

SEC. 2-58E TELECOMMUNICATIONS FACILITY COORDINATION — REGULATIONS

COMCOR 02.58E.01 Telecommunications Transmission Facilities Coordination Requirements

02.58E.01.01 Authority.

This Executive Regulation is authorized by Montgomery County Code 1994, as amended, Section 2-58E, "Telecommunications facility coordination" and applies to all telecommunications transmission facilities (TTFs) as defined herein.

02.58E.01.02 Administration.

a. Delegation of Authority. Code Section 2-58E directs the Director of the Department of Technology Services to establish a procedure for the review of siting and modification applications. In furtherance of that procedure, the Director must maintain a record of the location of all TTFs within the County and ensure the appropriate and efficient placement of the facilities.

b. Submission of Applications. All applications pertaining to the siting or modification of a telecommunications transmission facility by certain government agencies and private parties must be coordinated by this procedure.

c. Application Review Period. All applications must be reviewed in an efficient and timely manner, with the objective of final disposition occurring within 60 days after the date a complete application has been submitted to the Tower Coordinator. The applicant must be advised of the reason for any delay beyond this period.

d. Meetings. All required meetings must be scheduled so as to meet the 60-day time frame goal for completing the review of an application.

e. Reporting. As appropriate, the Director must report to the County Executive and the Council regarding matters pertaining to this procedure.

f. Database Administration. As part of the coordination process, a database must be maintained for all telecommunications transmission facilities located in the County, including any that the Director knows are proposed to be located in the County.

g. Fee. Applicants must pay the following fees:

Charge Categories

1) Annual fee - Fee to be paid when the annual plan is submitted. The annual fee is charged for updating and maintaining the database, oversight, and the review of the annual plan.

2) Minor Modification - The application fee for any of the following minor modifications that require a building permit:

- i. a modification of existing antennas at a single site; or
- ii. the addition of antennas at a single existing site; or

iii. a change or addition of equipment at a single existing site.

3) Multiple Modifications - The application fee for any of the following multiple modifications that require a building permit:

i. a modification of antennas at two or more sites; or

ii. the addition of antennas at two or more existing sites;

or

iii. a change or addition of equipment at two or more

existing sites.

4) Co-location on existing structure - The application fee for the use of an existing structure to support new antennas permitted by right under the zoning ordinance.

5) New support structure, permitted use - The application fee for the construction of a new antenna support structure that is permitted by right under the zoning ordinance.

6) New support structure, special exception or mandatory referral - The application fee for the construction of a new antenna support structure that must be authorized as a special exception or reviewed by the Maryland-National Capital Park and Planning Commission.

All fees must be submitted to the Office of Cable Communications, 100 Maryland Ave., Suite #250, Rockville, MD 20850, prior to submitting the application or annual plans.

02.58E.01.03 Definitions.

The words or phrases described below have the following meanings as used in this Regulation:

a. Land-owning Agency. Land-owning Agency means any government agency which owns or controls any land on which a telecommunications transmission facility is located or proposed to be located.

b. Land Use Agency. Land Use Agency means the Planning Board, the County Board of Appeals, the Department of Permitting Services and any other public agency or body with jurisdiction over the siting of any telecommunications transmission facility, including any municipal land use agency or body.

c. Telecommunications Transmission Facility. Telecommunications Transmission Facility means any antenna, tower, monopole, or other structure used primarily to receive or transmit wireless voice, data, or image information (or any combination of them).

d. Telecommunications Transmission Facility Coordinating Group. The TTFCG is that body convened by the Director as prescribed in Section 2-58E(d) of the Montgomery County Code 1994, as amended, to review, comment and facilitate communications between member agencies on telecommunications transmission facility policy and siting issues.

e. Tower Coordinator. The Tower Coordinator is the Director's designee or contractor who administers Section 2-58E of the Montgomery County Code.

02.58E.01.04 Application Submission.

a. An application for siting of a telecommunications transmission facility must meet the following requirements:

1. An application must be submitted to the Tower Coordinator.
2. Three copies of each application must be submitted.
3. Each application must be complete and filed on a form in accordance with Section 9* of this regulation. Incomplete applications will not be processed.

*Editor's note—see 02.58E.01.09

4. Proprietary information submitted with an application must be clearly marked as being confidential. Applicants should minimize, to the extent possible, the use of confidential data in order to facilitate rapid governmental interagency coordination.

5. An application for a new tower or monopole must include the following: RF propagation maps; a photograph of a balloon test at the proposed site that shows the approximate top of the tower, if available; a Federal Aviation Administration application or certification, if available; an explanation as to why the site was selected; an identification of any sites that were rejected; and an explanation as to why any sites were rejected.

b. For each submitted application, the Tower Coordinator must:

1. Stamp the date and time of receipt on all copies of each application and register the application in the Wireless Communications Site Applications database and/or logbook.

2. Assign each application an application number yyyy-mm-*nnn*, herein called the Wireless Communications Site application number, where "yyyy" represents the year, "mm" represents the month, and "nnn" represents the sequence 001, 002, 003, etc. for the first three applications submitted during the year "yyyy" and the month "mm."

3. Distribute copies to the appropriate agencies and return one copy to the applicant upon final disposition of the siting request.

02.58E.01.05 Application Review.

a. The Tower Coordinator must:

1. Coordinate and schedule the Telecommunications Transmission Facility Coordinating Group (TTF CG - the "Group"), as required, to facilitate the review and recommendation for each application.

2. Develop a siting recommendation to the Group based on:

(a) zoning standards for siting a telecommunications transmission facility;

- (b) effect of the telecommunications transmission facility on the land owning agency;
- (c) existing and future public safety telecommunications transmission facilities and plans;
- (d) co-location options; and
- (e) potential impacts on the surrounding area.
- 3. Review the recommendation with the applicant:
 - (a) for site suitability and co-location options; and
 - (b) for coordination with other County agencies.
- b. The land-owning agency must:
 - 1. Review the site application in accordance with the agency's siting standards and policy.
 - 2. Receive and evaluate public input as part of the agency's decision process.
 - 3. Submit input concerning the application at the scheduled Group meeting via, its Group designee.
 - 4. Maintain a record of all telecommunications transmission facility siting leases that affect the agency.
- c. The land use agency must:
 - 1. Submit the Telecommunications Transmission Facility Coordinating Group recommendation for inclusion in the record of proceedings of any telecommunications transmission facility special exception.
 - 2. Refer to the Tower Coordinator any building permit or special exception application submitted directly to the agency.
- d. The Telecommunications Transmission Facility applicant must:
 - 1. Submit a telecommunications transmission facility location plan in accordance with Section 2-58E of the Montgomery County Code and Attachment 2 of this regulation.
 - 2. Update the plan each year.

02.58E.01.06 Telecommunications Transmission Facility Coordinating Group Review.

- a. The Tower Coordinator must coordinate and assist the Group Chair in scheduling the meetings of the Telecommunications Transmission Facility Coordinating Group. The applicant must be notified of any meeting at which its application is considered, and be allowed to attend the meeting.

b. The Chair or the Chair's designee must conduct the meeting. A written record of actions and recommendations must be maintained by the Tower Coordinator.

c. Group review of an application may include:

1. The written recommendation of the Tower Coordinator with database details where appropriate;
2. Any comments of the land-owning agency and land-use agency;
3. Any other relevant information concerning the proposed siting of the telecommunications transmission facility.

d. A written review and recommendation must be prepared:

1. One copy must be maintained by the Tower Coordinator in the application file.
2. One copy must be provided to the applicant.
3. One copy must be sent to the County Board of Appeals if a special exception is required.
4. One copy must be sent to the Department of Permitting Services and/or any municipal agency that would issue permits for such use.
5. One copy must be sent to the land owning agency, if appropriate.

e. The Group may delegate to the Tower Coordinator any functions necessary to promote the efficiency of the process in accordance with the provisions of the County Code.

02.58E.01.07 Leases.

a. The recommendations and comments of the Telecommunications Transmission Facility Group must be provided to the relevant land owning agency for use during the negotiation of any lease for placement of a telecommunications transmission facility on land within the control of a land owning agency.

b. A form lease must be developed by the Tower Coordinator and be made available for the use of the land owning agencies.

c. Any lease must include a provision requiring the removal of the facility by the lessee after the useful life of the facility concludes or upon expiration or termination of the lease, and may include the posting of a bond to guarantee removal.

02.58E.01.08 Building Permit.

a. A building permit is required for the construction of a telecommunications transmission facility in the County.

b. All permit applications must reference the Wireless Communications Site application number, and must include the recommendation of the Telecommunications Transmission Facility Coordinating Group and the approval of the land owning agency, if applicable.

c. Building permit approvals may be expedited if copies of standard construction drawings are on file with the permitting agency.

d. Upon issuance and release of the building permit, a copy of the permit will be sent to the Tower Coordinator for filing with the application and supporting documentation. A copy of the site plan and construction drawings will be furnished to the Tower Coordinator upon request for use in updating the database.

02.58E.01.09 Wireless Siting Application.

The Wireless Communications Site Coordination application form is included as Attachment 1 of this regulation.

02.58E.01.10 Siting Plan.

Attachment 2 of this regulation sets forth the requirements for initial submission and annual update of the applicant's siting plan.

02.58E.01.11. Effective Date.

This regulation takes effect on March 25, 2003.

(Administrative History: Reg. No. 21-02AM (Method 2); Orig. Dept.: Technology Services; Supersedes Reg. No. 14-96)

(ATTACHMENTS FOLLOW)

Attachment 1

MONTGOMERY COUNTY, MARYLAND

APPLICATION FOR WIRELESS COMMUNICATIONS

SITE COORDINATION

DATE: _____ NUMBER: _____

(To be filled in by

County)

Applicant Name: _____

Address: _____

Contact Person and Phone No.: _____

Provide a description of the proposed installation, including the type and height of the structure (i.e. monopole, rooftop, water tank, guyed tower, self-support tower, etc.) and whether it is existing, modified, or new. Describe any modifications that will be made to existing structure.

Address/City: _____

Site Name: _____ Zoning: _____

Site Owner/Landlord: _____

Structure Owner: _____

Latitude/Longitude (NAD27 Degrees/Minutes/Seconds) _____

Ground Elevation AMSL in feet: _____

Antenna Height AGL in feet: _____

Frequency bands to be used: _____

Maximum Effective Radiation Power (EFP): _____

Federal Communications Commission (FCC) Emission Designator: _____

FCC Antenna Structure Registration Number: _____

Description of antenna(s), including physical size, patterns, gain and orientation (include copy of spec sheet or drawings):

Describe area to be served by the proposed installation. Attach a map of the general area showing the location of the site. Attach propagation studies showing service area coverage surrounding the proposed site with and without the proposed site.

Will antennas be installed on an existing structure? _____

If not, describe results of investigation about possible co-location. Include a listing of alternative sites considered and an explanation as to why each possible alternative was not selected. If a site was ruled out because of radio frequency (RF) issues, provide RF propagation maps documenting inadequate coverage: _____

Justification of why this site was selected: _____

Will site be used to support government telecommunications facilities or other equipment for government use?

If yes, describe: _____

Attach a site plan of the proposed facility showing location of monopole, tower, or structure on the property, location of existing and proposed equipment buildings or cabinets, and distance of any new structures or buildings from property lines and other buildings or residences within 300 feet. Clearly identify existing versus proposed facilities. Also provide an elevation sketch of the structure showing major dimensions, existing attachments, and mounting height of proposed antennas. If a balloon test has been performed, please provide copies of the photographs.

Will the antenna installation be in compliance with the maximum permissible RF exposure limits set forth in § 1.1310 of the FCC Rules and Regulations? Yes _____ No _____

If the answer is no, please attach an explanation.

Type of compliance study required under § 1.1307 of the FCC Rules and Regulations:

Categorically Excluded _____

Routine Environmental Evaluation _____

Environmental Assessment _____

If antennas will be located on a rooftop, please attach a description of any steps that have been or will be taken to prevent the aggregate RF from exceeding exposure limits.

Montgomery County Code, Chapter 2-58E requires applicants to submit a facility location plan indicating the location of every existing telecommunications transmission facility and the general location of facilities that are anticipated to be built in the near future. Has a new or updated plan been filed with the County within the last year? Yes _____ No _____. If the answer is no, please submit a plan with this application.

If an application for an FAA review has been submitted or an FAA determination has been issued, please attach a copy.

Application fees have been paid to Montgomery County Government on _____.

Submit this application to:

Columbia Telecommunications Corporation

c/o Montgomery County Tower Coordinator

5550 Sterrett Place, Suite 200

Columbia, MD 21044

Phone: (410) 964-5700

Attachment 2

GUIDE FOR WIRELESS SERVICE PROVIDER FACILITY LOCATION PLANS

Montgomery County Code Section 2-58E requires sponsors of wireless communications facilities to submit annually revised antenna site planning information for proposed system construction or enhancement within Montgomery County.

The following information is required by the County to assist in planning activities and analysis of co-location opportunities. Applicants must submit a projected growth plan for antenna sites, and must update that plan at least annually. More frequent updates are recommended if information submitted in the previous plan changes significantly. We recognize that site specific information may not be available until late in the implementation process. However, the County desires that information submitted in the plan be as detailed and complete as possible.

1. In what geographical areas of Montgomery County will new service be provided or existing service (requiring additional site facilities) be upgraded? (Be specific, such as "Rte. 270 corridor from Shady Grove to the Comus exit," or "Along Rte. 29 from the D.C. line to the Beltway," or "at the bottom of the Piney Branch stream valley in Takoma Park," etc.)
2. On a large scale map such as the Street Map of Montgomery County, Maryland, prepared by The Maryland-National Capital Park and Planning Commission (scale 1" = 3000'), show the location of existing towers or monopoles, indicate whether each is owned or leased, and show where new antenna sites are anticipated. Locate as accurately as possible, preferably within 0.2 mile or less, or indicate specific sites, if known.
3. If specific sites are known, state addresses and how each site is presently utilized, e.g., water tank, apartment building, shopping center, fire station, open (or wooded) lot, etc. If antennas will be placed on an existing tower or monopole on the site, who owns it?
4. If any new structures are planned, describe anticipated configuration (monopole, self-support lattice tower, guyed tower, etc.) and height at each site, if known.
5. How much physical capacity on each proposed structure will be available for co-location by other service providers? Will antenna space be offered to other parties for rent? If one or more potential tenants have expressed an interest in the site, who are they?
6. Any other information relevant to the County tower database.

COMCOR 02.58E.02 Telecommunications Transmission Facilities Coordination Fees

02.58E.02.01

The non-refundable fees applicants must pay for the review and coordination of the siting of telecommunications facilities are:

Charge Categories

1. Annual fee \$500.00 - Fee to be paid when the annual plan is submitted. The annual fee is charged for updating and maintaining the database, oversight, and the review of the annual plan.
2. Minor Modification \$500.00 - The application fee for any of the following minor modifications that require a building permit:
 - i. a modification of existing antennas at a single site; or
 - ii. the addition of antennas at a single existing site; or
 - iii. a change or addition of equipment at a single existing site.
3. Multiple Modifications \$1,500.00 - The application fee for any of the following multiple modifications that require a building permit:
 - i. a modification of antennas at two or more sites; or
 - ii. the addition of antennas at two or more existing sites; or
 - iii. a change or addition of equipment at two or more existing sites.
4. Co-location on existing structure \$1,000.00 - The application fee for the use of an existing structure to support new antennas permitted by right under the zoning ordinance.
5. New support structure, permitted use \$2,000.00 - The application fee for the construction of a new antenna support structure that is permitted by right under the zoning ordinance.
6. New support structure, special exception or mandatory referral \$2,500.00 - The application fee for the construction of a new antenna support structure that must be authorized as a special exception or reviewed by the Maryland-National Capital Park and Planning Commission.

All fees must be submitted to the Office of Cable Communications, 100 Maryland Ave., Suite #250, Rockville, MD 20850, prior to submitting the application and annual plans.

(Administrative History: Reg. No. 13-03 (Method 3); Orig. Dept.: Technology Services)