

Resolution No.: 15-105
Introduced: March 25, 2003
Adopted: March 25, 2003

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 21-02AM, Telecommunications Transmission Facilities Coordination Requirements

Background


1. On February 20, 2003, the County Council received Executive Regulation 21-02, Telecommunication Transmission Facilities Coordination Requirements, from the County Executive.
2. Executive Regulation 21-02 is processed under Method 2 Regulation, and the County Council may approve or disapprove the proposed Executive Regulation within 60 calendar days after receipt of the proposed regulation.
3. The Management and Fiscal Policy Committee reviewed Executive Regulation 21-02 on March 6, 2003 and recommended approval with amendments.
4. The Executive reissued the subject regulation incorporating recommended amendments, and re-numbered it Executive Regulation 21-02AM to indicate that it was amended after transmittal to the Council.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Executive Regulation 21-02AM, Telecommunications Transmission Facilities Coordination Requirements is approved.

This is a correct copy of Council action.


Mary A. Edgar, CMC
Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Telecommunications Transmission Facilities Coordination Requirements	Number 21-02AM
Originating Department Department of Technology Services	Effective Date

Montgomery County Regulation on:
TELECOMMUNICATIONS TRANSMISSION FACILITIES
COORDINATION REQUIREMENTS

DEPARTMENT OF TECHNOLOGY SERVICES
OFFICE OF CABLE COMMUNICATIONS

Issued by: County Executive
Regulation No. 21-02AM

Authority: Code Section 2-58E

Council Review: Method 2 under Code Section 2A-15; For Application Fees, Method 3 under Code Section 2A-15
Register Vol. 19, Issue 12

Comment Deadline: December 31, 2002

Effective Date: March 25, 2003

Sunset date: None

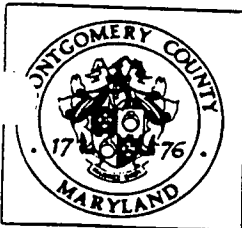
SUMMARY: This regulation defines and explains specific procedures to be followed to coordinate the location of certain public and private telecommunications transmission facilities.

ADDRESSES: Department of Technology Services
101 Monroe St., 13th Floor
Rockville, Maryland 20850

STAFF CONTACT: Jane Lawton, Division Chief,
Office of Cable Communications (240) 777-3724

BACKGROUND: Zoning Text Amendment 95028 regulates the installation of telecommunications facilities on private and public lands. Bill 5-96, a companion to ZTA 95028, directs the Director of the Department of Technology Services to take certain actions to coordinate the location of certain public and private telecommunications transmission facilities. This regulation establishes procedures for coordinating the application, review and siting of telecommunications transmission facilities with emphasis on a streamline process, co-location of telecommunications transmission facilities, and minimizing the adverse impact to citizens and telecommunications providers.

Code Section 2-58E (a) authorizes the County Executive to establish fee categories by a method (2) regulation. This regulation establishes those categories.



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SECTION 1. AUTHORITY

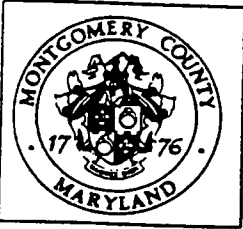
This Executive Regulation is authorized by Montgomery County Code 1994, as amended, Section 2-58E, "Telecommunications facility coordination" and applies to all telecommunications transmission facilities (TTFs) as defined herein.

SECTION 2. 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.



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- 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.

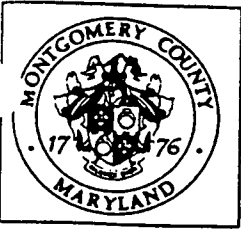
SECTION 3. DEFINITIONS

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 telecommunication 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 the 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.

SECTION 4. 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.
 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.



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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.

SECTION 5. APPLICATION REVIEW

- a. The Tower Coordinator must:
1. Coordinate and schedule the Telecommunications Transmission Facility Coordinating Group (TTFCCG- 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 areas.
 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 telecommunication transmission facility siting leases that affect the agency.



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- 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.

SECTION 6. 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.



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SECTION 7. 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 of the lease, and may include the posting of a bond to guarantee removal.

SECTION 8. 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.

SECTION 9. WIRELESS SITING APPLICATION

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

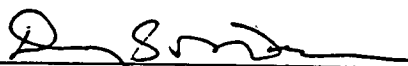
SECTION 10. SITING PLAN

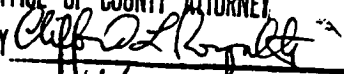
Attachment 2 of this regulation sets forth the requirements for initial submission and annual update of the applicant's siting plan.

SECTION 11. EFFECTIVE DATE

This regulation takes effect on March 25, 2003.

Date: March 25, 2003


 Douglas M. Duncan
 County Executive

APPROVED AS TO FORM AND LEGALITY,
 OFFICE OF COUNTY ATTORNEY
 BY 
 DATE 3/14/03