

Some Supervisors want faster review of Albemarle cell tower policy
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The Albemarle Board of Supervisors has directed staff to further review the county's zoning rules governing the location and approval of cell phone towers, but its members disagreed last week about whether the policy can be amended at a faster pace.

Federal law signed by President Barack Obama in February and a ruling by the Federal Communications Commission have restricted the ability of localities to regulate "personal wireless service facilities."

"We must approve applications to collocate, replace or remove equipment or antennas if they will not substantially change the appearance of the tower," said Greg Kamptner, the deputy county attorney.

In 2000, Albemarle adopted an ordinance that sought to prevent the construction of unsightly cell phone towers. Antennas that can be seen must go before the Planning Commission and Board of Supervisors for approval.

However, representatives of the cell phone industry have been asking for reform and citizens in rural areas have petitioned for improved access to mobile services including broadband Internet

The review of the zoning ordinance will be conducted in two phases. First, the code will be amended to ensure it is compliant with the recent changes in federal law.

"It is part of the Middle Class Tax Relief and Job Creation Act that we must approve projects that do not result in a 'substantial change,'" said Bill Fritz, the county's director of current development. "That [phrase] is not defined in any law."

Fritz has proposed holding a roundtable to determine how members of the community would define "significant change," followed by a review by the Planning Commission based on that input. The Board of Supervisors would take up the first phase of amendments in January with adoption scheduled for March.

That concerned Supervisor Kenneth C. Boyd, who urged staff to move faster.

"I'm having trouble understanding why it's going to take six months to go through that process," Boyd said. "This is not a new subject. You've had roundtable discussions on this before."

"We've only had roundtables with the industry," said County Executive Thomas Foley. "We haven't had roundtables with the community at large."

Fritz said the second phase of zoning amendments is not being driven by new regulations but will give supervisors a chance to revisit the review process.

"[Phase 2] is the much broader range of options that we gave you to change how we consider wireless facilities process," Fritz said. "Do we change our design standards? Do we allow things by-right?"

That review will not begin until next spring.

The board's discussion at last Wednesday's meeting came shortly after a citizen presented a petition calling for better cell service in southern Albemarle County.

"When you make the drive from Charlottesville to Scottsville, or vice versa, there's about ten to fifteen miles [on Route 20] where there is no cell service," said Scottsville resident Lydia Wilson. "If anything happens, and you have an emergency, you have to wait for another person to come by or you have to try to walk to get emergency service."

More than 400 people signed Wilson's petition, which calls for wireless providers and county government to work together to increase service.

Supervisor Dennis S. Rooker answered Wilson by arguing that many towers have been approved in that corridor in the last few months, but they have not yet been constructed.

"Ultimately the decision about whether to go into an area is a private business decision by a cell-phone company," Rooker said. "They often don't go into areas simply because they don't think they'll have enough users in the area to make it profitable."

That argument was countered by Valerie Long, an attorney with Williams Mullen who represents nTelos and Verizon.

"Their efforts to extend service into communities like Scottsville and Batesville and others is not at all due to a lack of customer demand," Long said. "They hear customer demand constantly. It's due to the cost of deploying service in those areas."

In her comments, Wilson said she did not want to sacrifice southern Albemarle's beauty, but said creative solutions are needed to expand communications technology.

"The same spirit of innovation that made this an area worth being called a historic district can be harnessed to provide the necessary infrastructure for today's residents," Wilson said.