



PLANNING COMMISSION STAFF REPORT

December 5, 2019

AGENDA ITEM: Planning File No. 104-19-OR: A code text amendment to Chapter 180 of the Code of Ordinances of the Town of Frisco, concerning zoning, by amending Section 5.2.11 thereof, concerning telecommunications facilities, to revise regulations concerning small cell wireless facilities to conform to Federal Communications Commission requirements and limitations.

APPLICANT: Town of Frisco
1 East Main Street
PO Box 4100
Frisco, CO 80443

STAFF PLANNER: Bill Gibson, Interim Community Development Director
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PROJECT DESCRIPTION

On September 26, 2018, the Federal Communications Commission (FCC) adopted Declaratory Ruling and Third Report and Order (FCC 18-133) regarding small cell telecommunications and the acceleration of wireless infrastructure necessary for 5G and other advanced wireless services through the relaxation of regulatory barriers affecting local permit processes. The existing provisions of §180-5.2.11, Telecommunication Facilities, Unified Development Code do not fully comply with the requirements and limitations of this FCC ruling. Therefore, Town Staff is proposing code text amendments to bring the UDC into compliance with FCC 18-133.

The proposed code text amendments were prepared by the Town Attorney and a draft ordinance is attached for review.

BACKGROUND

Pursuant to §180-2.4.3.B of the UDC:

“An amendment to the text of this Chapter [the UDC] may be initiated by the Director [of the Community Development Department], the Planning Commission, or the Council whenever the public necessity, safety, general welfare, or good zoning practice justifies such action.”

The Community Development Director has initiated this code text amendment application.

REQUIRED ACTION

Planning Commission: A recommendation for approval or disapproval, either in whole or in part.

Town Council: Approval or disapproval, either in whole or in part.

ANALYSIS – CODE TEXT AMENDMENTS [§180-2.4.3]

Pursuant to Sub-section §180-2.4.3.D, an amendment to the text of the Unified Development Code is a legislative decision. Prior to recommending approval or disapproval of a proposed code text amendment, the Planning Commission shall consider whether and to what extent the proposed amendment:

- 1. Is consistent with the Master Plan and other Town policies;*
- 2. Conflicts with other provisions of this Chapter or other provisions in the Frisco Town Code;*
- 3. Is necessary to address a demonstrated community need;*
- 4. Is necessary to respond to substantial changes in conditions and/or policy; and*
- 5. Is consistent with the general purpose and intent of this Chapter.*

Staff finds that the proposed code text amendments meet these criteria as the proposed amendments are necessary to comply with federal regulations.

STAFF RECOMMENDATION

Recommended Findings

The Community Development Department recommends the following findings pertaining to the proposed code text amendments:

Based upon the review of the Staff Report dated December 5, 2019 and the evidence and testimony presented, the Planning Commission finds:

- 1. The proposed code text amendments are consistent with the Master Plan and other Town policies, because the proposed code text amendments are necessary to comply with federal regulations.*
- 2. The proposed code text amendments do not conflict with other provisions of the Unified Development Code or other provisions in the Frisco Town Code, because the proposed code text amendments are necessary to comply with federal regulations.*
- 3. The proposed code text amendments address a demonstrated community need, because the proposed code text amendments are necessary to comply with federal regulations.*
- 4. The proposed code text amendments are necessary to respond to substantial changes in conditions and/or policy, because the proposed code text amendments are necessary to comply with federal regulations.*

5. *The proposed code text amendments are consistent with the general purpose and intent of the UDC, because the proposed code text amendments are necessary to comply with federal regulations.*

Recommended Motion

Should the Planning Commission choose to RECOMMEND APPROVAL of the proposed code text amendments, the Community Development Department recommends the following motion:

With respect to Planning File No. 104-19-OR, I move that the recommended findings set forth in the December 5, 2019 staff report be made and that the Planning Commission RECOMMENDS APPROVAL to Town Council of the proposed code text amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, concerning zoning, by amending Section 5.2.11 thereof, concerning telecommunications facilities, to revise regulations concerning small cell wireless facilities to conform to Federal Communications Commission requirements and limitations.

ATTACHMENTS

- Draft ordinance