

**ARAPAHOE COUNTY PLANNING COMMISSION**  
**PUBLIC HEARING**  
**July 15, 2025**  
**6:30 PM**

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**SUBJECT: CASE NO. LDC24-007 - LAND DEVELOPMENT CODE AMENDMENT -  
COMMERCIAL MOBILE RADIO SERVICE (CMRS) TO WIRELESS COMMUNICATION  
FACILITIES (WCF)**

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**ERNIE ROSE, SENIOR PLANNER**

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**PURPOSE AND REQUEST**

This County-initiated project proposes modifying the Land Development Code (LDC) concerning Wireless Communication Facilities (WCF), which are currently referred to as Commercial Mobile Radio Service (CMRS) in the LDC. The proposed amendment retitles the CMRS regulations to WCF and establishes specific regulations for WCF.

**BACKGROUND**

Arapahoe County's Land Development Code establishes the guidelines for development and plays a significant role in implementing the Comprehensive Plan's goals and policies. The code should respond to changes in development patterns and resident lifestyles over time. Residents of Arapahoe County depend on various wireless communication technologies. Recent legislation, technological advancements, and the integration of multiple technologies have created a need to update the County's wireless communication code.

Arapahoe County established regulations for the construction of wireless facilities in 1999. In 2019, the County updated the wireless communication code in response to legislative action. In 2017, the General Assembly enacted HB17-1193, which allowed the installation of small wireless service infrastructure in local government-owned rights-of-way. These facilities support existing networks and enable 5G service, which requires a greater number of antennas. In September 2018, the Federal Communications Commission (FCC) issued a ruling (FCC18-133) that interpreted the Federal Telecommunications Act of 1996, placing restrictions on local governments' ability to limit small cell installations. Because of the short time frame specified under the FCC order to adopt any design standards and because these standards only applied within public rights-of-way, the County's Engineering Division adopted Small Cell regulations for Wireless Communication Facilities by adding Chapter 14 in the County's Infrastructure Designs Standards (IDCS) in 2019. In 2022, the Board of County Commissioners (BOCC) directed staff to begin amending the LDC regarding CMRS and to transition to a new code section for WCF located on private property. This update aims to ensure that the regulations remain relevant and effective in addressing advancements in communication technology while complying with legal requirements. To assist with this update, staff hired Clarion Associates, who have since developed the revised WCF code amendment.

Wireless communications facilities include cell towers, base stations, and related equipment. Commercial Mobile Radio Service (CMRS) is a type of wireless communication. Other forms of wireless communication include, but are not limited to, satellite, infrared, Wi-Fi, Wireless

Broadband (including 3G, 4G, and 5G cellular networks), and mobile communication systems, all of which enable data transmission without the need for physical wires. The proposed update is being developed to incorporate potential technological advancements across all types of wireless communications, including Cellular Mobile Radio Service (CMRS).

On January 21, 2025, the BOCC reviewed the proposed amendment at a study session and instructed staff to move forward with the LDC code update.

On March 4, 2025, the Planning Commission reviewed the proposed amendment at a study session and directed the path forward to the public hearing.

### **PROPOSED REGULATIONS SUMMARY AND ANALYSIS**

The County's current regulations for wireless communication facilities on private property are outlined in several sections of the LDC that pertain to Cellular Mobile Radio Service (CMRS). These regulations are problematic because they do not allow for minor modifications to existing facilities, encourage or mandate colocation, or provide alternative locations, such as rooftops. Additionally, the existing wireless section of the code fails to effectively communicate to the public that FCC regulations significantly constrain the County's authority to deny or impose conditions on "eligible facilities" that do not result in substantial expansion or alteration of current wireless structures. These regulations are listed as a priority to ensure compliance with federal law and to mitigate potential public misunderstanding and controversy over decisions that are, in fact, not within the County's control.

The proposed section of the WCF code is designed to comply with FCC regulations and delineates the criteria for "eligible facilities." It establishes standards on the location, design, maintenance, and removal of wireless communication facilities. This code aims to promote the collaborative use of new and existing WCF locations, thereby minimizing the necessity for multiple towers within the County. This objective is achieved by mandating the integration of facilities into existing structures and encouraging co-location among WCF providers on both new and established towers. For new tower structures, the draft code emphasizes that the applicant must demonstrate that other sites are not feasible. Furthermore, the code outlines a structured administrative process for replacing, modifying, repairing, and upgrading equipment through the building permit application system.

On May 15, 2025, the Colorado Legislature passed HB25-1056, which requires local governments to approve or deny applications for siting and constructing wireless telecommunications facilities within 90 days of submission. If a local government fails to act within this timeframe, the application is deemed automatically approved, provided the telecommunications provider has met the public notice requirements and notified the regional government of the lapse. This act was signed on June 4, 2025, and will take effect on January 1, 2026.

Staff is proposing the following changes to the LDC:

- Section 3-2.1: The Permitted Use Table for Wireless Communication Facilities (WCF) Land Use Categories will replace references to Commercial Mobile Radio Services (CMRS). Specifically, all instances of CMRS will be removed from the table and substituted with WCF.

TABLE 3-2.1 PERMITTED USE TABLE																							
P = Permitted, A = Accessory, SR = Use by Special Review, SE = Use by Special Exception, T= Temporary Use/Temporary Use Permit Required, Blank = Not Permitted																							
	Agriculture and Residential <sup>[1]</sup>												Non-Residential <sup>[1]</sup>							PUD Districts <sup>[2]</sup>	Overlay	Use Specific Standard	
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F <sup>[3]</sup>	O	PUD	SBC-O	Code Section
Telecommunications and Towers																							
Broadcast Tower Facility and Other Commercial antennas and radio towers	SE																			SE	Per Approved General, Specific, Preliminary or Final Development Plan		
Wireless Communication Facilities (WCF)																							
Attached (Structure, Roof, or Building-Mounted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	3-3.8.A
Alternative Tower Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	3-3.8.A
Small Cell Facilities in the ROW	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	p	P	3-3.8.A
Tower	P	P	P										P	P	P	P	P	P		P	Per Approved General, Specific, Preliminary or Final Development Plan		3-3.8.A
Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	3-3.8.A
Over-height Towers	SE	SE	SE										SE	SE	SE	SE	SE	SE			SE	3-3.8.A	
Telephone exchanges and similar buildings housing tele-communication equipment																	P	P					
Small Wind Energy Conversion System	P	P	P	P	P	P	P					SE											3-3.8.B

- Section 3-3.9: Commercial Mobile Radio Service is now retitled Wireless Communication Facilities (WCF), formerly known as Commercial Mobile Radio Service (CMRS). Section 3-3.9 G contains WCF-related definitions and provides standards that must be complied with to gain administrative approval from the County.
- Section 5-3.8: Wireless Communication Facilities (WCF) Procedures replaces the former Commercial Mobile Radio Service (CMRS) Procedures.
- Chapter 6: Enforcement, Violations, and Nonconformities, Section 6-1 Commercial Mobile Radio Service (CMRS) replaced with Wireless Communication Facility (WCF)
- Section 6-1: New sections provide information on Abandonment and Revocation of Permits.

## **REFERRALS AND PUBLIC COMMENT**

Planning staff sent copies of the draft regulations to multiple wireless antenna carriers and consultants who process applications, and posted the draft antenna regulations on the County's website for public comment between March 31, 2025, and April 30, 2025., Staff received two comments: one from a resident of Greenwood Village expressing concern about the lack of coverage in their area, and the other was a comment letter from Verizon detailing specific changes they wanted in the language. The two comments are provided in the Attachment Public Comments. Verizon Attorney. Referral Table. County staff and Clarion reviewed the letter from Verizon and made the following changes to the draft regulations based on the feedback:

- Updated the list of preferred antenna types and removed the words “small cell” before “WCF in the right of way” in 3-3-.9.D.1.d.
- 3-3.9.E – Design Standards – Removed b. Signage and c. Accessories such as these were redundant and already included in the ground equipment standards.
- 3-3.9.E—Definitions—Staff changed the definition of “Substantial Change” to require it to meet federal law and deleted the specifics of FCC Section 6409, in case federal law changes, so we don’t have to amend the code.
- 5-3.8.B.1.e – Appeals – changed “citizen” to “party” and “resident” group, and require appeals to be filed 14 days from the issuance of the decision.
- 5-3.8.B.2.b – Review Criteria for approval of an Eligible Facilities request – deleted the last criteria and left it with the need to be an eligible facility and does not result in a substantial change.
- 6-1.2 – Revocation of Permit – Accepted the proposed change from Verizon to state that we will not revoke a permit until after we have provided the operator notice to remedy and given them at least 90 days to resolve.

### **FISCAL IMPACTS**

The proposed amendment is not anticipated to have any fiscal impact.

### **RECOMMENDATION**

The proposed amendments comply with FCC regulations and delineate the criteria for "eligible facilities," establishing standards for the location, design, maintenance, and removal of wireless communication facilities. Additionally, this code amendment promotes the collaborative use of new and existing WCF locations, thereby minimizing the necessity for multiple towers within the County. Staff recommends approval of the proposed LDC Amendment.

### **ALTERNATIVES**

The Planning Commission could take the following actions:

1. Recommend approval of the Land Development Code Amendment - Commercial Mobile Radio Service as proposed or with modifications.
2. Continue the amendment to a time and date certain for more information.
3. Recommend denial of the Land Development Code Amendment - Commercial Mobile Radio Service.

### **CONCURRENCE**

Arapahoe County Public Works and the County Attorney have reviewed the proposed regulations and recommend approval.

**PLANNING COMMISSION DRAFT MOTIONS** – LDC24-007, Land Development Amendment – Commercial Mobile Radio Service

**Recommend Approval**

In the case of LDC24-007, Land Development Code Amendment - Commercial Mobile Radio Service I have reviewed the staff report, including all exhibits and attachments, and have listened to the staff presentation and any public comment as presented at the hearing and hereby move to recommend approval of the proposed amendment of the Land Development Code as presented in the staff report, subject to the following recommended stipulation:

1. Staff is authorized to make minor corrections or revisions to the proposed language, with the approval of the County Attorney, if necessary to incorporate the approved amendment into the text of the Land Development Code.

***Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Planning Commission reaches a different determination:***

**Recommended Denial**

In the case of LDC24-007, Land Development Code Amendment – Commercial Mobile Radio Service, **I present any public comment as presented at the hearing**, and hereby move to recommend denial of the proposed amendment to the Land Development Code.

1. *State new findings in support of denial as part of the motion.*

**Continue to Date Certain:**

In the case of LDC21-001, Land Development Code Amendment – Commercial Mobile Radio Service, I move to continue the hearing to [*date certain*], 6:30 p.m., to obtain additional information and to consider further the information presented.

**ATTACHMENTS**

1. Proposed LDC Amendments
2. BOCC BSR/MINUTES 1.27.2025
3. Planning Commission Minutes 03-04-2025
4. Public Comments. Verizon Attorney. Referral Table.
5. House Bill 25-1056