below shall be approved,
35 conditionally approved or denied within sixty (60) days from the date of submission.

36 **6. Collocation and Multi-Users Facilities**

1 6.1 It is the goal of the Town to facilitate the installation of small cell wireless
2 technology in the Town ROW with a minimal footprint. For this reason, it is the policy of the
3 Town to encourage Collocation of Small Cell WCFs in the Town ROW where it is technically
4 feasible.

5 6.2 It is a goal of the Town to reduce pole proliferation and reduce potential conflicts
6 between poles and vehicular and pedestrian traffic as well as winter maintenance operations by
7 encouraging Multi-User Facilities.

8 **7. Small Cell WCF Design Standards - Generally**

9 7.1 A Small Cell WCF shall be designed and located to conform to the character of the
10 neighborhood in which it is proposed to be located; to minimize the impact on the surrounding
11 neighborhood; to be compatible with the Town’s mountain resort character, as well as the unique
12 aesthetic character, beauty, and historic charm of the Town. All Small Cell WCFs shall be
13 designed (color, size, shape, and placement) to be architecturally and visually compatible with
14 surrounding buildings, poles, structures, vegetation, and uses in the area where the Small Cell
15 WCF is proposed to be located subject to being technically feasible and allowing for deployment
16 of wireless services.

17 7.2 All equipment installation associated with a Small Cell WCF shall comply with
18 Town’s Engineering Standards, the Americans with Disabilities Act and applicable regulations,
19 and all other applicable local, state, or federal laws and regulations.

20 7.3 No Small Cell WCF may be located, operated, or maintained in a manner that causes
21 unreasonable interference with the Town ROW.

22 7.4 No Small Cell WCF may be located, operated, or maintained in a manner that causes
23 unreasonable interference with another wireless service provider, or that unreasonably disrupts
24 vehicle or pedestrian traffic, interferes with any public utility, and any other lawful activity
25 within a Town ROW.

26 7.5

27 **8. Small Cell Location**

28 8.1 The Town’s preference is that Small Cell Facilities be located on public and private
29 buildings instead of within the Town ROW. The following hierarchy of preference for placement
30 and deployment of Small Cell WCFs in the Town ROW is:

31 A. Locate the Small Cell WCF on a Colorado Department of Transportation (CDOT)
32 traffic or CDOT street light, if permitted by the Colorado Department of
33 Transportation.

34 B. Locate the Small Cell WCF within an existing or entitled co-locatable or Multi-User
35 Facilities within the Town ROW.

- 1 C. Locate the Small Cell WCF on or in conjunction with existing infrastructure within
2 the Town ROW (e.g. transit shelter). The Small Cell WCF must be camouflaged.
- 3 D. Locate the Small Cell WCF at street intersections on a replacement pole.
- 4 E. Locate the Small Cell WCF on a replacement pole in the same location, if outside of
5 the Conservation District.
- 6 F. Locate the Small Cell WCF on a new pole.
- 7 8.2 All poles shall be similar in height, location, and appearance to adjacent small cell
8 poles in the area.
- 9 8.3 All poles shall be located on common property lines, as extended into the Town
10 ROW.
- 11 8.4 All poles must be a minimum of 5' from a low pressure gas line, or 15' from a high
12 pressure gas line.
- 13 8.5 All poles and Small Cell WCFs shall:
- 14 A. Not obstruct intersection sight distance or pedestrian visibility per AASHTO design
15 guidelines.
- 16 B. Not obstruct, impede, or hinder pedestrian, vehicular, or bicycle traffic, parking, or
17 snow plowing operations within the Town ROW.
- 18 C. Not encroach into pedestrian ways such as sidewalks, trails, or transit shelters/stops.
19 A minimum clearance of 6' horizontally and 8' vertically shall be maintained in
20 pedestrian ways.
- 21 D. Not be located so as to obstruct facades of existing structures or other significant
22 property features.
- 23 E. Not be located in a manner that obstructs access to adjacent property.
- 24 F. Not be located so as to obstruct the Principal View Corridor.
- 25 G. Avoid planned public improvements, including, but not limited to, roadway
26 improvements/development/bike and recreation paths.
- 27 H. Avoid drainage constraints (swale, roadside drainage, drainage easement).
- 28 I. Avoid utility conflicts (storm sewer, water, fiber, and other utilities).
- 29 J. Be aligned with existing street trees, and utility/street light poles.

1 8.6 Replacement poles shall be placed in the same location as the pole to be replaced,
2 unless otherwise ordered by the Town Engineer.

3 8.7 New poles fitted with an integrated streetlight shall be placed in the location approved
4 by the Town Engineer.

5 8.8 All new and replacement poles placed within Town ROW shall be conveyed to and
6 shall become owned by the wireless service provider, with light fixture owned by the Town, if
7 applicable, unless otherwise ordered by the Town Engineer.

8 8.9 Pole Separation

9 A. Outside the Conservation District: All Small Cell WCF poles shall maintain 600 feet
10 minimum between other new small cell poles.

11 B. Inside the Conservation District: All Small Cell WCF poles shall be located at street
12 intersections due to small block sizes. No poles are to be located mid-block.

13 1. All Small Cell WCF poles shall maintain a spacing of 600 feet minimum with the
14 exception of 8.10 B.2.

15 2. There is a maximum of one Small Cell WCF Pole per intersection. In order to
16 encourage Multi-User Facilities, the Town will permit a maximum of two Multi-User
17 facilities per intersection, along the primary thoroughfare or alley..

18 C. In determining compliance with this section, the Director shall consider approved and
19 pending applications for Small Cell WCFs in the ROW.
20

21 8.10 Poles Near Historic Buildings

22 A. For any new freestanding pole proposed within 100 feet of a historic structure
23 (designated as a local landmark, or by State or federal programs, and/or eligible
24 for such designation), the Applicant shall provide a review of at least two
25 alternative locations that are not within 100 feet of the structure from which the
26 Applicant can service the desired coverage area.

27 B. If the Applicant can demonstrate that collocating or utilizing an existing Multi-
28 User Facility elsewhere in the coverage area is not technically feasible and a
29 freestanding pole is necessary, Town staff shall identify properties within the
30 vicinity of the proposed location which are within the Town's Period of
31 Significance (per the Handbook of Design Standards for the Historic and
32 Conservation Districts). The Applicant shall be required to submit a cultural
33 resource survey, at their expense, of the identified structures to identify if such
34 structures are contributing to the District.

35 C. If the cultural resource surveys determine the subject properties are non-
36 contributing to the District and not eligible for local, State and/or Federal
37 designation, no additional analysis is required. Should the subject properties be
38 found contributing from the cultural resource surveys, the Applicant will provide
39 an alternative location to the extent technically feasible.
40

41 **9. Town Owned and Operated Street Lights or Infrastructure.**

1 Where an applicant proposes a location where there is: (i) either an existing Town owned and
2 operated street light or other existing Town owned and operated infrastructure or, (ii) where
3 upon review of the location, the Town Engineer determines a street or infrastructure light is
4 needed, the Small Cell WCF shall be mounted on the Town street light or infrastructure. The
5 design of Town street lights is attached in Exhibit A hereto.

6 9.1 Collocation.

7 **10. Specific Design Standards Applicable to the Type of Attachment or Location of**
8 **Attachment**

9 **10.1 Replacement of Existing Light Pole, Utility Pole, or Other Vertical**
10 **Infrastructure:**

- 11 A. Owner of vertical infrastructure must approve use and placement of the Small Cell
12 WCF.
- 13 B. Maximum total pole height (including antenna, unless collocated per 8.2 (A)) shall be
14 as short as possible in order for the Small Cell WCF to operate properly, but in no
15 event taller than:
- 16 30' in commercial and residential areas.
17 25' in in the Town's Conservation District.
- 18
- 19 C. Maximum antenna enclosure of 3.0 cubic feet.
- 20 D. The design of poles that will replace an existing pole shall comply with the design
21 standards described in **Exhibit "A"**, unless otherwise specified in these Guidelines.
- 22 E. A single pole mount is encouraged to be designed to accommodate at least two
23 wireless service providers within the antenna/equipment enclosure(s).
- 24 F. If mounted above the existing pole should this alternative design be approved by the
25 pole owner as a more camouflaged design than the required pole in Exhibit "A", the
26 antenna must be concealed within a shroud ("cantenna"), with a tapered transition
27 from antenna shroud to pole.
- 28 G. If replacing an existing pole or if existing pole accommodates internal wiring, all
29 wiring shall be internal to the pole.

30 **10.2 New Small Cell Pole (With or Without Integrated Street Light)**

- 31 A. New Small Cell WCF poles shall comply with the design standards described in
32 **Exhibit "A"**, unless otherwise specified in these Guidelines.

1 B. If the Director finds that an Application would be better sited with an alternative
2 freestanding pole or alternative design than required in **Exhibit “A”**, the design shall
3 meet the following standards:

4 (1) If no other vertical infrastructure is present in area: round, straight, galvanized
5 steel, painted with black with a matte finish with a two coat system with inorganic
6 zinc-rich primer (shop coat) and high-build urethane top coat may be considered.
7 The shop coat shall have a dry film thickness of 3.0 mils. The top coat shall have
8 a thickness of 3.0 mils. The Town Engineer may approve an alternative coating
9 system.

10 (2) If other vertical infrastructure is present in the area, the design of the new pole
11 must be compatible with nearby poles (similar color, style, and appearance).

12 (3) A new pole is encouraged to be designed to accommodate a minimum of two
13 small cell antennas in order to promote Collocation and Multi-User Facilities.
14 Collocated antennas shall not be located on top of each other so as to increase the
15 overall height of the pole unless location on top of each other is required in order
16 for both antennas to operate properly.

17 (4) Equipment and auxiliary equipment shall be integrated into the base of pole and
18 shall be round (see Exhibit “A”), unless otherwise authorized by the Town
19 Engineer. If this requirement cannot be met, the equipment cabinet shall be
20 painted black with a matte finish.

21 (5) Equipment cabinet shall be fluted per Exhibit A, unless otherwise authorized by
22 the Town Engineer.

23 (6) Antenna/shroud shall be the minimum height required to allow the Small Cell
24 WCF to operate properly, but no more than 5'0" in height unless a collocated
25 antenna or multiuser facility which could be a maximum of 6'0”.

26 (7) Maximum antenna enclosure shall be three (3) cubic feet.

27 (8) Breakaway supports should be used unless Clear Zone Analysis 3 indicates
28 otherwise. Mass of breakaway support should not exceed 1,000 lbs.

29 (9) If the site location for a small cell is best served by an individualized design to be
30 camouflaged into the site surroundings as agreed to between the Town and the
31 wireless service provider, such design may be approved by the Director.

32 C. Owner of vertical infrastructure must approve use.

³ Clear Zone Parameters – see AASHTO Roadside Design Guide for recommended clearances based on speed, traffic volume, and roadside conditions.

1 D. Maximum total pole height (including all collocated antennas, unless collocated per
2 8.2 (A)) shall be as short as possible in order for the Small Cell WCF to operate
3 properly, but in no event taller than:

- 4 30' total structure in commercial and residential areas.
- 5 25' total structure in in the Town's Conservation District.

6
7 E. Equipment cabinet shall be within the base of the freestanding pole, not to exceed a
8 height of 5'0".

9 **10.3 Strand-Mounted Small Cell (attached to an overhead wire)**

- 10 A. Owner of vertical infrastructure must approve use.
- 11 B. Equipment attached to vertical infrastructure must be 3 cubic feet or less in volume.
- 12 C. Equipment attached to strands must be 3 cubic feet or less in volume.
- 13 D. A single strand mount may have up to two antenna/equipment enclosures.
- 14 E. Equipment shall not obstruct sight distance per AASHTO design guidelines or
15 minimum vertical clearances in roadways.

16 **11. Integrated and Undergrounding of Equipment**

17 Equipment associated with a Small Cell WCF that is not integrated into the base of the
18 pole, must be located underground unless associated with a camouflaged Small Cell WCF
19 attached to existing infrastructure within the ROW (e.g. transit shelter). Such detached
20 equipment cabinet shall be located as determined by the Town Engineer to meet necessary traffic
21 safety purposes, not to interfere with the Town's sidewalk maintenance and/or snow removal.
22 The cabinet shall be adequately screened or made aesthetically consistent with the particular
23 neighborhood in which the Small Cell WCF is proposed to be located. The electric meter for a
24 Small Cell WCF shall be incorporated into the Small Cell WCF with only the meter face exposed
25 to the maximum extent feasible.

26 **12. Costs of Installation, Operation, and Maintenance of Pole and Small Cell WCF**

27 **12.1 Cost of Installing and Operating Small Cell WCF**

- 28 A. The owner of a Small Cell WCF shall pay all costs incurred in installing and
29 operating its Small Cell WCF, including, but not limited to, the cost of obtaining any
30 required fiber and the cost of the electricity required to operate its Small Cell WCF.
31 The owner shall install a separate meter to measure its electrical usage if available,
32 and shall pay the cost of the electricity required to operate its Small Cell WCF.

33 **12.2 Maintenance of Poles**

1 A. Town shall only maintain the poles that it owns. Town shall pay the cost of the
2 electricity required to illuminate its street lights on poles with integrated street lights
3 attached.

4 B. All poles not owned by the Town shall be maintained by the owner of the Small Cell
5 WCF.

6 **12.3 Maintenance of Small Cell WCF**

7 A. All Small Cell WCF antennas and equipment placed within the Town ROW shall be
8 maintained by the owner of the Small Cell WCF.

9 **13. Attachment to Town-owned Pole**

10 13.1 For any Small Cell WCF proposed to be located on any Town-owned pole within
11 the Town ROW, the Application submittal materials shall include appropriate engineering plans
12 and specifications showing such detail of the proposed Small Cell WCF and its location as is
13 reasonably required by the Director to evaluate the impacts of the proposed Small Cell WCF to
14 the Town ROW and the Town pole.

15 13.2 Without limiting the generality of Section 13.1, the engineering plans and
16 specifications submitted by the Applicant shall specifically include appropriate professional
17 engineer-stamped certification(s) that:

18 A. The proposed Small Cell WCF's operation will not interfere with the proper function
19 of the particular Town-owned pole upon which it is proposed for attachment; and

20 B. The structural and loading capacity of the Town-owned pole will support the small
21 cell facility proposed to be attached.

22 **14. Master License Agreement and Site Supplements**

23 14.1 If a class D-minor application is approved for more than one Small Cell WCF to be
24 placed in the Town ROW, before installing any Small Cell WCF in the Town ROW the
25 Applicant shall enter into a MLA with the Town. The MLA shall require a Site Supplement to
26 evidence the Town's approval of an individual Small Cell WCF location and attachment within
27 the Town ROW covered by the MLA.

28 14.2 Unless otherwise provided in the MLA, the Town will issue an approved Site
29 Supplement for attachment to a third-party owned pole that the Town has previously authorized
30 to be located within the Town ROW provided: (i) the Applicant supplies the Town with a letter
31 or other written authorization from the owner of the third-party pole; and (ii) the Small Cell
32 WCF does not involve any ground-based equipment or otherwise increase the footprint of the
33 third-party pole.

1 14.3 Site Supplements under an MLA or for attachment to a third-party owned pole shall
2 be processed as part of a class D-minor Application to install a Small Cell WCF within the Town
3 ROW at the approved location, or by separate class D-minor Application.

4 14.4 The Town's approved form for a MLA and Site Supplement will be available from
5 the Department of Community Development.

6 **15. Administrative Waiver or Modification**

7 15.1 Any of these Guidelines may be waived or modified by the Director upon written
8 Application if the Applicant demonstrates to the satisfaction of the Director that:

- 9 A. The objectionable design standard is not technology feasible at that location;
- 10 B. There is no existing nearby alternate pole for Collocation or attachment that will
11 provide the technological functionality and which otherwise meets the design
12 standard sought to be waived; and
- 13 C. The proposal for varying from the design standard represents a reasonable and best
14 approximation of the particular standard sought to be waived; and
- 15 D. The proposed alternative does not and will not constitute or create any public safety,
16 health, or welfare concern.

17 15.2 In addition to the requirements of Section 15.1, a request to waive or modify a pole
18 location design standard may only be authorized by the Director if there is no existing nearby
19 alternate pole for collation or attachment that is technically feasible. Such alternate location must
20 meet other applicable technical requirements (i.e., sight triangles, trees, traffic operations, need
21 to place on common property lines).

22 15.3 If any particular design Guideline is approved for waiver or modification, the
23 proposed Small Cell WCF shall meet all other applicable provisions of these Guidelines not
24 approved for waiver or modification.

25 15.4 If a waiver or modification request is denied for failure to meet the criteria specified
26 above, and there is no alternative to allow the installation of the Small Cell WCF at the particular
27 location requested in the Application in a manner that meets these Guidelines, the Application
28 shall be denied.

29 **16. Installation and Operation to Conform to Town Approvals**

30 16.1 The manner of attachment, construction, and operation of an approved Small Cell
31 WCF shall at all times comply with:

- 32 A. All of the terms and conditions of the development permit that approved the Small
33 Cell WCF;

1 B. All of the approved plans and specifications; and

2 C. All of the terms and conditions of the MLA and any applicable Site Supplement.

3 **17. Fees**

4 17.1 The fee for an Application to install up to five (5) Small Cell WCF shall be \$500.00.
5 An additional fee of \$100.00 shall be paid for each additional Small Cell WCF included with the
6 Application.

7 17.2 The fee for an Application to install a new pole in the Town ROW in connection
8 with the installation of a Small Cell WCF shall be \$1,000.00.

9 17.3 The annual fee to be paid to the Town in connection with the location of each Small
10 Cell WCF placed in the Town ROW pursuant to a MLA (and Site Supplement(s)) shall be
11 \$270.00. However, if any Federal or State law, rule, or regulation limiting the amount of
12 compensation that the Town may receive from a licensee for the rights granted to such licensee
13 in a MLA is repealed, amended, or otherwise modified by any final administrative or judicial
14 action, the effect of which is to permit the Town to lawfully charge the licensee under a MLA an
15 annual fee greater amount than \$270 for each Small Cell WCF placed in the Town ROW
16 pursuant to the MLA, the Town and the licensee shall negotiate in good faith an increase the
17 amount of compensation to be paid to the Town by the licensee pursuant to the MLA. If the
18 Town and the licensee are unable to negotiation an increased compensation to be paid by to the
19 Town by the licensee, the Town may terminate the MLA as provided in the MLA.

20 17.4 The fees described in Sections 17.1 through 17.3, above, cover all permits required
21 by the Town with respect to an Application to install a Small Cell WCF in the Town ROW.

22 17.5 The fees described in this Section 17 supersede all other fees normally required by
23 the Town in connection with a class D-minor development permit Application, as well as all fees
24 required for other Town permits required for the installation of a Small Cell WCF in Town ROW
25 as described in Section 18.

26 **18. Other Required Permits**

27 18.1 For Small Cell WCF approved for location in Town ROW, the following additional
28 Town permits are required in addition to a class D-minor development permit:

29 A. Building/electrical permit(s). Such permits are issued by the Town's Building
30 Department.

31 B. Right of Way/Street Cut Permit. Such permit is issued by the Town Engineer.

32 All additional Town permits will be issued within the time period described in Section 5.8.
33

34 18.2 An Application for a Small Cell WCF development permit must be accompanied by
35 applications and all required submittal materials for those additional Town permits described in

1 Section 18.1. The Applicant’s Small Cell WCF Application will not be processed by the Director
2 unless complete applications for those additional Town permits described in Section 18.1 are
3 submitted to the Town along with the development code permit Application. The mandatory
4 review periods provided in Section 5.8, above, shall be deemed tolled pending the Applicant’s
5 submission of the required complete Applications for those additional Town permits described in
6 Section 18.1.

7 19. Radio Frequency Compliance Report

8 19.1 An RF emissions compliance report based on the application, shall be submitted to
9 the Town’s Building Department after installation of the SCF.

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Dated: _____, 2023

Published on the Town of Breckenridge website on _____, 2023

Mark Truckey, Director
Department of Community Development
Town of Breckenridge, Colorado

Exhibit "A"

Poles and Luminaires

Inside the Conservation District

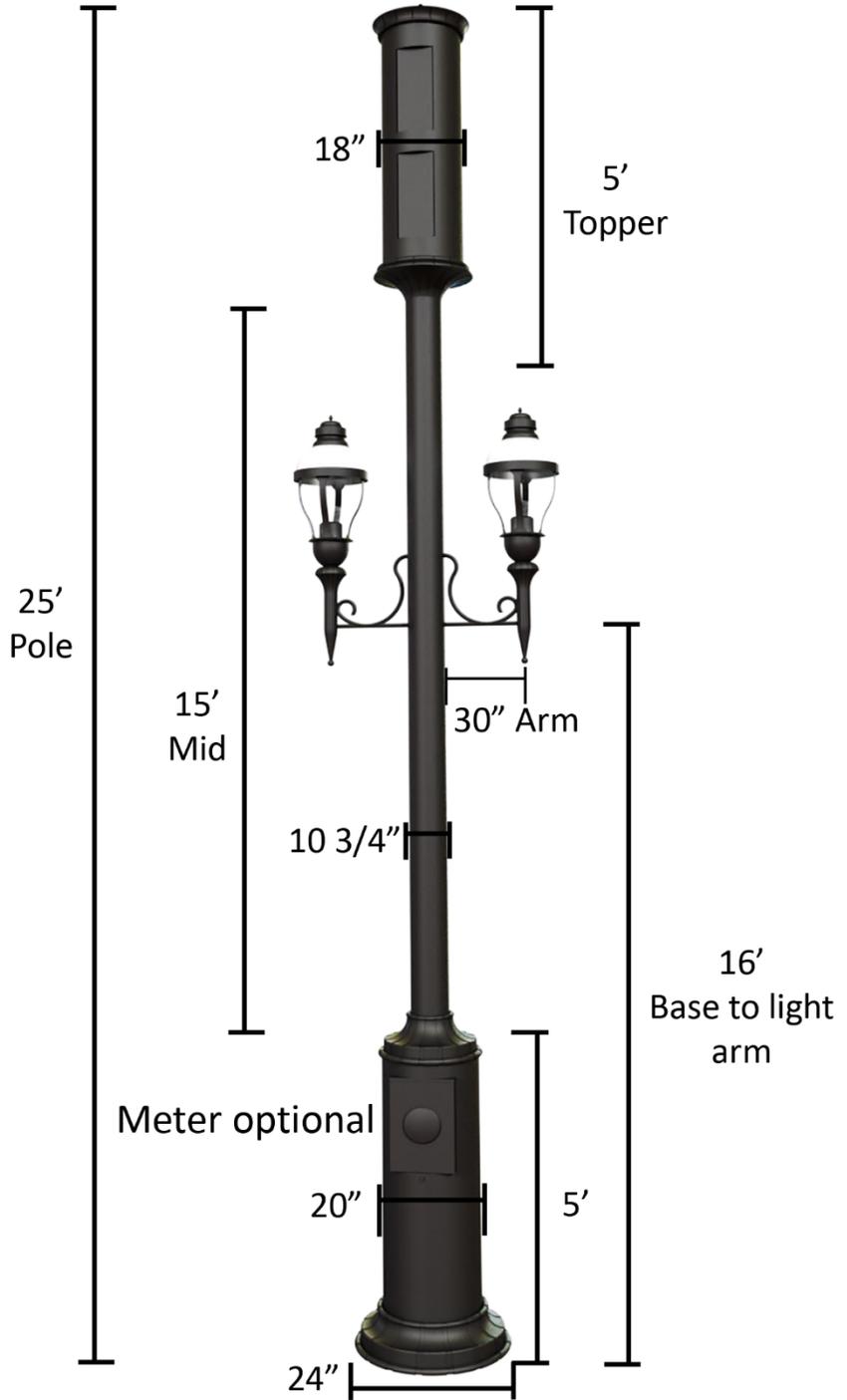
All poles to be located within the Conservation District shall have a similar design appearance to the 25 foot pole diagram.

If the Town Engineer determines the pole needs a street light, the pole shall provide the following lighting fixture and standards:

A Newport 1000 Luminaire that is 37-40 watts, a color temp of 3000k, full cut off, 7 pin and dimmable.



Newport Fixture



Outside the Conservation District

All poles to be located outside of the Conservation District shall have a similar design appearance to the 30 foot pole diagram. If the Town Engineer determines that the pole needs a street light, the pole shall have one of the following lighting fixture and standards:

- A Newport 1000 Luminaire that is 37-40 watts, a max color temp of 3000k, full cut off, 7 pin and dimmable; or
- A Providence PROV-LK Luminaire that is 48 watts, a color temp of max

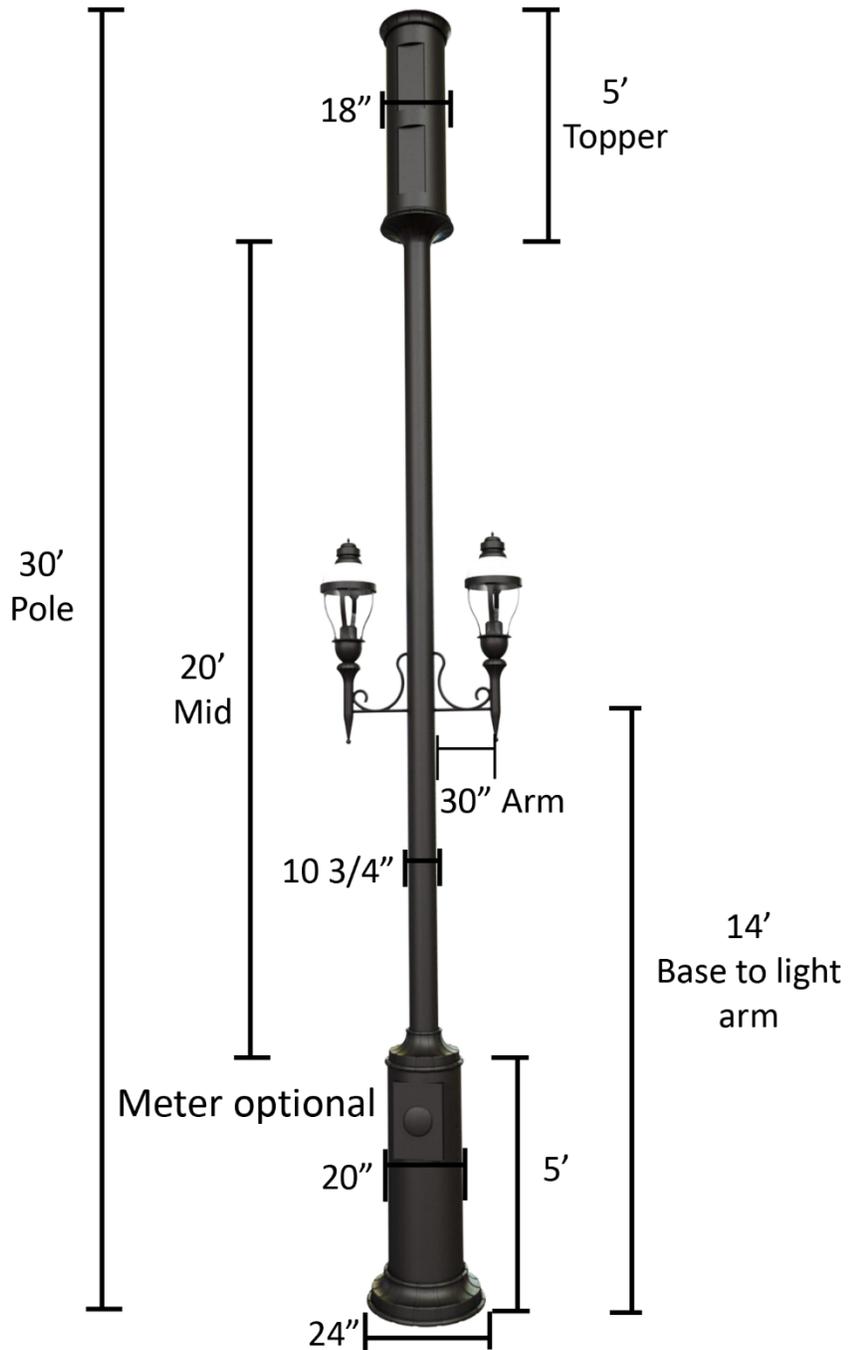
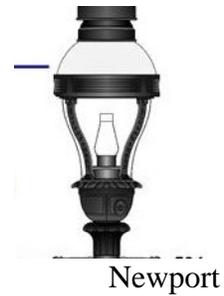
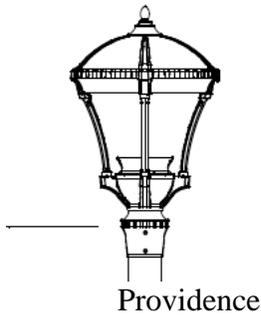


Exhibit "A"

3000K, full cut off, 7 pin and dimmable.

For All Locations

For all locations, both inside and outside of the Conservation District, the Town Engineer will determine which of the two standards is required by evaluating existing lights types in the area and choosing the style that is most prevalent.



The Town Engineer may require the use of a luminaire different from the Providence and the Newport if required to maintain the aesthetic appearance of the area.

Maintaining Pedestrian and Maintenance Activity

The Town Engineer may remove the requirement of a maximum decorative base of 24” if the pole would hinder adequate space for pedestrian movement and maintenance activity of the Town.