



Legislation Text

File #: ID-98-18, **Version:** 1

Department of Community Development

Reference: Wireless Communication Facilities (WCFs) Code Amendment

To: **Mayor Kenneth J. Kreutzer and Members of City Council**
Chairman Chris Maslanik and Members of Planning Commission

Through: **Holly Prather, AICP, Community Development Director**
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Date Prepared: **March 14, 2018**

PURPOSE

This item is being brought before the City Council and Planning Commission at their joint Study Session on March, 27, 2018 for the purpose of informing the entities on the status of City staff and the Consultant's work on a code amendment to the *Land Use and Development Code's* Section 17-20-140 titled 'Commercial Mobile Radio Service (CMRS) facilities' ("CMRS Code").

BACKGROUND AND PROJECT STATUS SUMMARY

City staff is currently working with a Consultant, the law firm of Kissinger & Fellman PC, to rewrite Brighton's CMRS Code. This includes a name change for the section to Wireless Communications Facilities ("WCF Code"). The proposed amendment is viewed as necessary as the City does not have clear codified regulations regarding small cell sites. These can be thought of generally as mini-cell towers typically placed on utility poles in the right-of-way (see attached presentation for examples).

In 2017, Governor Hickenlooper signed Colorado House Bill 17-1193 which set state standards for small cell placement. If a City does not have a set process or standards for small cell sites, it is mandated to the review timeframe and guidelines set by the state, including placement in rights-of-way on light poles, traffic signals, and utility poles. Other Colorado municipalities have worked to further outline their own standards for small cells, on top of the state's, and this has allowed them greater control over their placement, design, and ability to address property, maintenance, and safety concerns. City staff desires to outline this type of facility in the WCF Code amendment.

Additional proposed changes will outline further camouflage and concealment matters, collocation, landscaping, and placement in the public rights-of-way for all types of equipment and facilities related to wireless communications.

At the time of the drafting of this report, City staff has held multiple conference calls with the consultant team and is now reviewing a third draft of the code amendment.

City staff has fielded calls from industry professionals inquiring as to existing regulations on small cell sites in Brighton, and staff has even held one meeting with a potential applicant for a small cell site within City limits where detailed plans were presented. City staff feels that it is just a matter of time until we receive an official application for a site. City staff has held preliminary conversations with United Power over placement of such items on their poles in the City's rights-of-ways,

and both parties have plans to set a meeting shortly to continue the discussion on the matter.

The drafted amendment, once reviewed and recommended for approval by the Development Review Committee (DRC), will be sent out for comment to industry professionals prior to being scheduled for a public hearing and recommendation by the Planning Commission. As this item will be an amendment to the Municipal Code, the City Council will have the final say on the proposed amendment.

CRITERIA BY WHICH COUNCIL AND THE COMMISSION MUST CONSIDER THE ITEM

Section 17-8-90 of the *Land Use and Development Code* addresses amendments to it. It allows the Community Development Director, City Manager, Planning Commission, and City Council the option to initiate text amendments. This section further outlines the process for review, recommendation, and adoption.

Council and the Commission should consider if the proposed amendment addresses the issues with Colorado House Bill 17-1193 and that the amendment is not in conflict with any provision of the state bill.

City staff and the Consultant looks forward to any thoughts and direction from City Council and the Planning Commission.

ATTACHMENTS

- City Staff and Consultant Joint Presentation for Study Session on March 27, 2018