

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

<p>AGENDA TITLE: ZTA 2015-07 Wireless Amendment – Public Notice</p> <p>SUBJECT/PROPOSAL/REQUEST: ZTA 2015-00007 Wireless – Public notice. This ordinance would amend Sec. 18-5.1.40 by requiring written notice to abutting landowners for all proposed Tier I facilities and Exempt Collocations. Currently, written notice is provided for Tier I facilities requiring a special exception and Tier II and Tier III facilities.</p> <p>STAFF CONTACT(S): Mr. Fritz, Ms. Baldwin, Mr. Kamptner</p> <p>PRESENTER (S): Mr. Fritz</p>	<p>AGENDA DATE: June 2, 2015</p> <p>ACTION: X INFORMATION:</p> <p>CONSENT AGENDA: ACTION: INFORMATION:</p> <p>ATTACHMENTS: Yes</p> <p>REVIEWED BY:</p>
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BACKGROUND:

The Board of Supervisors has expressed interest in amending the ordinance to provide public notice for all administrative actions involving personal wireless service facilities (“Wireless Facilities”).

STRATEGIC PLAN:

Citizen Engagement - - Successfully engage citizens so that local government reflects their values and aspirations.

DISCUSSION:

The proposed amendment would require mailed notice for all wireless facilities. Currently notice is provided for only discretionary actions, Tier II, Tier III and projects requesting special exceptions. This amendment includes providing notice for Tier I applications and exempt collocations. Because of an FCC decision, exempt collocations must be approved and shall not be denied and the action must be taken within 60 days. Tier I applications and exempt collocations are processed as building permit applications. No notices are currently provided for any type of building permit application. The County can provide notice and act on the request within the required timeframe. If notified individuals are opposed to a project there is no mechanism for appeal. Processing exempt collocations with an appeal provision likely could not occur within the 60 day period that County has to approve the request.

This amendment would create a unique situation for administratively approved projects. Wireless facilities would be the only administratively reviewed projects that have a public notice provision. Staff recommends that an alternative method of providing notice for all types of projects be evaluated. This could utilize GIS, County View or some other type of development tracking software. This would enable the public to be able to be aware of any application anywhere in the County. Individuals would be able to select the type of project they are interested in or any project within a certain area of the County.

This amendment request does not expand beyond notice to abutting owners. If the Board desires to expand notice beyond abutting owners, staff recommends that the discussion include all types of projects. Staff cannot justify providing more notice for none discretionary items than would be provided for discretionary items like rezonings or special use permits.

BUDGET IMPACT:

Increased notice will likely result in staff responding to increased requests for information about proposed projects. While the impact on resources may not individually be significant the cumulative effect will have adverse impact on the County’s ability to provide services or expand services.

RECOMMENDATIONS:

Staff recommends denial of this amendment and recommends a comprehensive analysis of ways to increase opportunities for citizen involvement in all types of activity within the County.

ATTACHMENTS:

Attachment A – [Proposed Ordinance](#)
Attachment B – [Resolution of Intent](#)