

COUNTY OF ALBEMARLE

EXECUTIVE SUMMARY

AGENDA TITLE:

ZTA 2015-007 Wireless Amendment – Notice

SUBJECT/PROPOSAL/REQUEST:

ZTA 2015-00007 Wireless – Public notice. This ordinance would amend Sec. 18-5.1.40 by requiring the applicant to provide written notice to landowners of abutting parcels of proposed Tier I facilities and proposed exempt collocations.

STAFF CONTACT(S):

Ms. Baldwin, Mr. Fritz, Mr. Kamptner

PRESENTER (S):

Ms. Baldwin

AGENDA DATE:

October 6, 2015

ACTION: X**INFORMATION:****CONSENT AGENDA:****ACTION:****INFORMATION:****ATTACHMENTS: Yes****REVIEWED BY:****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 ("Facilities"). Staff did not support this recommendation and the Planning Commission recommended denial of ZTA2015-007. The Board of Supervisors recommended by a vote of 6 to 0 that the Planning Commission review an amendment to the proposed ZTA that will require the applicant to provide written notice to abutting owners for all Tier I and exempt collocation 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 Tier I and exempt collocation facilities. Currently notice is provided for only discretionary actions, Tier II, Tier III and projects requesting special exceptions. 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. If notified individuals are opposed to a project there is no mechanism for appeal.

The Board of Supervisors acknowledged that staff should further consider increased notification for all types of projects. Due to limited resources and priorities, it is unknown how long this task will take. In the interim, the BOS noted that it was important that abutting owners receive notice for exempt collocations and Tier I applications. The original proposal for this ZTA would have required the County to send the notice. When the BOS reviewed this ZTA they directed staff to revise the language to require the applicant to send the notice. The BOS believed sending a notice acts as a courtesy to the abutting neighbors. The notice should at a minimum contain the property, description of work and a contact number so neighbors could contact the applicant should the need arise.

BUDGET IMPACT:

Notice is expected to have limited impact on staff resources.

RECOMMENDATIONS:

Staff believes that the intent of the Board of Supervisors is being met by this ordinance amendment.

ATTACHMENTS:

Attachment A – [Proposed Ordinance](#)