

Bill No. 6-02  
Concerning: Telecommunications  
Facility Coordination – Fees  
Revised: July 26, 2002 Draft No. 3  
Introduced: March 5, 2002  
Enacted: July 30, 2002  
Executive: August 7, 2002  
Effective: November 6, 2002  
Sunset Date: None  
Ch. 25, Laws of Mont. Co. 2002

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Praisner

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**AN ACT** to:

- (1) authorize the County to charge fees for reviewing and coordinating the siting of telecommunications transmission facilities in the County and set initial fees; and
- (2) generally amend County law regarding telecommunications transmission facilities coordination.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-58E

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Section 1.** Section 2-58E of the Code is amended as follows:

2   **2-58E.       Telecommunications facility coordination.**

3           (a) The Director of the Department of Information Systems and  
 4           Telecommunications, acting through a designee or by a contract with  
 5           any private party, must set up a process to coordinate the location of  
 6           public and private telecommunications transmission facilities in the  
 7           County. The County Executive must adopt [a Regulation] regulations  
 8           under method (2) to implement this process, including time limits for  
 9           any review of a siting decision by the Director's designee or contractor  
 10          or the Telecommunications Transmission Facility Coordinating Group.  
 11          The Executive may adopt regulations under method (3) to [[establish]]  
 12          set fees for reviewing and coordinating the siting of each proposed  
 13          telecommunications transmission facility that requires a building permit,  
 14          special exception, or other County approval. The regulations may  
 15          [[establish]] set different fees for certain categories of applicants to  
 16          reflect different costs to the County to review and coordinate the siting  
 17          of facilities by that type of applicant. The Executive must establish, and  
 18          may modify, fee categories by method (2) regulation.

19          (b) As used in this Section:

20           (1) *telecommunications transmission facility* means any antenna,  
 21           tower, monopole, or other structure used primarily to receive or  
 22           transmit wireless voice, data, or image information (or any  
 23           combination of them):

24           (2) *land use agency* means the Planning Board, the County Board of  
 25           Appeals, the Department of Environmental Protection, and any  
 26           other public agency or body with jurisdiction over the siting of

27 any telecommunications transmission facility, including any  
 28 municipal land use agency or body; and  
 29 (3) *land-owning agency* means any government agency which owns  
 30 or controls any land on which a telecommunications transmission  
 31 facility is located or proposed to be located.

32 (c) As part of the coordination process set up under subsection (a), the  
 33 Director's designee or contractor must:

34 (1) maintain a database of all telecommunications transmission  
 35 facilities located in the County, including any that the Director  
 36 knows are proposed to be located in the County;

37 (2) serve as a central source of information and a technical resource  
 38 on the siting of telecommunications transmission facilities for  
 39 land use agencies, land-owning agencies, private landowners,  
 40 telecommunications carriers, and the public;

41 (3) in order to promote the appropriate and efficient location and co-  
 42 location of telecommunications transmission facilities and  
 43 minimize any adverse impact on other land uses in the County  
 44 and on telecommunications transmission facilities used by  
 45 government agencies:

46 (A) review the siting of each proposed telecommunications  
 47 transmission facility;

48 (B) advise any land use agency or land-owning agency on the  
 49 technical rationale at that location for any  
 50 telecommunications transmission facility and whether it  
 51 qualifies under County land use laws as a public or private  
 52 use; and

- 53 (C) recommend to any land use agency a decision on any  
 54 pending siting issue, including any appropriate provisions  
 55 governing removal of the facility after its useful life  
 56 concludes and the posting of a bond to guarantee removal;
- 57 (4) assist public participation in the process of siting  
 58 telecommunications transmission facilities; and
- 59 (5) report annually to the County Executive and County Council on  
 60 telecommunications transmission facility siting and policy issues.
- 61 (d) (1) The Director must convene a Telecommunications Transmission  
 62 Facility Coordinating Group and select a chair from among its  
 63 members. The Group consists of the Director's designee or  
 64 contractor and a designee of:
- 65 (A) the Maryland-National Capital Park and Planning  
 66 Commission;
- 67 (B) the Office of Management and Budget;
- 68 (C) the cable television administrator in the Office of  
 69 Consumer Affairs;
- 70 (D) the Department of Public Works and Transportation;
- 71 (E) the Department of Environmental Protection; and
- 72 (F) any other County, bi-county, or municipal department or  
 73 agency which the Director invites to send a designee.
- 74 (2) The Group must:
- 75 (A) review and comment, with due regard for the schedule in  
 76 any pending action or proceeding, on any pending  
 77 telecommunications transmission facility policy or siting  
 78 issue; and

- 79                   (B)   facilitate communications between the member agencies  
80                   on transmission facility policy and siting issues. The  
81                   Group's comments in any quasi-judicial proceeding must  
82                   be placed on the proceeding record and made available to  
83                   all parties.
- 84           (e)   Each land-owning agency in County government, and any other land-  
85           owning agency which receives County funding, must submit to the  
86           Director a telecommunications transmission facility location plan. The  
87           plan must clearly indicate the location of every existing and the general  
88           location of any proposed telecommunications transmission facility on  
89           land owned or controlled by the department or agency. The department  
90           or agency must update the plan each year.
- 91           (f)   Every applicant for a building permit or special exception for a  
92           telecommunications transmission facility must submit to the Director a  
93           telecommunications transmission facility location plan if a plan from  
94           the applicant is not already on file. The plan must clearly indicate the  
95           location of every existing and the general location of any proposed  
96           telecommunications transmission facility owned or controlled by the  
97           applicant. The applicant must update the plan each year. The Director  
98           must not disclose any information in the plan which qualifies as  
99           confidential under the state public information law to any person except  
100           the Director's designee or contractor and the other members of the  
101           Telecommunications Transmission Facility Coordinating Group, and  
102           they must not disclose any such information to any other person.

103           **Sec. 2.        Initial ~~[[fee]] fees.~~**

104           [[The initial fee authorized by]] Until modified or superseded by a regulation  
 105 issued under Section 2-58E(a) of the Code, as amended by this Act, [[is \$10,000.]]  
 106 the initial fees and fee categories authorized by that Section are:

- 107           (a)    *Annual fee.* \$1,000 a year, for reviewing each applicant’s annual plan  
 108           and providing access to certain County Geographic Information Service  
 109           (GIS) data about existing telecommunications transmission facility sites.
- 110           (b)    *Minor modification.* \$500, for reviewing an application to take any of  
 111           the following actions at a single site:
- 112           (1)    modify one or more existing antennas;  
 113           (2)    add an antenna that would not alter the dimensions of the support  
 114                     structure; or  
 115           (3)    modify or add equipment that would not expand the approved  
 116                     ground space.
- 117           (c)    *Multiple modification.* \$1,500, for reviewing an application to modify,  
 118           or replace with a similar item, an antenna or equipment at 2 or more  
 119           existing sites in a manner that would not change the support structure or  
 120           the ground occupied by the telecommunications facility or require any  
 121           other County approval.
- 122           (d)    *Co-location on existing structure.* \$1,800, for reviewing an application  
 123           to install additional antennas on an existing support structure in a zone  
 124           where the structure is a permitted use under Chapter 59.
- 125           (e)    *New support structure – permitted use.* \$2,500, for reviewing an  
 126           application to construct a new support structure where permitted by  
 127           Chapter 59.

128           (f)    New support structure – special exception. \$3,000, for reviewing an  
 129           application to construct a new or modified support structure that would  
 130           require, under Chapter 59:

- 131           (1)    approval or modification of a special exception; or  
 132           (2)    review under the mandatory referral process.

133    *Approved:*

134	/S/	July 31, 2002
_____ Steven A. Silverman, President, County Council		Date

135    *Approved:*

136	/S/	August 7, 2002
_____ Douglas M. Duncan, County Executive		Date

137    *This is a correct copy of Council action.*

138	/S/	August 9, 2002
_____ Mary A. Edgar, CMC, Clerk of the Council		Date