



## Valencia County Planning & Zoning Department

Community Development Department

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### WIRELESS COMMUNICATION FACILITIES COLLOCATION REQUEST APPLICATION REQUIREMENTS

- Site Plan identifying property lines, site improvements, easements, adjacent structures, landscaping, height, collocation criteria
  
  - Security Plan
  
  - Written Agency Approval (PNM, FCC, Landowner)
  
  - Five year Master Plan identifying future sites
  
  - Coverage Data
  
  - Abandonment Agreement
  
  - Inventory of provider's existing facilities within the County please include facilities three (3) miles outside the County's boundaries
- 
- \$250.00 Site Design Review Fee

Charles Eaton, Chair, District IV ♦ Alicia Aguilar, Vice-Chair, District III ♦

Mary Andersen, District I ♦ Lawrence R. Romero, District III ♦ Jhonathan Aragon, District V



**APPLICATION # CL \_\_\_\_\_**

**WIRELESS COMMUNICATION FACILITIES COLLOCATION REQUEST APPLICATION**

**Applicant Name:** \_\_\_\_\_

**Agent (if Applicable):** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Wireless Provider:** \_\_\_\_\_

**Brief Description of Request:** \_\_\_\_\_

.....  
**Property Address (Site Location):** \_\_\_\_\_

**Legal Description:**

**Township:** \_\_\_\_\_ **Range:** \_\_\_\_\_ **Section:** \_\_\_\_\_ **Map:** \_\_\_\_\_

**Book/Cabinet:** \_\_\_\_\_ **Page:** \_\_\_\_\_

**Lands of (if applicable):** \_\_\_\_\_

**Tract(s):** \_\_\_\_\_

or

**Subdivision (if applicable):** \_\_\_\_\_

**Block:** \_\_\_\_\_ **Unit:** \_\_\_\_\_ **Lot(s):** \_\_\_\_\_

**Zoning:** \_\_\_\_\_ **Property ID#:** \_\_\_\_\_

**Present Use of Property:** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Application Received By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Approved/Not Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Reason(s):** \_\_\_\_\_

**\*Application must be accompanied by a non-refundable Site Design Review Fee of \$250; a Site Plan and Security Plan; Written approval from applicable agencies (FCC, PNM, Landowner); 5-year Master Plan identifying future sites; Coverage Data; an Inventory of Wireless Provider's existing facilities in Valencia County and 3 miles outside the County's boundaries; and an Abandonment Agreement.**

**Section 10.2. Wireless Communications Facilities Overlay District (“WCF”)**

**10.2.1. Purpose**

The purpose of this WCF Overlay District is to regulate the construction, placement, and modification of wireless communications facilities; to allow the providers of wireless communications services to provide such services to the community effectively and efficiently while minimizing the total number and overall impact of additional towers; to encourage collocation, the use of attached facilities, and the use of appropriate public and semi-public properties where possible; to require designs and parameters compatible with adjacent land uses; to protect the scenic, historic, and environmental quality of Valencia County from the adverse impacts of wireless communications facilities development; promote long-range planning and cooperation between the citizens and property owners of Valencia County, the P&Z and the Commission, and the wireless communications services providers; to protect the public health, safety, and general welfare of the community; and to give due regard to the policies of Valencia County's Comprehensive Plan in evaluating proposals for wireless communications facilities.

**10.2.2. Area of Application**

The geographical extent of the WCF Overlay District is defined on the Valencia County Zoning Maps.

**10.2.3. Permitted Uses**

Permitted Uses include:

- A. Collocation: placement of an Antenna Array if located on:
  - 1. a legal existing or previously approved WCF;
  - 2. a previously constructed broadcast tower; or,
  - 3. an existing communications tower where the engineering specifications of the tower(s) permit and no increase in the height of the tower is required.
- B. Attached Wireless Communications Facilities: placement of an Antenna Array if integrated with or within another existing structure and no increase in the height of the existing structure is required.
- C. Replacement of a legal, existing WCF, Support Structure, or Antenna Array with a similar facility of equal size, subject to the provisions and requirements of this Section and other applicable Sections of this Ordinance.
- D. Minor WCF: placement of a Minor Wireless Communications Facility on any parcel not located within Rural Residential (RR), Suburban Residential (SR), or Neighborhood Commercial (C-1) zoning districts.
- E. WCF Overlay District: placement of Antenna Arrays or construction of Wireless Communications Facilities, including Minor Wireless Communications Facilities, within the WCF Overlay, as defined on the Valencia County Zoning Maps, and as follows:
  - 1. For placement of WCF on sites that lie outside of the WCF Overlay District, approval shall be subject to the procedures and requirements established in Section 4.7. of this Ordinance for zone district changes (map amendment).
  - 2. No more than one (1) WCF or Support Structure shall be permitted within any WCF Overlay District area. WCF Overlay District areas shall comprise contiguous parcels of property that have been designated with the WCF Overlay classification.

**10.2.4. Conditions of Approval.**

The following conditions of approval shall apply to all permitted uses:

- A. All Wireless Communications Facilities and Support Structures shall be designed for, and constructed in accordance with Section 10.2.6., provisions for collocation, and Section 10.2.7., performance standards.
- B. Applicants and/or petitioners agree to make a good faith effort on terms consistent with any applicable national agreement or on terms common to the region, to accommodate requests for collocation that originate from a provider or the Planning and Zoning Department;

C. When collocation is otherwise technically feasible, and when requested by the Department with the concurrence of the P&Z, applicants and/or petitioners agree to submit to a process of binding arbitration at the expense of applicant/petitioner to establish collocation terms;

D. Property owners and/or lessors shall accept and accommodate the provisions for collocation prescribed by this Ordinance without placing unreasonable restrictions or conditions on lease terms when collocation is required; and

E. Upon completion of the Support Structure or WCF, owners and/or operators of the Support Structure or WCF agree to make a good faith effort to accommodate collocation (placement of additional Antenna Arrays) in a timely manner, including those WCF or Antenna Arrays proposed by other service providers.

#### **10.2.5. General Requirements**

A. Each permit application for placement of a WCF, WCF Support Structure or Antenna Array shall be accompanied by the following:

1. If applicable, written approval or written statement of no objection from all other relevant federal, state or local agencies with regulatory authority.
2. Inventory of the provider's existing Wireless Communications Facilities and/or Antenna Arrays within Valencia County and within three (3) miles of the boundaries of the County planning jurisdiction, along with a five (5) year plan describing any potential future facility locations. The inventory and master plan shall include:
  - a. locations (by property address, latitude/longitude coordinates, and township, range, section, 1/4 section);
  - b. height and type of each facility;
  - c. information on the practical capacity for accommodating additional collocated antenna arrays;
  - d. delineation of existing and anticipated coverage patterns in Valencia County;
  - e. a demonstration of need for the proposed facility and the anticipated impact of the proposed facility upon existing coverage patterns.
3. A site plan, drawn to scale, that includes the following information:
  - a. all property lines, with distances and bearings illustrated;
  - b. all existing site improvements, including buildings and structures;
  - c. all existing and/or proposed roadways and easements;
  - d. proposed wireless communications facilities; and
  - e. proposed landscaping, including existing vegetation where applicable.
3. a written statement and/or illustrations that describe the proposed wireless communications facility (type of construction, tower height, provisions for collocation) and the acceptable search ring for the proposed facility.
4. a visual impact analysis that includes a photographic and/or an illustrative (visual) depiction of the following:
  - a. the proposed Antenna Array and WCF or Support Structure;
  - b. significant man-made or natural features adjacent to the proposed WCF or Support Structure, indicating those features that will provide buffering for adjacent properties and rights-of-way;
  - c. a photographic presentation that depicts current site conditions with a super-imposed image of the proposed facilities, at appropriate scale, to demonstrate the anticipated views of the proposed site upon completion of all improvements.
5. Proof of ownership of the proposed site, or written consent from the property owner to use the proposed site for placement of wireless communications facilities.

6. The application and review fee.
  7. For each WCF or Support Structure, a maintenance and facility removal agreement signed by the applicants and/or petitioners. Said agreement shall bind the responsible parties and all successors in interest to properly maintain the exterior appearance of all facilities and, ultimately, remove any and all facilities upon abandonment in compliance with the provisions of this Ordinance and any conditions of approval. Further, said agreement shall bind the responsible parties to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse Valencia County for any and all costs incurred to perform any work required by this agreement that the responsible parties fail to perform. Said agreement shall be countersigned by the Department and recorded in the office of the Valencia County Clerk.
- B. Each application for placement of a Wireless Communications Facility or Antenna Array shall be subject to Collocation Review, as described in Section 10.2.6.
  - C. With any application for amendment to the WCF Overlay, the Planning and Zoning Department are explicitly authorized, at their discretion, to employ on behalf of the county and at the petitioner's expense, an independent technical expert to review any technical materials submitted (including but not limited to those required by this section).

**10.2.6. Collocation Review**

A. Collocation shall be required for Wireless Communications Facilities or Antenna Array, unless specifically exempted by the provisions of this section.

B. Procedures. The Planning and Zoning Department shall, upon request and/or upon submission of an application, complete a search for suitable collocation sites as follows: Based upon an existing inventory of wireless communications facilities in Valencia County, and in accordance with existing collocation opportunities, the Planning and Zoning Department shall promptly provide the applicant with a list of all known existing and proposed wireless communications facilities or support structures that conform with the applicant's prescribed search ring, and the names of the applicable owners or providers.

C. Basis for Relief - Technical Cause: relief from collocation under this subsection shall require, either a mutually agreeable third party professional verification of provider's data or mutually agreeable third party engineering evaluations that support one or more of the following:

1. Existing Wireless Communications Facilities or Support Structures do not fall within location tolerances based upon Radio Frequency mapping;
2. Proposed site(s) do not meet minimum height requirements based upon Radio Frequency engineering data;
3. Existing Wireless Communications Facilities or Support Structures do not meet structural integrity requirements for the proposed antenna array; or
4. Placement of the proposed Wireless Communications Facility and/or Antenna Array would impair, or be impaired by, the emission of Radio Frequencies.

D. Basis for Relief - Financial Cause:

1. Timing. Where collocation would delay the placement of a WCF or Antenna Array for six (6) or more months due to scheduling problems (i.e. dates set for construction), relief from the requirements of this Section may be granted by the P&Z under the Type B application procedure described in Section 1201 of this Ordinance. Written documentation (i.e. copies of correspondence) shall be submitted to the Department along with the Type B application.
2. Lease Terms. Lease terms for a site are unreasonable, defined as those terms which exceed the requirements typical for the region, or, lease terms exceed by at least 50% the financial cost of collocation typical for the region. Written documentation (i.e. copies of correspondence) shall be required, at the discretion of the Department.
3. Where all site and technical requirements are met, but the applicant or petitioner is unable to reach agreement on economic terms with another wireless telecommunications service

provider, and when requested by the P&Z or the Department, the parties (applicant/petitioner and other wireless telecommunications service provider) shall submit to binding arbitration on the terms for collocation:

- a. Parties shall submit a list of recommended arbitrator candidates; the Department shall select three (3) from the list. Each provider and/or applicant shall have the option of eliminating without prejudice one of the recommended arbitrators. The final selection shall be rendered by the Department.
- b. The Department shall set the timetable for arbitration.
- c. Each party (applicant, owner/operator or provider) shall pay their own expenses and bear 50% of the cost of the arbitration proceedings.

E. A finding that relief from the collocation requirement is justified does not, in itself, imply or guarantee approval of any petition for amendment to the WCF Overlay. All applications for amendment to a WCF Overlay shall be subject to the criteria specified by this Section and any other applicable procedures and requirements described in this Ordinance.

#### **10.2.7. Performance Standards**

A. Security: for all WCF, excepting Attached WCF, a perimeter fence at least eight feet (8') high shall be installed to circumscribe and contain the Wireless Communications Facility or Support Structure, along with all accessory structures and/or facilities. Use of razor wire is strictly prohibited.

B. Lighting:

1. Security lighting is not required. However, if security lighting is installed it shall be confined to accessory structures(s), directed downward to minimize glare or intrusion into adjoining properties, and controlled by motion detection equipment.
2. Unless specifically required by the FAA, white strobe lighting for night illumination shall not be permitted. Daytime use of white strobe lighting is permitted, where lighting is required by the FAA.

C. Landscaping:

1. The following planting requirements shall be applied to all applications or petitions for construction of Wireless Communications Facilities and/or Support Structures:
  - a. A double staggered row of evergreen trees, planted at seven (7) ft. in height and at no more than fifteen (15) ft. intervals along the perimeter of the fence to screen the facilities from adjoining properties; or
  - b. A mix of deciduous shade trees (2.5" caliper) and large deciduous shrubs (at least 48") of sufficient density along the perimeter of the fence to screen the facilities from adjoining properties.
2. Existing vegetation within twenty feet (20') of the security fence that is preserved shall be credited towards planting requirements.
3. The provisions of this section may be waived, in whole or in part, by the P&Z upon a determination that: site conditions would not be adequate to support landscape plantings; or, that architectural camouflage ("stealth" design) will satisfy the intent of this section.
4. All landscape plantings shall be properly maintained to ensure their good health and viability.

D. Signage. Identification signage, no more than two square feet (2ft<sup>2</sup>) in total area, shall be permitted for each WCF, Support Structure, and/or accessory facility. Off-premise signage is prohibited.

E. Attached WCF. Attached WCF shall be appropriately integrated with, or within, existing structures with due consideration given to siting/placement, color, camouflage, size and type of construction. Attached WCF shall be designed to minimize visual impact and Antenna Arrays shall not exceed the height of the existing structure by more than ten feet (10').

F. Noise:

1. Noise-producing equipment shall be sited and/or insulated to guarantee that no increase in noise above ambient levels measured at the property line occur.
2. Backup Generators shall only be operated during power outages and for testing and maintenance purposes. Routine testing and maintenance shall only be conducted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday.

G. Color and Camouflage:

1. All WCF, Support Structures, accessory buildings, poles, antennas and other external facilities shall be painted upon installation and thereafter repainted as necessary with a "flat" paint. Except where dictated by the FAA, paint color shall, at the discretion of the P&Z, be designed to minimize visibility & blend with the surrounding environment. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes while elements that rise above the horizon shall be painted a blue or gray that matches the typical sky color at that location.
2. Accessory buildings and/or structures shall be designed to be architecturally similar and compatible with each other, and shall not exceed twelve feet (12') in height and seven-hundred and fifty square feet (750 ft<sup>2</sup>) in area. Accessory buildings and/or structures shall be used only for the housing of equipment needed to service the WCF and/or Antenna Array(s) located on the premises. Where possible, accessory buildings and/or structures shall be attached or clustered so as to appear as one building. Exterior facades shall incorporate materials, textures and colors that blend with the surroundings to minimize visual impact.
3. The Department or P&Z shall reserve the right to require architectural camouflage, or "stealth" design, if a proposed WCF site is deemed sensitive for one or more of the following reasons:
  - a. the prospective site is located within property officially designated as "Historic" by Valencia County or is located within property listed with the National Register of Historic Places;
  - b. the prospective site lies within, or within three hundred feet (300') of, a right-of-way classified as a scenic corridor by the Valencia County Comprehensive Plan.
  - c. The proposed site substantially effects the views from any Residential or Planned Development District.

H. Health and Safety:

1. No WCF, Support Structure or other facility shall be constructed, installed, or operated in a manner that would pose, either by itself or in combination with other such facilities, a threat to public health. NIER exposure levels shall not exceed the standards set by the New Mexico state or the United States governments.
2. Copies of inspection reports required by the FAA and/or the FCC
3. WCF, Minor WCF and/or Support Structures that would be classified as a hazard to air navigation, as defined by the Federal Aviation Administration, shall not be permitted.

1. Other Performance Standards: The following performance standards stated in Table 10.2.6. (I). shall be the minimum standards and shall not be applicable only to existing residences located on property containing a Minor WCF, WCF or support structure.

Table 10.2.6. (I).:

Performance Standards	Minor WCF	WCF, Support Structures
Type of Construction (WCF or Support)	Monopole	Monopole

<b>Performance Standards</b>	<b>Minor WCF</b>	<b>WCF, Support Structures</b>
Provisions for additional Collocated Antenna Arrays	1	1
Maximum Permitted Height	Sixty feet (60')	199 feet
Minimum Distance from Residences	150% of approved height	150% of approved height
Front Yard Setback (minimum)	Fifty feet (50')	One-Hundred feet (100')
Side Yard Setback (minimum)	100% proposed height	100% proposed height
Rear Yard Setback (minimum)	100% proposed height	100% proposed height

**10.2.8. Temporary WCF**

- A. Temporary WCF or antennas shall be permitted for test purposes, emergency communications or in the event of equipment failure for a maximum period of two (2) days, subject to the requirements of this Ordinance. An improvement location shall be issued by the Planning and Zoning Department upon receipt of a complete application.
- B. One (1) or two (2) day extension may be granted by the Planning and Zoning Department, upon a determination that the Temporary WCF complies with the above.

**10.2.9. WCF Overlay District Amendment**

- A. Requests for amendments to the WCF Overlay District shall be made pursuant to the Type C application procedure in Section 5.3. of this Ordinance.
- B. In evaluating a request for map amendment, due consideration shall be given to the to the Comprehensive Plan, Zoning Maps, the context of the prospective site, the technical constraints of the prospective facility, and the requirements and provisions of this section.

**10.2.10. Abandonment**

- A. Any WCF or Support Structure that is no longer needed and its use voluntarily discontinued shall be reported immediately by the service provider to the Planning and Zoning Department. All discontinued WCF and/or Support Structures not needed for future use shall be completely removed by, and at the expense of, the service provider and/or owner within twelve (12) months and the surface of the site shall be restored to its original condition preceding the wireless facility use.
- B. Any discontinued WCF or Support Structure not completely removed within twelve (12) months shall be removed by the County. Costs associated with the dismantling and removal of an abandoned WCF or Support Structure and site restoration shall be paid by the service provider and/or owner.
- C. Section 10.2.10. herein shall not be applicable to a residence located on property containing a Minor WCF, WCF or Support Structure.