

**WASHINGTON COUNTY ZONING REGULATIONS  
COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES**

**SECTION 9. USE BY SPECIAL REVIEW**

**INTENT**

To provide for the installation of Commercial Mobile Radio Service (CMRS) facilities, and ensure that such facilities are located and designed in a manner that is consistent with the health, safety, welfare, aesthetic values, and agricultural interest of the County.

**GENERAL PROVISIONS**

1. The County encourages co-location of CMRS facilities when co-location minimizes their number and aesthetic impact.

a. When requested, the applicant must provide written documentation which demonstrates that co-location was refused or provide evidence that co-location is not possible before attempting to locate an additional free standing CMRS facility on a given parcel of land. The County may require a third party technical study at the expense of either or both parties to determine the feasibility of co-location. The study will be conducted at a reasonable cost and with minimum necessary effort-to make determination regarding co-location

b. No CMRS facility owner or operator shall unfairly exclude a wireless provider competitor from using the same facility or location. Upon request by the County, the owner or operator shall provide evidence why co-location is not possible.

2. CMRS facilities must comply with any and all applicable federal, state, and county rules, regulations, and/or requirements pertaining to specific use.

3. CMRS facilities shall conform with the provisions of the governing zoning district unless otherwise provided for in this section.

4. Any CMRS facility lawfully operating on the date of enactment of this section and found to be in violation of this section shall be deemed a nonconforming use as provided for in these regulations.

5. The absence of a principal use on a given parcel of land does not preclude the establishment of a CMRS facility as an accessory use under these regulations.

6. Abandoned CMRS facilities which are not in use for CMRS purposes for a period of six (6) consecutive months, shall be removed by the CMRS facility owner. This removal shall occur within ninety (90) days of the said six month period. Upon removal, the site shall be revegetated or restored to substantially the condition it was in prior to the existence of the CMRS facility within the time limit specified above. The County is hereby authorized to remove or cause the removal of the abandoned CMRS facility without any liability for trespass, and all costs incurred by the County, including and administrative cost equal to twenty-five percent (25%) of all direct costs, shall be charged as a lien against such real property and the owners thereof.

**SPECIFIC PROVISIONS**

1. Requirements for all CMRS facilities:

a. Land forms, vegetation, structures, and architectural treatments shall be used when appropriate to aid in screening the facility to blend in into the surrounding built and natural environment to the degree it is technically feasible (consideration should be given to placing associated equipment underground or within structures).

b. Utilize design, materials, and colors of antennae, support structure and equipment storage shelters, that are compatible with the surrounding environment and/or structures in terms of general appearance, scale, bulk, and height.

c. All equipment, storage shelters, and/or cabinet components of the CMRS facility shall be grouped as closely as technically possible.

d. No structure shall be located within 250 feet of a residence.

e. The equipment storage shelters and/or cabinets for a freestanding CMRS facility shall meet the following standards:

(i.) The total footprint of each service provider's equipment storage shelter and/or cabinets shall not exceed 360 square feet; and

(ii) No equipment storage shelter and/or cabinet shall exceed thirteen (13) feet in height.

### **CMRS APPLICATION PROCESS -ADMINISTRATIVE REVIEW PROCEDURES - USE BY SPECIAL REVIEW**

This review and administrative approval process applies to all specified types of CMRS facilities, micro-cell or repeater structure, roof, and building face-mounted; structure, roof, and building face-mounted; free-standing (monopole, lattice tower, and guyed tower) facility, and a building-mounted or free-standing stealth design facility.

#### **Application Requirements**

For the Administrative Review process, reviewed by the Board of County Commissioners against the minimum requirements of these regulations, the following information and materials must be submitted:

1. A detailed Letter of Intent, describing the proposed CMRS facility, including the number of panel antennae, the number of sectors to be covered, the location(s) of the panel antenna arrays, the location, size, number of Base Transmitting Station (BTS) equipment cabinets, and the screening of the BTS. Any other information that is pertinent to the consideration for approval of the facility, including verification from the owner of the property that the applicant will or has obtained possession of the property and for what period of time.

2. One full-size set of plans in a 24" x 36" format, showing the CMRS facility, including the panel antenna arrays, BTS location and screening, coaxial cable runs from BTS to antenna arrays, the height of the panel antenna arrays above the roof of a building or on a monopole.

3. Also to be shown will be any required structure or equipment setbacks from property lines or adjacent uses.

4. Two (2) 11" x 17" reductions of the full-size set of plans.

5. If the proposed CMRS facility is to be a stealth facility, or if there issues related to equipment screening, equipment colors, or antenna array mounting or design concerns, a photo simulation of the proposed facility will be required.
6. Payment of a fee as established by the Board of County Commissioners.

### **Review Procedures**

The formal application for a Use by Special Review can be submitted to the Board of County Commissioners at any time during normal business hours.

The submitted application materials will be reviewed against the minimum requirements of the adopted CMRS regulations. All of the minimum requirements must be met to be considered for approval by the Board.

The review of the application will be completed and the applicant will be notified in writing within ten (10) business days. The approval or denial of the Use By Special Review application will be signed by the chairman of the Board of County Commissioners.

There is no outside review period and no required review at the zoning approval step by any other office or agency of the County, however, at the option of the Board, a hearing on the application may be required.

### **Approval Procedures**

If the proposed CMRS facility meets the minimum requirements of these regulations, the Board will take formal action on the application.

An approval (or denial) document will provide the following information:

1. The location of the facility site, by general description, legal description, and/ or street address.
2. The zoning of the subject property.
3. The type of CMRS facility (micro-cell, repeater, full service).
4. The type of mount (location -structure, roof, building face, or freestanding [monopole, lattice tower, guyed tower, or other freestanding Structure], and height)
5. The dates of preparation of the submitted plans and the wireless provider's site location number, and the provider's project name.
6. The date that the formal application was received by the Board, based on the date stamp on the Letter of Intent and the plans.
7. A brief description of the CMRS facility, number of panel antennae, number of sectors, type of mount, and location of the BTS.
8. If the application is denied, the basis for the board's decision to deny.

A copy of the approval document, the Letter of Intent, and the full size set of plans shall be filed in the Office of the County Clerk and Recorder.

Copies of the approval document shall also be sent to the Assessor's office.

After the Use by Special Review approval, the applicant may request a building permit from the Board office. The facility shall then be constructed pursuant to applicable standards for such facilities.