



Board Summary Report

File #: 26-259

Agenda Date: 5/26/2026

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To: Board of County Commissioners

Through: Celia Rethamel, Acting Director, Public Works and Development

Prepared By:
Ernie Rose, Senior Planner, Public Works and Development

Presenter: Ernie Rose, Senior Planner, Public Works and Development

Subject:
2:00 PM* Development Application Manual Amendment Related to Wireless Communication Facilities, Case No. LDC26-002

Purpose and Request:

Staff is consulting the Board of County Commissioners for guidance on updating the Development Application Manual (DAM) to address Wireless Communication Facilities (WCF), previously known as Commercial Mobile Radio Service (CMRS).

Alignment with Strategic Plan: Good Governance - Deliver mandated and essential services with excellence.

Background and Discussion : In September 2025, the BOCC approved an amendment to the Land Development Code (LDC), related to wireless communication facilities on private property. Wireless communications facilities include cell towers, base stations, and related equipment. Other forms of wireless communication include, but are not limited to, satellite, infrared, Wi-Fi, Wireless Broadband (Cellular Networks 3G,4G,5G), and mobile communication systems, all of which allow for the transmission of data without the need for physical wires. This code amendment renamed the land use category from “Commercial Mobile Radio Service” (CMRS) to Wireless Communication Facilities (WCF).

The WCF section of the code was reorganized and revised to simplify and modernize it, ensuring compliance with federal and state laws and current telecommunications industry standards and providing a general cross-reference to these standards. Now that the Land Development Code has been amended, staff proposes to amend the corresponding Development Application Manual (DAM) to ensure that required application documents and processes are in alignment with the recently adopted code changes. The purpose of this BOCC study session is to discuss the DAM update to ensure its submission process aligns with the code amendment.

The Development Application Manual (DAM) has been adopted by the Board of County Commissioners (BoCC) as a supplement to the Land Development Code (LDC). The manual is incorporated into, and forms part of, the Land Development Code, and it must be amended to ensure its submission process aligns with the 2025 WCF code update by the Board of County

Commissioners, following the recommendation of the PWD Director or the Planning Commission.

The proposed DAM amendment redefines the CMRS application type as WCF and introduces new deadlines for staff review based on federal timing requirements (Shot Clock). It includes a new process for the Eligible Facility Request (EFR) that covers fees, streamlined submittal requirements, and ends with an EFR determination letter. An Eligible Facility is defined as an existing wireless tower or base station that may be modified if it meets certain criteria as defined by the FCC. Processes in the DAM amendment are renamed to "WCF Eligible Facility Request" and "Non-Eligible on Private Property". Modifications to existing facilities that do not meet the FCC criteria are considered "Non-Eligible". Workflow diagrams for both Eligible and Non-Eligible Facilities have been updated, with detailed charts illustrating the changes. The amendment establishes shot clocks of 30, 60, 90, and 150 days, depending on the application type. Fees for Non-Eligible Facilities are specified, and provisions for small cell WCF in Public-Right-of-Way are addressed.

Finally, with the implementation of the new EFR process, staff determined that a fee for this service should be reviewed. There is currently no fee established for processing of EFR applications, and staff has processed approximately six applications through May 1, 2026. Staff reached out to several jurisdictions while researching a fee for an EFR Determination Letter, and the average EFR Determination Letter was \$380.00

The Planning Staff EFR review process involves accepting EFR documentation, researching previous case data, and preparing an EFR determination letter. This usually takes around 5 hours, with approximately 4 hours by the Planner and 1 hour by the Planner Technician. The Hourly Billable Rates for the staff are set by the Support Services Division, based on the average salaries of the employees involved.

Planner:	133.17 fully loaded hourly rate = 4 hrs.	\$532.68
<u>Planning Tech</u>	<u>112.94 fully loaded hourly rate= 1hrs</u>	<u>\$112.94</u>
		TOTAL: \$645.62

Recommended Fee \$645

Currently, the fees for (non-eligible facility) WCFs on private property and within county rights-of-way are maintained at \$1,500.

Alternatives: The Board has several options:

1. Direct staff to proceed with the proposed DAM amendment and fee change to the public hearing.
2. Direct staff to consider modifications to the proposed DAM amendment and fee change and come back for an additional study session.
3. Direct staff not to proceed with the proposed DAM amendment.

Fiscal Impact: Staff does not anticipate any fiscal impacts as a result of this amendment, other than collecting fees for Eligible Facilities requests. On average, staff expects to process approximately 10-15 Eligible Facilities request applications per year.

Alignment with Strategic Implementation Strategies: The attached framework helps Arapahoe County institutionalize values-based, transparent decision-making, documenting how we make decisions and carry out actions to achieve the county’s strategic plan

Staff Recommendation: At this study session, staff requests the Board to review the proposed changes to the Development Application Manual and the proposed fee for eligible facilities requests and provide direction to staff to move forward with the proposed changes or with recommended changes

Concurrence: The Public Works and Development Department coordinated the draft changes with the County Attorney's office, Clarion Associates and numerous wireless providers.