



# Wireless Communication Facilities Land Use Code Amendment

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CITY COUNCIL – June 2, 2026

City Staff Representative: Grey Shipman, Associate Planner

# Wireless Communication Facilities



# Background - House Bill 25-1056

- Municipalities cannot require permits or siting applications for minor modifications to existing Wireless Communication Facilities (WCF).
- Municipalities, however, may continue to require ancillary permits for work related to Health and Safety (e.g., work in the ROW, trenching).
- Under HB 25-1056, the review timeframes for all WCF applications are similar to existing federal timeframes. However, the consequences for failing to meet the timelines has changed. If the City fails to approve or deny a WCF application within the required timeframe, the project is **deemed approved**.

# Proposed Changes to Article 10 - Supplemental Standards

## Changes in Response to HB25-1056

- Update Article 10 to remove “Site Improvement Permit” as a requirement for minor modifications to WCFs (a.k.a. Eligible Facilities Requests).

## Other Changes to Article 10

- Update review timelines for WCFs to comply with the most restrictive timeframes between state and federal regulations.
- Consolidate the review procedures for WCFs into a single section.
- Improve organization and readability of City’s WCF regulations

# Updated City Regulations for Minor Modifications to WCFs

## From "Siting Application" to "Verification Form"

*Verification Procedures for Eligible Facilities Requests (EFRs).*

a. *Applicability.* In all zoning districts, WCF changes that meet the definition of an eligible facilities request and would not result in a substantial change, as defined by 10.04(G), shall be considered a permitted use. The City shall prepare and make publicly available a verification form, which shall be limited to the information necessary for the City to consider whether a request is an eligible facilities request.

# Refer Potentially Incompatible Cases to the Planning Commission

From “City Council” to “Planning Commission”

Administrative Review.

[I]f the Director considers the proposed WCF to have a significant visual impact, (e.g., proximity to historical sites) or otherwise be incompatible with the structure or surrounding area, or that the proposed WCF does not meet the intent of these provisions, the Director may refer the application to Planning Commission for approval by means of a Conditional Use Permit.

# Staff Analysis - Land Use & Development Code

In making its decision, the City Council shall use the following criteria (Sec. 2.10 B.):

- 1. The amendment furthers the purposes of these regulations in Section 1.01.C.*
- 2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects as well as immediate impacts.*

*Policy 1.1: New Growth Should Favor Existing Areas of Infrastructure Investment and Planning*

# Staff Analysis – Land Use & Development Code Cont'd

3. *The amendment promotes the public safety, health and general welfare of the community in the City of Brighton.*
4. *The amendment improves the effectiveness and efficiency of administering the Land Development Code.*

# Public Notice and Comment

- Public Notice was provided in accordance with the *Land Use & Development Code*.
- On April 24<sup>th</sup>
  - ✓ Notice was published on the City's Website.
- Planning staff has received one formal comment in advance of this hearing.

# Summary of Findings

- ✓ The Development Review Committee has reviewed the code amendments and recommends approval.
- ✓ The Planning Commission heard the request on May 14, 2026, and recommended approval.
- ✓ Staff finds the code amendments are in general compliance with the requirements as outlined in the *Land Use & Development Code*.

## City Staff Recommendation

- ✓ Staff recommends approval of the *Land Use & Development Code* amendments.

# Options for City Council

- ❑ Approve the code amendments via ordinance as drafted;
- ❑ Approve the code amendments with changes to the drafted ordinance ;
- ❑ Deny the code amendments with specific findings to justify the denial, or;
- ❑ Continue the item to be heard at a later, specified date if the City Council feels it needs additional information to ensure compliance with the approval criteria as set forth in the *Land Use & Development Code*.