

COUNTY ADMINISTRATOR POLICY FILE
POLICY CONCERNING PLACEMENT OF TELECOMMUNICATION STRUCTURES ON
COUNTY OWNED RIGHT-OF-WAY

I. POLICY STATEMENT

This policy is designed to set forth requirements for the placement and construction of telecommunication structures on County owned Right-of-Way. This policy shall include small cells, DAS systems, communication towers, and any other structure (hereinafter "facility" or "facilities") to be placed in the County owned Right-of-Way for the purpose of enhancing, assisting, transporting, or providing transmission of telecommunications signals, including but not limited to mobile data transmission, within Gwinnett County.

II. DESCRIPTION

In the event that a potential Right-of-Way Applicant (hereinafter the "Applicant") contacts the County with a request to locate a facility within Gwinnett County Right-of-Way, that request shall be submitted on a form provided by the Gwinnett County Department of Transportation for review. As an initial review, the Gwinnett County Department of Transportation shall look at the proposed site and consider whether that site is suitable for placement of a facility. The Department of Transportation shall consider traffic patterns, whether there are proposed transportation projects in the area which will impact the Right-of-Way and the surrounding character of the area in general, including but not limited to the zoning of the adjacent properties and projected use of the area as found in the 2030 Comprehensive Plan, as well as any other applicable factors as determined by the Gwinnett County Department of Transportation.

If after the initial review, it is determined that the proposed site or sites may be suitable for the placement of facilities within the Right-of-Way, the Applicant shall submit an Application fee of \$1,500.00 for the first facility and \$500.00 for each additional facility proposed within the same Application. This fee shall be submitted for each new Application submitted by the Applicant. This fee shall cover the cost of the intake and processing of the Application by the County.

The Department of Transportation and the Department of Planning and Development shall work with the Applicant to determine the most effective siting of the facility within the Right-of-Way and shall attempt, if possible, to site the facility as close to the proposed location submitted by the Applicant. The Department of Transportation and the Department of Planning and Development

shall work with the Applicant to determine the appropriate height of the facility, taking into account the zoning of the adjacent property, character of the location, and health, safety, and welfare issues such as maintaining a "clear zone" as set forth in the policies of the Georgia Department of Transportation and the Gwinnett County Department of Transportation. The Applicant is also responsible for providing the location of any utilities within 500 feet of the proposed facility or facilities. The Department of Transportation and Department of Planning and Development are authorized to consider any additional factors or considerations they deem necessary in order to approve sites for the facility or facilities.

The Department of Transportation and Department of Planning and Development shall discourage the location of these facilities in residentially zoned areas. If it is determined that a facility may be located in a residentially zoned area, that facility shall be limited in height and screened so that it has little or no visual impact on the adjacent residentially zoned properties. If an agreement as to siting is not reached between all parties, the final decision regarding the placement of the facility shall lie with the Director of the Department of Transportation. If the Applicant will not accept this decision, the Application shall be denied, noting the process that was followed. Under no circumstance shall the Application fee or fees be refunded.

After the Department of Transportation, Department of Planning and Development, and the Applicant have agreed to siting of the facility or facilities, the Department of Support Services shall prepare and execute a Lease Agreement, using the County's preferred, standard, form. The initial lease shall have a term of three (3) years and may provide for mutually agreed upon renewals. In the event of a co-location or the location of multiple carriers on a facility or facilities, the Applicant for co-location shall also enter into a co-location agreement with the County and shall pay the County an annual fee for such co-location on County property.

In the event that the Applicant and the Department of Support Services are successful in negotiating the terms of a lease agreement concerning the placement of the facility or facilities on the County Right-of-Way, the Director of Support Services shall initiate an agenda item for the Board of Commissioners' review and approval of the lease agreement and authorizing the Chairman to execute said Agreement.

If the Board of Commissioners approves the lease for the siting of a facility or facilities and related equipment on County Right-of-Way, the Applicant shall make application to the Gwinnett County Department of Transportation for a permit to locate the facility or facilities in the Right-of-Way and to the Department of Planning and Development for any applicable permits, including but not limited to building and electrical permits. In the event that the Board of Commissioners denies the lease proposal, no application for permits shall be accepted by the Department of Transportation or the Department of Planning and Development for the subject property unless the Board of Commissioners subsequently approves a revised lease proposal.

Any lease executed by the Applicant and the County shall contain a provision whereby the Applicant is required to obtain annual performance bonds for the entire term of the lease agreement conditioned upon the Applicant's removal of the facility or facilities from the County Right-of-Way and the restoration of the property to its pre-application condition in the event that the facility or facilities are not in use for a continuous period of six months. Any lease shall contain provisions concerning the continuous maintenance and upkeep of the site in order to ensure the safety of County property. In addition, the County may retain the right to enter upon the property for purposes of inspection of the facility or facilities as the County may deem necessary.