

COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION

<p>AGENDA TITLE: ZTA 2015-8 Wireless – Replacement of Wooden Pole with metal pole</p> <p>SUBJECT/PROPOSAL/REQUEST: Public hearing to consider an amendment to County Code § 18-5.1.40 to require a special exception to replace a wooden monopole with a metal monopole if the monopole is located closer in distance than its height to any lot line and the document authorized by Sec. 18-5.1.40(c)(3) does not exist. Currently, such a replacement is allowed by right.</p>	<p>AGENDA DATE: July 8, 2015</p> <p>STAFF CONTACT(S): Mr. Fritz, Ms. Baldwin, Mr. Kamptner</p> <p>PRESENTER (S): Mr. Fritz</p>
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BACKGROUND:

On June 2, 2015, the Planning Commission recommended denial of ZTA 2015-08 by a vote of 5:2. The Planning Commission's Action Letter, Staff Report, Minutes, and information presented at the June 2 meeting are attached (Attachments A-D).

DISCUSSION:

The amendment would require a special exception to replace a wooden monopole with a metal monopole if the monopole is located closer in distance than its height to any lot line if the document authorized by Sec. 18-5.1.40(c)(3) (e.g., a fall zone easement) does not exist. Currently, such a replacement is allowed by right.

The Planning Commission's recommendation for denial of ZTA-2015-08 was due to the concerns expressed in staff's analysis and the following:

- This amendment will result in additional review costs to the County and increased review times.
- It will not prevent the replacement of decaying poles or result in the removal of any previously approved sites.
- Questioned whether there are reasonable grounds to justify denial of replacement of a wood pole with a metal pole.
- The amendment is proposed to address a single case and that is not the best way to conduct public policy.
- Concern about penalizing the telecommunications industry for improving the durability and safety of poles by moving from wood to metal poles. The County would be creating a standard where they are saying the County is going backwards in terms of use of wood, when clearly the tensile strength of metal and the ability of metal to collapse far exceeds the capability of wood.

Since the Planning Commission's recommendation, staff has met with Supervisors Palmer and Mallek and with citizens who are concerned about older wooden monopole facilities that are located in residential areas that may not meet current ordinance standards. The citizens' representative has stated that the proposed ordinance would provide for additional review of any proposed new monopole designed to replace an existing wooden pole facility, and would provide an opportunity for the Board to assess impacts on adjacent property owners that may result from the proximity of a proposed new metal monopole. By implementing a requirement for a special exception, the Board would be in a position to impose conditions to mitigate any negative impacts.

The citizens' representative has also stated that this proposed ordinance would not affect the repair or replacement of an existing wooden pole facility with a like wooden monopole, and that it would enable the Board to (1) take into account any change of circumstances affecting older wooden pole facilities before approving a new metal monopole on the same site; and (2) require any new metal monopole to meet all of the design criteria for Tier II facilities, including criteria that require screening and minimization of visual impacts.

Staff acknowledges that replacing a wooden monopole with a metal monopole where the monopole is located close to the lot line may warrant additional review in order to ensure that abutting and nearby parcels are not materially adversely impacted. The proposed ordinance has been revised to provide that the Tier II, rather than the Tier I, criteria would be applied to the review of the special exception.

RECOMMENDATIONS:

Staff recommends that the Board not adopt the attached Ordinance (Attachment E). However, if the Board adopts the attached Ordinance, staff believes that the additional scrutiny over the few facilities in residential areas should not adversely impact staff resources.

ATTACHMENTS:

- A – Information submitted by the public and presented to the Planning Commission.
- B – Planning Commission action letter
- C – Planning Commission staff report
- D – Planning Commission minutes
- E – Draft Ordinance