
**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY - SECTION NUMBER: 08.02.03.00

SUBJECT: LICENSING OF COUNTY-OWNED LAND, BUILDINGS, AND OTHER FACILITIES
FOR PLACEMENT OF COMMUNICATION FACILITIES BY PRIVATE
TELECOMMUNICATION PROVIDERS

EFFECTIVE DATE: August 19, 1998

SUPERSEDES: NEW

Purpose:

The County supports provision of telecommunication services to its businesses and residents. The purpose of this policy is to establish a set of guidelines for the license or use of County-owned land, buildings or other facilities for the placement of communication facilities by private telecommunication providers. The County is sensitive to residential development in regards to placement of telecommunications facilities.

Background:

An increasing number of telecommunication providers are seeking sites to install communication facilities in Hillsborough County. These providers seek to install facilities throughout the County to enable the transmission of signals from point-to-point, with sufficient coverage to make communication between users feasible. Communication facilities may include, but are not limited to, node cabinets; amplifier cabinets; other utility structures; antennas mounted directly on a building or a pole attached to the roof of a building; antennas mounted on a free-standing monopole; and radio repeaters mounted on street light and traffic poles.

As part of their site selection process for placement of their communication facilities, some of the wire line and wireless telecommunication providers have approached the County regarding licensing or using County-owned property for the placement of their facilities. By allowing County-owned property to be licensed or used for this purpose, the County could accommodate the service providers and generate revenues for the County.

This policy relates to County-owned property and facilities rather than to public rights of way wherein service providers place facilities and equipment subject to right of way ordinances, franchises and other agreements and excavation permits.

Policy:

Overview

It is the policy of Hillsborough County that selected County-owned property may be licensed or used for the placement of communication facilities, with the exception of those that would present a safety or environmental concern or be objectionable to neighboring private landowners. The appropriateness of allowing particular County-owned property to be licensed or used shall be determined on a case-by-case basis in accordance with the Land Development Code and the Public Facility Siting Policy and in accordance with criteria set forth in this policy to ensure security and safety of the facility and its occupants and security and non-interference with County communication, and protect the aesthetic value of the property. The County reserves the right to approve or deny requests based on a review of the proposed

location. Use agreements shall be non-exclusive, allowing and encouraging additional telecommunication providers to collocate on the same structures if technically feasible. At a minimum, license or use rates which may include improvements to the property, and should be determined based on the market value for each particular property. Competitive bidding will be used when appropriate.

Criteria and Guiding Principles

1. The portion of County-owned land or building upon which the communication facilities will be placed is not immediately needed for other public purposes and the County determines that it is in the County's best interest to do so.
2. The siting of communication facilities shall be in conformance with all criteria in Hillsborough County Land Development Code including appropriate land use designations; visual, height, setbacks from residential use requirements; parking and vacant site criteria; progress reports regarding interference and access issues; and environmental review.
3. The siting of communication facilities shall be in conformance with siting criteria in the Public Facility Siting Policy, as applicable.
4. The siting of communication facilities shall be in conformance with all other relevant County ordinances, regulations and policies, including but not limited to, those related to: facilities siting meetings, environmental and aesthetic concerns; preservation of historic buildings, and sign regulations.
5. Communication facilities shall be allowed to be placed on County-owned property only when the placement would not adversely affect or impact the security or safety of the property and/or the occupants of the property at any time, including when the lessee or user may access the facilities for installation, operation and/or maintenance or when the facilities are operating.
6. Communication facilities shall be allowed to be placed on County-owned facilities only when the placement would not adversely impact the structural integrity of the facility.
7. The presence of the communication facilities on County-owned property cannot adversely affect, in any way, public safety transmissions or compromise the security and/or integrity of internal County communication.
8. Communication facilities shall be allowed to be placed on County-owned property only when the placement would not adversely affect or impact the environmental and aesthetic value of the property. County staff shall encourage providers to exercise creativity and ingenuity in placement of communication facilities to reduce the impact to the property.
9. Standard agreements, developed by the County, shall be used. These use agreements shall be non-exclusive and shall further encourage additional telecommunication providers to collocate on the same structures whenever technically feasible, above and beyond the requirements of the Land Development Code.
10. License or use rates shall be based on a market analysis for each particular property and County staff shall determine the fair market compensation applicable to the proposed facility or property.
11. Agreements to license or use County-owned property shall be examined and considered on a first-come, first-served basis. If all applicants cannot be accommodated, a competitive bid process may be used.
12. The criteria in this policy represent minimum standards for the license and use of County-owned property for the placement of communication facilities. County staff may recommend and the Board of County Commissioners may impose other conditions on a project-by-project basis to ensure the integrity of County-owned property or communication, to safeguard public safety and welfare, or to fulfill the goals of this policy, or as the Board may otherwise deem appropriate.
13. The County shall retain discretion to reject siting requests, and to ensure adequate protection of

County property and timely removal of telecommunication providers' facilities at the end or termination of the license or use agreement.

14. Communication providers shall be directed to the Real Estate Department to discuss placement of telecommunication facilities on County-owned property. The Real Estate Department shall work with the provider throughout the entire process to ensure timely responses.
15. The County will maintain an inventory of County-owned property and facilities. Maps and data files of potential County-owned properties and facilities for license or use shall be provided at standard cost when requested by communication providers.
16. The County will not discriminate among providers with functionally equivalent services.
17. Federal Aviation Authority and Hillsborough County Aviation Authority requirements will be met in all cases.
18. All siting requests will be acted upon in a reasonable amount of time and in conformance with generally applicable standards.
19. To the extent that the communications facilities comply with FCC regulations, RF emissions will not be considered.
20. Any decision to deny the request shall be in writing with reasons provided.

Approved By: Board of County Commissioners
Approval Date: August 19, 1998