



City of Aspen Wireless Development Application Packet

Attached is an Application for review of Development that requires Land Use Review pursuant to The City of Aspen Land Use Code. Included in this package are the following attachments:

1. Application Fee Policy and Agreement to Pay Application Fees Form
2. Land Use Application Form
3. Wireless Supplement
4. HOA Compliance Form
5. Development Review Procedure

All Applications are reviewed based on the criteria established in Title 26 of the Aspen Municipal Code. Title 26 of the Aspen Municipal Code is available at the City Clerk's Office on the second floor of City Hall and on the internet at <http://www.cityofaspen.com/1223>, City Departments, City Clerk, Municipal Code, and search Title 26.

We require all applications on private property, and strongly encourage applications in the Right-of-Way, to hold a Pre-Application Conference with a Planner in the Community Development Department so that the requirements for submitting a complete application can be fully described. This meeting can occur in person or by phone or e-mail. Also, depending upon the complexity of the development proposed, submitting one copy of the development application to the Case Planner to determine accuracy, inefficiencies, or redundancies can reduce the overall cost of materials and Staff time.

Please recognize that review of these materials does not substitute for a complete review of the Aspen Land Use Regulations. While this application package attempts to summarize the key provisions of the Code as they apply to your type of development, it cannot possibly replicate the detail or the scope of the Code. If you have questions which are not answered by the materials in this package, we suggest that you contact the staff member assigned to your case, contact Planner of the Day, or consult the applicable sections of the Aspen Land Use Code.



Application Fee Policy

The City of Aspen has established a review fee policy for the processing of land use applications. A flat fee or deposit is collected for land use applications based on the type of application submitted.

A flat fee is collected by Community Development for applications which normally take a minimal and predictable amount of staff time to process. Review fees for other City Departments reviewing the application (referral departments) will also be collected when necessary. Flat fees are cumulative – meaning an application with multiple flat fees must be pay the sum of those flat fees. Flat fees are not refundable.

A review fee deposit is collected by Community Development when more extensive staff time is required.

Actual staff time spent will be charged against the deposit. Various City staff may also charge their time spent on the case in addition to the case planner. Deposit amount may be reduced if, in the opinion of the Community Development Director, the project is expected to take significantly less time to process than the deposit indicates.

A determination on the deposit amount shall be made during the pre-application conference by the case planner. Hourly billing shall still apply.

All applications must include an Agreement to Pay Application Fees. One payment including the deposit for Planning and referral agency fees must be submitted with each land use application, made payable to the City of Aspen. Applications will not be accepted for processing without the required fee.

The Community Development Department shall keep an accurate record of the actual time required for the processing of a land use application requiring a deposit. The City can provide a summary report of fees due at the applicant's request. The applicant will be billed for the additional costs incurred by the City when the processing of an application by the Community Development Department takes more time or expense than is covered by the deposit. Any direct costs attributable to a project review shall be billed to the applicant with no additional administrative charge. In the event the processing of an application takes less time than provided for by the deposit, the department shall refund the unused portion of the deposited fee to the applicant. Fees shall be due regardless of whether an applicant receives approval.

The Community Development Director may cease processing of a land use application for which an unpaid invoice is 30 or more days past due. Unpaid invoices of 90 days or more past due may be assessed a late fee of 1.7% per month. An unpaid invoice of 120 days or more may be subject to additional actions as may be assigned by the Municipal Court Judge. All payment information is public domain.

All invoices shall be paid prior to issuance of a Development Order or recordation of development agreements and plats. The City will not accept a building permit for a property until all invoices are paid in full. For permits already accepted, and unpaid invoice of 90 days or more days may result in cessation of building permit processing or issuance of a stop work order until full payment is made.

The property owner of record is the party responsible for payment of all costs associated with a land use application for the property. Any secondary agreement between a property owner and an applicant representing the owner (e.g. a contract purchaser) regarding payment of fees is solely between those private parties.



Agreement to Pay Application Fees

An agreement between the City of Aspen ("City") and

Property Owner Name: _____

Address of Property: _____

Representative Name (if different from Property Owner): _____

Billing Name and Address - Send Bills to:

Contact Email for Billing:

Contact Phone for Billing:

I understand that the City has adopted, via Ordinance No.40, Series of 2018, as may be amended, review fees for Land Use applications and payment of these fees is a condition precedent to determining application completeness. I understand that as the property owner that I am responsible for paying all fees for this development application.

For flat fees and referral fees: I agree to pay the following fees for the services indicated. I understand that these flat fees are non-refundable.

\$ _____ flat fee for _____

\$ _____ flat fee for _____

\$ _____ flat fee for _____

\$ _____ flat fee for _____

For Deposit cases only: The City and I understand that because of the size, nature or scope of the proposed project, it is not possible at this time to know the full extent or total costs involved in processing the application. I understand that additional costs over and above the deposit may accrue. I understand and agree that it is impracticable for City staff to complete processing, review and presentation of sufficient information to enable legally required findings to be made for project consideration, unless invoices are paid in full.

The City and I understand and agree that invoices mailed by the City to the above listed billing address and not returned to the City shall be considered by the City as being received by me. I agree to remit payment within 30 days of presentation of an invoice by the City for such services.

I have read, understood, and agree to the Land Use Review Fee Policy including consequences for non-payment. I agree to pay the following initial deposit amounts for the specified hours of staff time. I understand that payment of a deposit does not render an application complete or compliant with approval criteria. If actual recorded costs exceed the initial deposit, I agree to pay additional monthly



billings to the City to reimburse the City for the processing of my application at the hourly rates hereinafter stated.

\$_____ deposit for _____ hours of Community Development Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

\$_____ deposit for _____ hours of Engineering Department staff time. Additional time above the deposit amount will be billed at **\$325.00 per hour**.

City of Aspen:

Property Owner, or Representative

Jennifer Phelan, AICP
Acting Community Development Director

Signature: _____

PRINT Name: _____

Title: _____

City Use: Fees Due: \$ _____

Received \$ _____

Case # _____





Land Use Application Form

Project Name and Address: _____

Parcel ID #, if on Private Property (REQUIRED): _____

Location, if in Right-of-Way, include Lat/Long (REQUIRED): _____

Zone District: _____ Historic District? _____ Yes _____ No

Historic Building (Designated)? _____ Yes _____ No

Applicant:

Name: _____

Address: _____

Phone #: _____

Email: _____

Representative:

Name: _____

Address: _____

Phone #: _____

Email: _____

Property Owner:

Name: _____

Address: _____

Phone #: _____

Email: _____

Identification of Proposed Wireless Facility type (please select all applicable):

- ☐ My project meets the definition of "Small Cell Facility" pursuant to Land Use Code Section 26.505.030 (3 cubic feet)
- ☐ New Deployment of Small Cell Wireless Facility
- ☐ Collocation of Small Cell Wireless Facility. Collocation is defined in Land Use Code Section 26.505.030, and includes installation of a wireless facility on an existing structure.
- ☐ Eligible Facilities Request. Eligible Facilities Requests are defined in Land Use Code Section 26.505.030, and means a modification of an existing tower or base station that involves either the collocation of new transmission equipment, or the removal of transmission equipment, or the replacement of transmission equipment, and that does not substantially change the physical dimensions of the existing tower or base station.
- ☐ Non-Eligible Facilities Request Collocation
- ☐ New Deployment of non-Small Cell Wireless Facility
- ☐ My project is located in a Right-of-Way

Wireless Communication Facilities Shot Clock Table				
Small Wireless Facility - New Deployment	Small Wireless Facility - Collocation	Eligible Facilities Request	Non-Eligible Facilities Request Collocation	Non-Small Wireless Facility WCF - New Deployment
(E.g. a standalone monopole in the Right-of-way)	(E.g. a small wireless facility on an existing structure such as a traffic light)	(e.g. modification of transmission equipment on an existing tower or base station that does not “substantially change” the physical dimensions of the tower or base station)	(e.g. a request for installation of new transmission equipment on an existing tower or base station, but that would substantially change dimensions of the tower or base station)	(e.g. a new Tower)
90 days	60 days	60 days	90 days	150 days

Please describe the proposed wireless facility that is the subject of this application.

Please describe the current site on which the wireless facility is proposed, including any existing buildings or wireless infrastructure, as well as parcel boundaries. “Site” means the building or tower on which the Wireless Facility is proposed to be located.



Please provide the following information for all proposed facilities. Additional pages may be used if multiple wireless facilities are proposed.

- What is the proposed height of the proposed wireless facility from the point of attachment to the ground or building?

- What is the proposed cubic feet of the proposed wireless facility?

- What electric and internet connectivity requirements does the proposed facility have? Who are the utility providers of these services?

- Does this application involve any excavation or location of equipment outside the boundaries of the Site? (If so, please describe):

- Describe the number and dimension of any equipment cabinets.

- Describe the equipment type, model number and manufacturer specifications (ex. Dimensions and weight):

- Describe the noise levels from equipment to be installed (if applicable):



For all Eligible Facilities Requests, please provide the following additional information:

- Documentation of previous land use or building permit approval. Please provide all information documenting how the structure previously received land use approval for the existing facilities. Include the date(s) of land use approval, the Notice of Approval or other documentation for the land use approval, any permit numbers related to the construction of the facilities, and any conditions contained in the permit and/or land use approval. Existing Towers, Existing Support Structures, or Existing Base Stations are defined in the Land Use Code as those that have been previously reviewed and approved under the applicable zoning process in place at the time of their construction.

- Is this a collocation of new transmission equipment?
_____ Yes _____ No
- Is this a removal of existing transmission equipment?
_____ Yes _____ No
- Is this a replacement of existing transmission equipment?
_____ Yes _____ No

- What is the height of the existing structure? _____

- What will the height of the structure be after the collocation, removal, and/or replacement of transmission equipment from the point of attachment on the ground or building? If the infrastructure is roof mounted, provide a measurement from either the point of attachment or from the top of screening (if behind a parapet wall or screen).



Please indicate if the following applicable requirements have been met with the proposed facility.

- ☐ For all projects proposed on private property, all required Application Contents, as outlined in Aspen Land Use Code Subsection 26.304.030.B, are included, including specifically:
 - ☐ The completed HOA Form (attached)
 - ☐ Letter of Authorization from the Property Owner. This must be from the property owner, not a carrier.
 - ☐ Proof of ownership consisting of a current certificate from a title insurance company or attorney licensed to practice in the State of Colorado.
- ☐ The proposed WCF meets all Federal Requirements, including those of the FAA, FCC, and any other federal agency with the authority to regulate WCFs. A written statement explaining compliance is required. (See 26.505.040, Operational Standards)
- ☐ The design and siting of the WCF does not interfere with the normal operation of public safety communications, radio, television, telephone, or other communications services. A written statement from a qualified radio frequency engineer is required (See 26.505.040.C, Signal Interference)
- ☐ All required Application Items, as outlined in Aspen Land Use Code Subsection 26.505.060, *Application Contents*, are included in the application.
 - ☐ Plan Submittal Standards, meeting requirements of Title 29, Engineering Design Standards – Submittal Requirements Chapter 1, and showing the location of existing and proposed facilities and equipment to scale. This can be multiple sheets showing existing versus proposed.
 - ☐ Before and After pictures or other visual simulations.
 - ☐ Building Façade Elevations showing the location of the existing and proposed facilities and equipment, to scale.
 - ☐ Site Improvement survey, including topography, vegetation, utilities, utility services, easements, vacated rights-of-way, and any other requirements outlined in Title 29, Engineering Design Standards, stamped and signed by a registered land surveyor.
 - ☐ Landscape Plan, as applicable
 - ☐ Lighting Plan, illustrating how any lighting complies with the requirements of the City's Lighting Code (See 26.575)
 - ☐ A structural integrity report from a Professional Engineer licensed in the State of Colorado.
 - ☐ Evidence that efforts were undertaken to locate on an existing wireless facility.
 - ☐ Written documentation regarding site selection that demonstrates a good faith effort to meet the City's location preferences (See Section 26.505.070.B, Site Selection, for the listed preferences).



- ☐ Complete responses to all Design Standards, including those in Chapter 26.505.080, *Design Standards*, and the Design Standards adopted by the Community Development Director, as amended from time to time, pursuant to Subsection 26.505.080.J.5, *Director to adopt design standards*.

Building Permit / Right-of-Way Application Requirements.

The documents listed below are required, based on the specific type of facility that is proposed. All documents are required as part of the initial land use application submission.

Building permit requirements for roof-mounted appliances:

- ☐ Completed building permit application packet
- ☐ A letter, signed and stamped by a structural engineer, verifying that the building can handle the additional load of the proposed units
- ☐ Existing and proposed scaled drawings
 - o Proposed drawings must show compliance with 2015 IMC Section 306 and 2015 IBC Section 1015.6

Building permit requirements for free-standing towers:

- ☐ Completed building permit application packet
- ☐ A letter, signed and stamped by a structural engineer, verifying that the building can handle the additional load of the proposed units
- ☐ Existing and proposed scaled drawings
 - o Proposed drawings must show compliance with 2015 IMC Section 306 and 2015 IBC Section 1015.6
- ☐ A narrative or spec sheet describing the materials and construction methods of the proposed structure
- ☐ Signed special inspection agreement, if applicable
- ☐ Completed Construction Mitigation Plan, if triggered, refer to Title 29 for thresholds

Right-of-Way permit requirements refer to Title 21 for any work in the right-of-way:

- ☐ Completed right-of-way application packet
- ☐ A copy of a valid Maintenance Bond
- ☐ Professionally drawn detailed Traffic Control Plan (TCP)
- ☐ A narrative or spec sheet describing the materials and construction methods of the proposed structure
- ☐ A letter, signed and stamped by a structural engineer, verifying that the proposed pole / structure can handle the additional load of the proposed facilities
- ☐ A letter stating fiber and electric capacity exists for the proposed wireless facility
- ☐ Separate 14 Day Written Notification in the form of a right-of-way application, submitted electronically, to City Engineering Department prior to start of right-of-way work for each individual facility. This will include the approved TCP, valid and updated Maintenance Bond, and approved site plan(s).
- ☐ Completed Construction Mitigation Plan

Electric Permit Requirements

- ☐ Completed Electric permit application packet

For Internal Use:

- ___ Date of Application Received
- ___ Date of Completeness Review
- ___ Date Deemed Complete
- ___ Date of applicable review timeline

Homeowner Association Compliance Policy

All land use applications within the City of Aspen are required to include a Homeowner Association Compliance Form (this form) certifying the scope of work included in the land use application complies with all applicable covenants and homeowner association policies. The certification must be signed by the property owner or Attorney representing the property owner.

Property Owner ("I"):	Name:	
	Email:	Phone No.:
Address of Property: (subject of application)		

I certify as follows: (pick one)

- ☐ This property is not subject to a homeowners association or other form of private covenant.
- ☐ This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application do not require approval by the homeowners association or covenant beneficiary.
- ☐ This property is subject to a homeowners association or private covenant and the improvements proposed in this land use application have been approved by the homeowners association or covenant beneficiary.

I understand this policy and I understand the City of Aspen does not interpret, enforce, or manage the applicability, meaning or effect of private covenants or homeowner association rules or bylaws. I understand that this document is a public document.

Owner signature: _____ Date: _____

Owner printed name: _____

or,

Attorney signature: _____ Date: _____

Attorney printed name: _____



DEPARTMENT DEVELOPMENT REVIEW PROCEDURE

1. **Attend pre-application conference.** During this one-on-one meeting, staff will determine the review process which applies to your development proposal and will identify the materials necessary to review your application.
2. **Submit Development Application.** Based on your pre-application meeting, you should respond to the application package and submit the requested number of copies of the complete application and the application and the appropriate processing fee to the Community Development Department.
3. **Determination of Completeness.** Within five working days of the date of your submission, staff will review the application, and will notify you in writing whether the application is complete or if additional materials are required. Please be aware that the purpose of the completeness review is to determine whether or not the information you have submitted is adequate to review the request, and not whether the information is sufficient to obtain approval.
4. **Staff Review of Development Application.** Once your application is determined to be complete, it will be reviewed by the staff for compliance with the applicable standards of the Code. During the staff review stage, the application will be referred to other agencies for comments. The Planner assigned to your case or the agency may contact you if additional information is needed or if problems are identified. A memo will be written by the staff member for signature by the Community Development Director. The memo will explain whether your application complies with the Code and will list any conditions which should apply if the application is to be approved. Final approval of any Development Application which amends a recorded document, such as a plat, agreement or deed restriction, will require the applicant to prepare an amended version of that document for review and approval by staff. Staff will provide the applicant with the applicable contents for the revised plat, while the City Attorney is normally in charge of the form for recorded agreements and deed restrictions. We suggest that you not go to the trouble or expense of preparing these documents until the staff has determined that your application is eligible for the requested amendment or exemption.
5. **Board Review of Application.** If a public hearing is required for the land use action that you are requesting, then the Planning Staff will schedule a hearing date for the application upon determination that the Application is complete. The hearing(s) will be scheduled before the appropriate reviewing board(s). The applicant will be required to nail notice (one copy provided by the Community Development Department) to property owners within 30 feet of the subject property and post notice (sign available at the Community Development Department) of the public hearing on the site at least fifteen (15) days prior to the hearing date (please see Attachment 6 for instructions). The Planning Staff will publish notice of the hearing in the paper for land use requests that require publication. The Planning Staff will then formulate a



recommendation on the land use request and draft a memo to the reviewing board(s). Staff will supply the Applicant with a copy of the Planning Staff's memo approximately 5 days prior to the hearing. The public hearing(s) will take place before the appropriate review boards. Public Hearings include a presentation by the Planning Staff, a presentation by the Applicant (optional), consideration of public comment, and the reviewing board's questions and decision.

6. **Issuance of Development Order.** If the land use review is approved, then the Planning Staff will issue a Development Order which allows the Applicant to proceed into Building Permit Application.
7. **Receipt of Building Permit.** Once you have received a copy of the signed staff approval, you may proceed to building permit review. During this time, your project will be examined for its compliance with the City's Adopted Building Codes. It will also be checked for compliance with applicable provisions of the Land Use Regulations which were not reviewed in detail during the one step review (this might include a check of floor area ratios, setbacks, parking, open space and the like). Fees for water, sewer, parks and employee housing will be collected if due. Any document required to be recorded, such as a plat, deed restriction or agreement, will be reviewed and recorded before a Building Permit is submitted.

