**Broadband Task Force Team C: Permitting Process**

1/24/2014 – County Office Building, Chris Greene Conference Room

Attendees: Sarah Baldwin, Michael Culp, Baylor Fooks, Philip Freeman, Bill Fritz, Pat Groot, Valerie Long, Dan Meenan, Liz Palmer, Marshall Pearsall

Goal: The goal of this team is to discuss ways to help providers roll out more broadband infrastructure (wired and wireless) in the County and come up with recommendations for Board review – the first report needs to be finished by late March in order to be reviewed by the County Attorney and County Executive before it is given to the Board of Supervisors at their first meeting in April.

Mike kicked off the meeting by asking service providers to share their struggles surrounding building more broadband infrastructure within Albemarle County, in relation to the County's permitting process.

➢ Service providers suggested that two big hurdles are advancing the network (i.e., building new towers) and upgrading existing towers (i.e., from 3G to 4G; adding remote radio heads)
➢ Even with changes the County made ~6 months ago, building new towers and upgrading existing ones is still difficult, chiefly because of the required distance from a dwelling (500 ft)
➢ One problem service providers run into when replacing structures at stealth sites (that may have rotted, been damaged, etc.) is that there is a regulation as to how close the new tower must be to the existing structure (10 ft) – having to place a new structure in the exact same spot can mean that the network is down for a few days or even a week

Bill welcomed service providers to send him information that could help him inform changes and advised everyone that the County is already looking at changing:

➢ Antenna size (current size limitation is 1,152 square inches) – this would apply to new construction and changes alike
➢ Mounting requirements, so that antennas can physically down-tilt (currently, they can only flush mount)
➢ Looking at changing the number of arrays on a facility (current limit is 3); may redefine "arrays" if necessary

Bill clarified that if a company wanted to attach an array to an existing structure – and it was *not* a significant change (as outlined in the ordinance) – then it does not need to go through the building permitting process

➢ Example: If a service provider wanted to attach an array to an existing structure and they could not build below the existing array, they could make it taller (if, in accordance with the ordinance, it

would not become 10 feet taller than the tallest tree, is not within 500 feet of a dwelling, and meets other criteria) *without* going through the permitting process.

Typical time from submittal of application to zoning approval (not including issuance of the permit):

➢ Tier 1:

   o Tier 1 is much less expensive (the fee) and takes less time than Tiers 2 & 3

➢ Tier 2: 45 to 60 days (treetop towers or expanding an existing tower)

➢ Tier 3: 90 to 150 days (special use permit)

   o Tier 3 is a legislative act that goes to the Board of Supervisors

Bill informed the group that the County already has a staff member dedicated to handling Tier 1 permits

➢ Valerie asked how the County might communicate this better

   o Because the ordinance is already difficult to understand

   o Because there is a lot of turnover in the industry and new representatives find it difficult to navigate through the permitting process

➢ Another suggestion was to have a consolidated place on the County website to send service provider representatives to, where the process is outlined and information is presented

Suggestions for expediting the permitting process or easing the burden on service providers:

➢ Incentivizing providers to go through the process

   o Question of whether the County could help pay for permits (this would likely have to be approved by taxpayers)

➢ Has putting the process into the hands of staff (and not committee) saved time?

Service providers suggested that the permitting cost pales in comparison to the amount of money required to hire arborists, engineers, & surveyors, and to perform tree height/conservation studies

➢ Albemarle County is the most expensive area in the state for service providers to put up special use towers

- Bill reminded everyone that the comprehensive amendment (2013) to the comprehensive plan (2000) aimed at making the process easier although the purpose and intent behind the ordinance has not changed

    - Still, the goal of the wireless services plan (in the comprehensive plan) was/is *visibility, visibility, visibility*

- Liz asked service providers the difference (cost-wise) between putting up a tower in Albemarle County and the next most expensive market

    - Service providers estimated a 20% difference, but reiterated that financials were not the worst thing, rather it is the County's strict protection of aesthetics (said it is a catch 22 because service providers want to provide these service but often cannot because of the ordinances)

- Bill told everyone that the County has proposed to the Board of Supervisors allowing certain height by right, and will propose another phase of changes


Albemarle County is experiencing a re-emergence of public engagement (likely because of infill sites)

- Also, Liz gets emails from constituents who are worried that low towers are a health risk, especially to children

    - Liz told us about a study, commissioned by the State of Vermont, that is due out soon

- Valerie said that many service providers already commission "site safe studies"

    - Some lack trust because of the companies performing the assessments.

- *What kind of public outreach might we perform to educate the public that there are not health risks associated with low towers?*

- Bill said that the only new concern he has heard from citizens is "the tower should be higher"

    - Pointed out that the usage of wireless technology has changed dramatically since 2000, and now it is more of a right than a luxury

- Bill thinks the FCC will control/change what localities can do – we will have a good idea in February, but will not know for sure until April


One service provider asked how contested the 500 foot setback was

➢ It was put in place because a resident asked the Board of Supervisors for this – staff is going to ask the Board to reconsider because it bumps a lot of sites from Tier 1 to Tier 2 and has overburdened the County with Tier 2 building permits

Service providers asked about backhaul issues

➢ 4G requires fiber backhaul

➢ Question of whether the County is going to pursue ERATE funding for a fiber network

➢ If the County had lit fiber in the ground, could a County-owned building become a node/hot spot that could provide additional service to a WISP (Wireless Internet Service Provider)?

     o Another Broadband Task Force Team is already working with the County Attorney's Office to research this.

2 options for looking for planning grant funding:

➢ 1. Start with what a solution looks like, then look at grant limitations to see if it fits

➢ 2. Start with a grant and tailor a solution that fits.

Valerie asked if we could create a document/policy highlighting and affirming that broadband/wireless is a good, helpful, and desirable thing that aids both economic vitality and education

➢ We could point to this to advocate for ordinance that allow structures, and weight it alongside the comprehensive plan that is very focused on protecting views and natural beauty

Mike suggested that ultimately, wireless is not enough – we have to figure out a way to get wired connections in Albemarle County, and that this Task Force should help determine how to fund more wired connections (which would also solve the view shed issue)

**Follow-Up:**

➢ How long does it take to get a Tier 1 building permit? (Bill)

➢ If someone gets a Tier 3 through the permitting process, can the County give them a benefit on the backend (such as helping to pay the fee)? (Bill will ask the County Attorney's Office)

➢ How long does it take to prepare an application? (Dan will ask Debbie to gather time and third party costs)

➢ Information on Louisa County/shared services provider (Mike & Philip)

➢ Send group a link to IRU (Mike)