

**RESOLUTION OF INTENT**

**WHEREAS**, County Code § 18-5.1.40, which is part of the Albemarle County Zoning Ordinance, establishes regulations pertaining to personal wireless service facilities, including requiring that wireless facilities be set back a distance from any lot line equal to the height of the wireless facility (the “fall zone” and the “fall zone setback”); and

**WHEREAS**, the fall zone setback protects the public safety and general welfare by reducing the physical and visual impacts of wireless facilities on abutting lots; and

**WHEREAS**, the County’s prior regulations allowed a wireless facility to be located within the fall zone setback by waiver, and some waivers may have been granted without the abutting lot owner’s knowledge or written consent to the physical and visual impacts of the wireless facility being so located, and the impacts on how the owner of the abutting lot may use that lot within the fall zone that extends onto the abutting lot; and

**WHEREAS**, County Code § 18-5.1.40 currently enables the agent to authorize a wireless facility to be located within the fall zone setback if the applicant obtains an easement or other recordable document showing an agreement between the owner of the lot on which the wireless facility is located and the owner of the abutting lot that addresses development within the portion of the fall zone on the abutting lot (the “fall zone easement”); and

**WHEREAS**, the replacement of a wood monopole with a metal monopole located in the fall zone setback, currently allowed without discretionary County review, is a significant act that may have adverse impacts on the abutting lot if a fall zone easement does not exist; and

**WHEREAS**, in order to ensure that any adverse impacts on an abutting lot may be adequately addressed, it may be desirable to amend County Code § 18-5.1.40 to require a special exception to replace a wood monopole with a metal monopole within the fall zone setback where a fall zone easement does not exist.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending County Code § 18-5.1.40 to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission will hold a public hearing on the zoning text amendment proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

\* \* \* \* \*

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of \_\_\_\_\_ to \_\_\_\_\_, as recorded below, at a regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Boyd	_____	_____
Ms. Dittmar	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Sheffield	_____	_____