



MONTGOMERY PARKS

M-NCPPC — DEPARTMENT OF PARKS ADMINISTRATIVE PROCEDURE

TITLE: Review Process — Telecommunications Facility Siting on Park Property (formerly titled Administrative Procedures for Telecommunications Facilities on Park Property)

PARK COMMISSION POLICY

APPROVAL DATE: June 16, 1997, updated February 27, 2014

Section 1 — Purpose

To establish policies, procedures, and criteria for the review of applications for installing or erecting private telecommunications facilities or equipment on property owned, leased, or managed by the Maryland National Capital Park and Planning Commission, Department of Parks, Montgomery County.

Section 2 — Applicability

This procedure will apply to the leasing, licensing, permitting, granting of an easement or right-of-entry, or other use of property owned, leased or managed by Montgomery Parks for the installation of private telecommunication equipment.

Section 3 — Definitions

“**Application**” means an application for the use of Montgomery Parks property for private telecommunications facilities.

“**Conservation Area Parks**” means the area parks containing large natural areas acquired to preserve specific natural, archaeological, or historical features, which may include exemplary natural communities, self-sustaining populations of rare, threatened, or endangered plant and animal species, or unique archaeological and historical resources, where development is very limited due to the sensitive nature of the resources contained therein And where only passive recreational activities such as hiking, horseback riding, primitive camping, and limited picnicking are encouraged within.

“**County**” means Montgomery County, Maryland.

“**Director of Parks**” means the director of parks of Montgomery Parks of his/her designee.

“**Local Parks**” means the local parks that provide essential programmed and non-programmed recreation facilities such as ball fields for area residents.

“**MCPB**” means the five-member Montgomery County Planning Board, part of M-NCPPC.

“**M-NCPPC**” means The Maryland-National Capital Park and Planning Commission.

“**M-NCPPC Property**” means any real property, improved or unimproved, that is owned, leased, managed, or otherwise under the control of M-NCPPC or the Montgomery Parks.

“**Montgomery Parks**” means M-NCPPC’s Montgomery County Department of Parks.

“**Neighborhood Conservation Areas**” means the small, undeveloped parkland areas adjacent to residential areas that are generally received through dedication during the subdivision process, which parks generally include small streams, storm water management facilities, regenerating forests, and woodlots, and provide important habitat for urban wildlife, corridors for the movement of plants and animals, open space, visual relief from the built environment, and watershed protection.

“**Neighborhood Parks**” means the parks that are designed to serve the informal recreation needs of nearby residents, which will typically include general neighborhood park facilities like playgrounds, tennis and basketball courts, sitting, and informal recreation.

“**PROS**” means the Montgomery County Park, Recreation and Open Space Master Plan, the adopted policy guide for the development, acquisition, and use of parks within the County.

“**Recreational Parks**” means the large parks that preserve less natural area than Regional Parks but serve a variety of county-wide recreation needs, including providing multiple athletic facilities for individual and team sport participation (e.g., athletic fields, tennis and basketball courts, picnic and playground areas, and/or swimming pools).

“**Regional Parks**” means the large parks with typical acreage over 200 acres that contain a wide range of recreation opportunities and facilities, while reserving two-thirds of the parklands for conservation-related purposes.

“**Special Parks**” means the parks that possess features of historic, cultural, agricultural, or other special significance.

“**Stream Valley Parks**” means the park system that includes stream valley parks located throughout the county providing natural areas within close proximity to most residents for hiking, fishing, picnicking and enjoying nature.

“**TFCG**” means the Montgomery County Transmissions Facility Coordinating Group.

“**Urban Parks**” means those parks with small open spaces that provide green buffers or civic green centers in highly urbanized areas, and generally include some recreation facilities such as landscaped sitting areas, walkways, play equipment and, in some cases, various types of paved courts.

“User Agency” means an agency in occupancy, possession, or control of a facility or parcel of property.

Section 4 — Policy

- 4.1 It is the policy of the County in general, and Montgomery Parks in particular, to support the mission of TFCG in the identification of appropriate public sites for location of private telecommunications facilities, the collocation of those facilities where feasible, and minimization of the adverse impact to citizens and telecommunications providers. TFCG records and recommendations are considered as part of the review of Montgomery Parks applications for use of park property for any telecommunication purposes.
- 4.2 The use and availability of park sites for private telecommunications facilities is predicated upon the M-NCPPC adopted park type classification system found in the PROS Plan, as amended.
- 4.3 Decisions on the use of the Montgomery Parks property for private telecommunications use will be made in a consistent, reasonable, timely, and non-discriminating public process.
- 4.4 Review and comment on new facility applications will be solicited from the public, and other agencies.
- 4.5 Applications that respond to or directly support the telecommunications needs of the Montgomery County Government, Montgomery Parks, or other public agencies will be treated as priority over applications for primarily or entirely private use.
- 4.6 Leasing of Montgomery Parks property for the installation of private telecommunications facilities will be accomplished in accordance with existing State and County law and regulation, as appropriate, including Land Use Article, Title 17, Section 17-204 of the Annotated Code of Maryland, as amended, and applicable M-NCPPC Regulation which sets forth the process for leasing M-NCPPC property.
- 4.7 Every effort will be made to ameliorate and/or avoid adverse environmental impacts associated with the siting of these facilities on park property.
- 4.8 Montgomery Parks will not enter into any agreement for the use of its park property until and unless the application for such use has been reviewed by the TFCG, to ensure that all collocation options and overall feasibility of the proposal have been evaluated by the TFCG, in accordance with the provisions of Executive Regulation 14-96. [See 5.2 for details].
- 4.9 All lease agreements for the use of park property for private telecommunications purposes will not be executed by the M-NCPPC until and unless applicant has fully complied with all provisions of the County Code, COMCOR, Zoning Ordinance, special

exception approval process, building permit, and any other approval, certification or permit that may be required by law or regulation.

- 4.10 Montgomery Parks may consider exceptions to which park site classification may be considered as appropriate, if there is
- a) an overarching public communications need that cannot be accommodated at any other site; or
 - b) sufficient compatible site characteristics such as being adjacent to a private industrial use; or
 - c) the presence of an existing utility immediately adjacent to the proposed site.

Section 5 – Responsibilities and Authority

- 5.1 The Director of Parks is responsible for the overall coordination of the review and approval process for private telecommunications facilities on Montgomery Parks owned and managed property, and will:
- a) Coordinate Montgomery Parks and County agency input to review of applications.
 - b) Negotiate terms and conditions of leases with prospective tenants.
 - c) Prepare and process licensing and easement agreements for the use of the Montgomery Parks property.
 - d) Provide oversight and management of facilities that are under lease to telecommunications tenants.
- 5.2 The TFCG will identify existing or potential government telecommunications needs that may be considered in connection with applications received by the County or the TFCG, and will provide technical assistance to the Montgomery Parks in the evaluation of applications.
- 5.3 The TFCG will provide advice and recommendations to the Montgomery Parks on
- a) feasibility and overall merit of applications received,
 - b) collocation opportunities; and
 - c) TFCG’s recommendation on each application.
- 5.4 The MCPB will review and approve all applications for wireless communications facilities site locations, and use of Montgomery Parks owned property for telecommunications facilities.

Section 6 — Procedures

- 6.1 The Director of Parks will receive and consider all applications for the use of the Montgomery Parks property for private telecommunications installation.

- 6.2 The Director of Parks will provide preliminary feedback upon request from any applicant seeking to use the Montgomery Parks property for telecommunications purposes.
- 6.3 Montgomery Parks shall respond to site location requests by conducting a site visit to determine initial feasibility of the proposed site location. Feedback on the site location request consists of preliminary locations for structures and identifying potential conflicts with park master plans or existing facilities or equipment. Upon completion of a site visit, the applicant must then complete the application for a telecommunications facility lease agreement, which includes a non-refundable fee.
- 6.4 The Director of Parks may adopt other ancillary documents to this Policy, including any illustrative flow chart of the lease application approval process and lease application form for installing private telecommunications facilities on the Montgomery Parks property.

Section 7 – Park Site Selection Criteria

- 7.1 The decision by the Montgomery Parks will be guided by the site selection criteria considering the availability of park property for the subject use made on a hierarchal system based upon the PROS classification of each park type within the system.
- 7.2 All applications will be evaluated on a case-by-case basis and park site compatibility will be evaluated on its own individual merits, taking into consideration that no two park sites are exactly alike.
- 7.3 Park types suitable for telecommunication facility site considerations are:
 - a) Regional Parks: Black Hill, Cabin John, Wheaton, Rock Creek, Fairland, Little Bennett, and South Germantown. A compatible use location must be found within each park, such as maintenance yards, but not in active recreational areas. Exceptions may be made where appropriate design solutions can be demonstrated (e.g., light standards for ball fields).
 - b) Recreational Parks: Olney Manor, Martin Luther King, Jr., Ovid Hazen Wells, Fairland, and South Germantown. A compatible use location must be found within each park, such as maintenance yards, but not in active recreational areas. Exceptions may be made where appropriate design solutions can be demonstrated (e.g., light standards for ball fields).
- 7.4 Within the Regional and Recreational Parks listed in Sections 7.2 and 7.3, the telecommunications facilities are not permitted in or on the following areas:
 - a) Steep slopes;
 - b) Stream valleys and their associated buffer areas;
 - c) Natural resource and wetland areas;
 - d) Heavily forested areas with mature tree canopy areas;;
 - e) Designated wildlife habitat sanctuaries;

- f) Sites of historical significance; and
- g) Sites of cultural significance.

7.5 The selection of parks with 15 acres or less of acreage will not be encouraged for telecommunications facility use, unless a design solution has been identified which will serve to minimize and/or mitigate the impact of the proposed facility on the surrounding community. Examples of such solutions may include, but not be limited to: designing a ball field light standard to be used as a monopole, and siting a monopole in such a fashion that its visibility is minimized to the majority of the surrounding communities.

7.6 The following park types shall not be considered for use for telecommunication facility sites:

- a) Special Parks: Woodlawn, Rockwood, and Agricultural History Farm Park;
- b) Conservation-oriented parks (i.e., stream valley parks and conservation parks);
- c) Urban parks;
- d) Neighborhood parks;
- e) Neighborhood conservation areas; and
- f) Local parks.