

3.3

A request for a recommendation to the Vail Town Council for a prescribed regulations amendment pursuant to Section 12-3-7 Amendment, Vail Town Code, to amend Title 12 of the Vail Town Code to add a new Chapter 27, Wireless Service Facilities, and setting forth details in regard thereto. (PEC18-0010)

Applicant: Town of Vail
Planner: Justin Lightfield

Motion: Recommend Approval to the Vail Town Council
First: Stockmar **Second:** Gillette **Vote:** 7-0-0

Lightfield began by distributing a confidential memo prepared by the Town Attorney. The PEC adjourned for approximately five (5) minutes to allow time to review the memo.

Lightfield explained that the purpose of the amendment was to align Town Code with state and federal regulations. Lightfield reviewed the recent state and federal acts governing wireless service facilities and how they impact existing Town of Vail regulations.

Stockmar – Asked for clarification that both telephony and wi-fi were included in this amendment. Lightfield confirmed.

Gillette – Asked what prompted the code amendment. Lightfield stated that it is based on the Town Attorney's recommendation to align the Town Code with state and federal regulations.

Stockmar – Asked if the Town is currently non-conforming to state or federal regulations. Lightfield responded negative, but this amendment brings forward more specific state and federal requirements.

Rediker – Asked for clarification of the language regarding substantial changes. Asked if the proposal would grant unfettered access to the construction of wireless service facilities anywhere in Town. Lightfield explained that the Town is allowing the minimum requirements per state and federal regulations.

Stockmar – Asked Lightfield to confirm that the proposal meets the minimum standards for all of the state and federal requirements. Lightfield confirmed.

Rediker – Asked for clarification between small wireless facilities and micro facilities. Asked if there was an appeal process available to the Town if a wireless service provider wanted to mount a facility in the public

right-of-way that the Town did not agree with the proposed location.

There was no public comment.

Stockmar – Stated his support for the proposed amendment.

Gillette – Stated his support for the proposed amendment.

Kurz – Stated his support for the proposed amendment.

Perez – Stated her support for the proposed amendment.

Hopkins – Stated her support for the proposed amendment.

Lockman – Stated his support for the proposed amendment.

Rediker – Concurred with the other commissioners and stated that the state and federal government has imposed the regulations upon the Town.