



Wireless Communication Facilities Code Amendment Proposal

Joint City Council and Planning Commission Study Session

March 27, 2018

Consultant:

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City Staff Representative:

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Purpose and Background

- Desire to amend Section 17-20-140 of the Land Use and Development Code, 'Commercial Mobile Radio Service (CMRS) facilities'.
- Proposing complete overhaul with a renaming to Wireless Communications Facilities (WCF Code).
- Main reason is due to small cells and a new law.
- Additional proposed changes will outline items dealing with design, concealment, collocation, landscaping, and placement in the public rights-of-way (ROWs) for all types of equipment and facilities.



Small Cell Wireless Technology

Update on the Technology, Law, and Policy

Brandon Dittman, Esq.



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Why Small Cells?

- Mobile data use growing exponentially
 - Increase 650% by 2018
 - 56% of all mobile data is video and will grow 600% by 2018
- Network traffic generated by a smart phone is 49x more than a basic handset. Smart phone use will increase 325% by 2018
- Wireless carriers have similar service footprint, battle for differentiation shifting to data capacity and bandwidth
 - Small cells have small coverage area but greatly supplement data bandwidth
- Small cells are viewed by industry as easier to site.

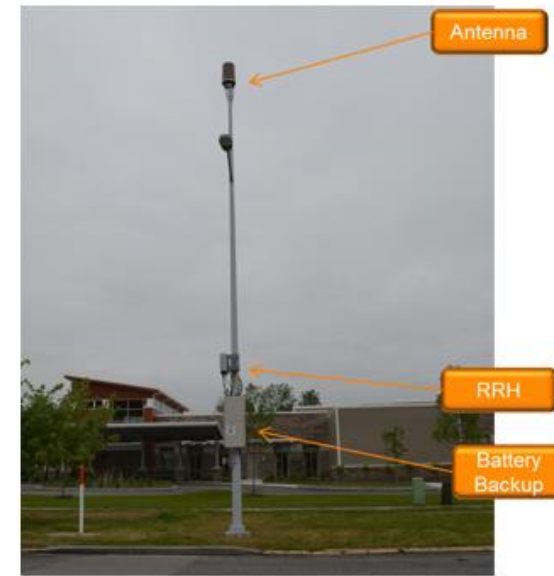
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What is a Small Cell?

- Small cells are low-powered cellular access nodes
- Generally used to “densify” existing networks
 - Usually rely on higher frequency bands (faster but travel less far)
- Small refers to coverage area, not necessarily size.
 - State law defines a small cell as:
 - 1) each antenna enclosure having no more than three cubic feet in volume
 - 2) Primary equipment enclosures no larger than seventeen cubic feet (refrigerator sized)
 - No restriction on height
- Also Micro Cells and Transport Facilities
 - Micro cell state law definition 24” x 15” x 12” and an external antenna of no more than 11 inches
 - No state law definition of transport facilities but sometimes used to provide backhaul connectivity to small cells



Small Cells on Street Lights



Small Cells on Distribution Poles



Micro Cells



Transport Facilities



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State Law - HB 17-1193

- Went into Effect July 1, 2017
- Small cell facilities are a “use by right” in every zoning district
- But subject to restrictions of each zone district
- Mandates a right to attach to local government poles – traffic signals, light poles, etc.
- Subject to local police powers
- Consent of local gov’t to erect or construct or locate on poles not be deemed to be consent to locate new facilities, or construct new poles anywhere else in the rights-of-way not specifically referenced in the prior grant

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HB 17-1193 (Cont.)

- Batched applications allowed
- 90 day shot clock for Small and Micro Cell siting approval
 - No “deemed approved” remedy for failure to comply
- Pole attachment fees limited to FCC maximums
 - (No current FCC maximum but this will change)

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Federal Regulations

- No small cell specific rules...for now
 - At least 3 small related dockets right now and pending federal legislation
- Shot Clocks Applicable to All Wireless Facilities
 - 60 Days for Eligible Facilities Requests.
 - 90 Days for Collocations
 - 150 Days for New
- Federal preemption of local regulation of wireless interference and emissions

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Process for Small Cell Siting

- 1) Update Code
- 2) Negotiation of Master License Agreement for each provider.
 - Includes Site Specific Permits and Pole Attachment Agreements
- 3) Issue Building Permits
- 4) Ensure compliance with Master License Agreement

Project Status Summary

- Several calls held and staff is now reviewing a third draft of the proposed amendment.
- Staff has been receiving calls from industry professionals asking about our regulations and one meeting was held with a potential applicant.
- Staff is under the assumption that small cells will come shortly to Brighton.
- Staff is working with United Power to prepare for deployment as they own poles in the City ROW.

Criteria to Consider

- ✓ Follows amendment process outlined in Section 17-8-90 of the *Land Use and Development Code*.
- ✓ Complies with Colorado House Bill 17-1193 and is not in conflict with any provision.

Next Steps

- Approval by Development Review Committee (DRC) then send out to industry professionals.
- Public hearing at Planning Commission for a recommendation before heading to City Council for a final decision.