

**FAIRFAX COUNTY PLANNING COMMISSION
JOINT SCHOOLS COMMITTEE/SCHOOL BOARD
THURSDAY, JANUARY 18, 2007**

COMMITTEE MEMBERS PRESENT:

Walter A. Alcorn, At-Large
Suzanne F. Harsel, Braddock District
Frank A. de la Fe, Hunter Mill District

COMMITTEE MEMBERS ABSENT:

Rodney L. Lusk, Lee District

OTHER PLANNING COMMISSIONERS PRESENT:

James R. Hart, At-Large
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
Peter F. Murphy, Jr., Springfield District
Nancy Hopkins, Dranesville District

SCHOOL BOARD MEMBERS PRESENT:

Catherine Belter, Springfield District
Kaye Kory, Mason District
Ilryong Moon, At-Large
Phillip Niedzielski-Eichner, Providence District
Daniel Storck, Mount Vernon District, Chairman
Tessie Wilson, Braddock District

OTHERS PRESENT:

Dean Tistadt, Assistant Superintendent, Department of Facilities and Transportation Services, FCPS
Lee Ann Pender, Director, Office of Administrative Services, Department of Facilities and Transportation Services, FCPS
Robert Cordova, Office of Administrative Services Department of Facilities & Transportation Services, FCPS
David Jillson, Planning Division (PD), Department of Planning and Zoning (DPZ)
David Marshall, PD, DPZ
Catherine Blue, Esquire, Donohue and Blue
Matt Chaney, NB&C
Ari Cetron, *Connection Newspapers*
Barbara J. Lippa, Executive Director, Planning Commission Office
Sara Robin Hardy, Assistant Director, Planning Commission Office
Linda B. Rodeffer, Clerk to the Planning Commission
Windy R. Rowland, Associate Clerk, Planning Commission

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The meeting was called to order at 7:02 p.m. by Chairman Suzanne F. Harsel, in the Board of Supervisors' Conference Room, Fairfax County Government Center, at 12000 Government Center Parkway, Fairfax, Virginia 20035.

As to the first order of business, Chairman Harsel asked for a motion to change the name of the committee from School Facilities Committee to Schools Committee. Commissioner de la Fe SO MOVED. The motion was seconded by Commissioner Alcorn and carried unanimously.

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Commissioner de la Fe noted that rezoning applications now contained the updated formula for the calculation of cash contributions to offset the impact of new residential development on public school facilities, which had been discussed by the committee on May 31, 2006.

Commissioner Alcorn pointed out that some applications contained the updated formula and some did not, depending upon when it had been filed.

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Phillip Niedzielski-Eichner, Providence District School Board member, noted that at the last meeting of the committee on November 30, 2006 costs incurred to comply with County regulations when renovating schools had been discussed. Specifically, he said that Fairfax County Public Schools (FCPS) had to pay the same County fees as developers which required the expenditure of bond money which had been approved for classrooms. He said unfortunately the discussion had been misconstrued by some that the School Board was suggesting that FCPS be exempt from paying these fees. He said he wanted to make it perfectly clear that the School Board had not adopted a position on this matter and that individual School Board members in attendance at the meeting had not been speaking on behalf of the School Board as a whole.

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Chairman Harsel noted that tonight the committee would discuss the placement of monopoles on school property. She recognized Peter F. Murphy, Jr., Chairman of the Planning Commission, who had served as Chairman of the Telecommunications Task Force created in 1995 to address this issue.

Commissioner Murphy explained that former President Clinton had signed the Telecommunications Act in 1996 which established parameters for local jurisdictions when evaluating the placement of monopoles, towers, or other telecommunications devices. He said the County had established a Telecommunications Task Force comprised of representatives from the School Board, the Park Authority, and the Water Authority, the telecommunications industry and each magisterial district to establish guidelines for the placement of telecommunications facilities on public land so they would not have to be located in residential areas. He said the Task Force had been reconvened in 2002-2003 to review County policy. He pointed out that federal law prohibited the denial of a facility based on health issues as long as emissions were

within the guidelines established by the Federal Communications Commission (FCC). He said the character, location, and extent of a facility was evaluated in accordance with *Virginia Code* Section 15.2-2232. He expressed concern about the possibility that public property owners, such as FCPS and the Park Authority, would decide that they did not want these facilities on their property which could necessitate placing them in residential areas.

In response to a question from Mr. Niedzielski-Eichner, Commissioner de la Fe explained that telecommunications facilities had also been placed in parks with the approval of the Park Authority.

Chairman Harsel pointed out that facilities up to 190 feet were called monopoles and facilities above that height were called towers. She recognized David Marshall, Planning Division, Department of Planning and Zoning to review the history of these public facilities in Fairfax County.

Mr. Marshall said he was responsible for reviewing telecommunications proposals to determine if they were in conformance with the Comprehensive Plan. He explained that the first application had been filed in 1983 and since that time approximately 1,100 applications had been filed with the most activity occurring since 1995. He distributed a handout reviewing the history of telecommunications facilities in the County, a copy of which is in the date file. Mr. Marshall explained that the definition of a telecommunications facility was mobile and wireless telecommunications equipment with low wattage and regulated by the FCC in accordance with the 1996 Telecommunications Act. He said these facilities were exclusively for cellular phones and not television or radio. He pointed out that both the Comprehensive Plan and the Zoning Ordinance contained regulations about mobile and land-based telecommunications facilities and were permitted by-right on commercial, industrial and public properties with guidelines concerning setback and height. He explained that facilities could be located on public property regardless of the zoning with Planning Commission review and approval.

Responding to a question from Tessie Wilson, Braddock District School Board member, Dean Tistadt, Assistant Superintendent, Department of Facilities and Transportation Services, FCPS, said a process had been established whereby an application would first be reviewed by FCPS staff with notification to the community and elected officials. He said if staff determined that it was a viable proposal, the application would go to the Planning Commission and upon the Commission's approval, it would be voted on by the School Board. However, Mr. Tistadt explained that a recent experience with an application for a facility at Mount Vernon High School had proven that this was not the best procedure and he now thought that an application should be reviewed and voted on by the School Board before going to the Planning Commission.

Commissioner Alcorn agreed that an application should be reviewed and approved by both FCPS staff and the School Board before coming to the Planning Commission.

Mr. Niedzielski-Eichner said review and approval of telecommunications facilities on school property required the expenditure of considerable time by staff and the School Board which was

ancillary to their mission. In addition, he said they had to deal with the assumption of the public that these facilities were being placed on school property for monetary gain which was not true.

In response to a question from Chairman Harsel, Mr. Marshall said the procedure used for placement of facilities on park property was Park Authority staff review, a Planning Commission public hearing, and then approval by the Park Authority Board. He said the details of the lease agreement were worked out before going to the Planning Commission.

Responding to another question from Chairman Harsel, Mr. Marshall said justification for denial of a facility on public land could be due to an operational hindrance, such as interference with traffic flow; because the space was needed for another activity; or because it was located in an environmentally sensitive area.

In response to a question from Mr. Moon, Commissioner Murphy, speaking as a District Commissioner, said when a telecommunications company approached him about locating a facility in his district where coverage gaps existed, his first choice would be a public utility such as a VEPCO pole, not a school.

Responding to another question from Mr. Moon, Mr. Marshall explained that in 1992, when language pertaining to telecommunications facilities had first been put into the Comprehensive Plan, it had been recommended that such facilities be placed on public property. He said amendments in 1996 and 2003 revised the language to indicate that it was more important to place facilities where they would be the most unobtrusive by blending in with the area or where they could be disguised as flag poles or trees. He said the reason high schools had been a popular site was because the structures could easily blend in with tall light poles on football fields.

Responding to a question from Chairman Harsel, Mr. Tisdadt said once his staff had determined that a facility would not impede the use of the school facilities, or the instructional and athletic programs, the School Board member, the District Supervisor, and the Planning Commissioner were notified with no public involvement. He said after approval by the Planning Commission a public hearing would be held by the School Board at which time the public could speak.

In response to a question from Chairman Harsel, Mr. Marshall said FCPS or the Park Authority could deny an application on almost any grounds but the most common reason was that a facility would not be compatible with the site.

Commissioner Hart pointed out that very few 2232 applications had been recommended for denial by staff and said it would be helpful if one of them could be used as an example to explain why an application had been denied.

Mr. Marshall said staff had recommended denial for a treepole on a commercial property in Great Falls because it would be conspicuous and out of context with the area since there were no trees on the site. He said the Planning Commission had agreed with this position, noting that applications were often withdrawn by the carrier if denial was expected.

Responding to questions from Mr. Moon, Mr. Marshall said that staff could not require proof of a lease agreement and that there was no way of knowing which facilities had not ultimately been built although they had favorable recommendations from the Planning Commission.

Mr. Marshall noted that although three approvals had been received from the Planning Commission for telecommunications facilities at Mount Vernon High School, none had been built. Mr. Moon commented that perhaps the situation at Mount Vernon High School was the exception, not the rule, and questioned whether the procedures should be changed based on this one case. Commissioner Murphy said that was a very good point. Commissioner Alcorn agreed and said that there had been many instances where placement of telecommunications facilities on school property had presented no problems.

Mr. Marshall referred to the next to the last page of his handout which showed that 65 facilities had been placed on County property; 15 on Fairfax Water property; and 25 on Park Authority property. He said the last page of his handout listed the schools which had telecommunications facilities.

In response to a question from Mr. Niedzielski-Eichner, Mr. Marshall said that there were probably more facilities located on school property than any other agency, noting that facilities located on Dominion Power right-of-way had been included in with public agencies. He said that more facilities were located on school property than on park land or at fire and rescue stations.

Mr. Niedzielski-Eichner said that although he did not believe that telecommunications facilities presented a health risk and that they provided a community service, he was not sure if the amount of staff and Board time required to review these facilities was justified. He also pointed out that he had been unaware that the Comprehensive Plan addressed location of the facilities on public land and wanted assurance that they served the broader community good in terms of cost effectiveness.

Mr. Marshall said one of the reasons for locating the facilities on school sites was because in some areas, such as Centreville, there were no other suitable locations.

In response to a question from Daniel Storck, Chairman of the School Board, Chairman Harsel said that associated equipment cabinets and compounds were evaluated as part of the application. Mr. Marshall pointed out that each carrier required its own equipment, so if there were four carriers on a pole there would be four equipment cabinets.

In response to another question from Mr. Storck, Mr. Marshall said when an application was reviewed, stormwater runoff and access issues were evaluated. Mr. Marshall also noted that poles were subject to site plan approval by the Department of Public Works and Environmental Services if land area would be disturbed.

Addressing the philosophical question about the facilities serving the common good, Commissioner Murphy said parents wanted their children to be able to use cell phones in case of an emergency and that cell phones were now part of our culture. He said there were still areas in the County with coverage gaps, some of which were in proximity to school sites, which the telecommunications industry was trying to fill.

Commissioner Hart said these facilities definitely provided a public safety benefit when emergencies occurred.

Commissioner de la Fe said that the telecommunications policy of the Park Authority could be found on their website.

Mr. Moon said the School Board would have a work session to review their process and let the committee know how they would like to proceed. Chairman Harsel said the committee would meet again at that time and asked attendees to let her know if there were any other topics they would like to discuss.

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Commissioner de la Fe MOVED THAT THE SCHOOLS COMMITTEE MINUTES OF NOVEMBER 30, 2006 BE APPROVED. Commissioner Alcorn seconded the motion which carried unanimously.

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The meeting was adjourned at 8:15 p.m.
Suzanne F. Harsel, Chairman

An audio recording of this meeting is available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Linda B. Rodeffer

Administratively Approved on: February 7, 2011

Kara A. DeArrastia, Clerk
Fairfax County Planning Commission