

OPPOSE House Bill 1258 and Senate Bill 405

Zoning for wireless communications infrastructure

Patrons: Delegate Kilgore and Senator McDougle

The conservation community supports wireless policies that promote responsible, sustainable deployment of innovative technologies for expanding broadband access. HB1258 and SB405 as drafted are a step backwards in that effort. The legislation fails to provide for responsible siting of wireless technologies by reducing/undermining community input and local authority. Towers resulting from this legislation would undermine the character of our neighborhoods as well as our significant historic and scenic resources. It also has the real potential to create citizen backlash against the deployment of broadband that results from understandable outrage caused by poorly sited towers and antennae arrays.

Reasons to OPPOSE this industry give away

1. Impacts to scenic and historic resources – The legislation is likely to result in numerous new 50-foot tall towers, particularly in more densely developed areas. These towers have the real potential of changing the very character of an area. Most residential zoning limits structures to 30-35 feet in height. This is of specific concern as it relates to historic resources and landscapes. While the bill does provide protections in formally designated historic districts, many areas that are recognized as historic would be compromised as they have yet to achieve formal designation.
2. Exemptions for new structures are a recipe for proliferation –The bills create a new category exempting new structures no higher than 50’ provided that’s no more than 10’ above any existing utility pole within 500’ of it (1.5 football fields), or in a Historic District and designed to support small cell facilities. It also exempts co-location on any existing structure that is not a small cell facility.
3. Citizen input is the best way to gain acceptance/minimize impacts – Communities deserve a voice on new towers and their elected representatives should be responsible for any related decisions. This voice often leads to better siting/conditions to minimize visual impacts and greater acceptance.

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