

Commission on Local Government

Estimate of Local Fiscal Impact

2018 General Assembly Session

Bill: HB1258

Patron: Kilgore

Date: 1/22/2018

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities.

Executive Summary:

A majority of localities noted that the bill would have little to no fiscal impact, however concerns were raised about the usurping of local zoning authority. For the two that responded indicating a fiscal impact, estimated that the cost would be for additional staff time due to the additional administrative process. The bill could leave localities open to discrimination lawsuits from other industries as the provisions of this bill treat wireless industries differently.

Local Analysis:

Locality: Augusta County

Estimated Fiscal Impact: \$8,400.00

This bill proposes to eliminate most local control over the installation and operation of new structures. It eliminates the ability for local officials, citizens and business to have input into decisions affecting the character of the community that they live in. It will shift authority from the local community and local elected officials to corporations that install wireless equipment and are not members of the community that it effects. The zoning process proposed in the bill presents the wireless industry to be treated in a special manner than other businesses. The maximum fee allowable in the bill will add burden to the taxpayer as localities will not be able to recoup part of the expenditures to review such structures, therefore showing a reduction in revenue.

Locality: City of Alexandria

Estimated Fiscal Impact: \$0.00

Strongly Oppose. This bill would require localities to adopt another administrative process in addition to the one that was required last year for small cell facilities for additional wireless facilities. The process is burdensome on the locality because it mandates a different process forcing staff to keep track of different processes for slightly different types of uses; and it forces the locality to prioritize these types of applications rather than allowing the locality to make its own priorities based on the community's needs.

Locality: City of Covington

Estimated Fiscal Impact: \$0.00

In working with development services here in the city, we feel that this is beneficial. However, item #4 under Application Reviews does concern us by imposing surety requirements could create finance implications for the government entity but a number cannot be provided because every scenario is different.

Locality: City of Danville

Estimated Fiscal Impact: \$175,000.00

The full fiscal impact of this bill is difficult to determine and the figure listed above is a rough estimate. The figure above includes the additional staff time required for reviewing plans on an aggressive timeline, as well as additional time for legal staff to review any written statements regarding modifications for compliance for disapprovals. The fees established within the proposal (both the limit for administrative review-eligible projects and the mandate for direct costs for standard process projects) also limit our ability to fully recover costs associated with review.

Additionally, this bill does not allow for review if it is in a local appearance/overlay district (we have areas with adopted design guidelines) and allows for 50 ft structures by right, without regard to setbacks. Prohibiting certain questions from being asked during the application/review is also an issue. This severely limits local authority on a local issue.

More importantly, this bill treats the wireless industry differently from other for-profit private companies, which could leave localities open to discrimination lawsuits from other industries. That is not accounted for in this estimate.

Locality: City of Martinsville

Estimated Fiscal Impact: \$1.00

I am unsure of this legislation, and therefore, will not offer an opinion.

Locality: City of Roanoke

Estimated Fiscal Impact: \$1.00

No impact

Locality: City of Winchester

Estimated Fiscal Impact: \$0.00

From our Zoning Administrator:
Financially speaking, I do not envision a noticeable impact on our office. My primary concerns are more about the usurping of local zoning authority.

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**Locality:** Fairfax County

**Estimated Fiscal Impact:** \$0.00

Little fiscal impact. The County's inventory of streetlight poles would be highly impacted by HB 1258, but the cost to add wireless structures to streetlights would be borne by the developer or the wireless company.

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Locality: Spotsylvania County

Estimated Fiscal Impact: \$0.00

No financial impact.

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**Professional Organization Analysis:**

**Organization:** Accomack-Northampton Planning District  
Commission

The drafting and public process requirements of a zoning text amendment is estimated to cost \$2,000 in staff costs and \$500 in advertising costs from county general funds.

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Organization: Commissioners of Revenue Association of VA

No position