FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
THURSDAY, JANUARY 13, 2011

COMMITTEE MEMBERS PRESENT:
Janet R. Hall, Mason District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Jr., Springfield District

OTHER COMMISSIONERS PRESENT:
Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
James R. Hart, At-Large
Kenneth A. Lawrence, Providence District
Timothy J. Sargeant, At-Large

FAIRFAX COUNTY STAFF PRESENT:
David Marshall, Planning Division (PD), Department of Planning and Zoning (DPZ)
Chris Caperton, PD, DPZ
Anita Capps, PD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Sara Robin Ransom, Assistant Director, Planning Commission Office
Jeanette Nord, Associate Clerk, Planning Commission Office

OTHERS PRESENT:
Amy Williams
Robert Ruth, Oakton Grove Homeowners Association
Bill Horan
Woodrow Bellamy, III, Vienna/Oakton Patch.com
Len Forkas, Milestone Communications
Frank Stearns, Esquire, Donohue & Stearns
Ed Donohue, Esquire, Donohue & Stearns
James Michal, Esquire, Jackson & Campbell, PC

//

Chairman Murphy called the meeting to order 7:01 p.m. in the Board Conference Room, at 12000 Government Center Parkway, Fairfax, Virginia**.**

//

Commissioner Hall MOVED TO APPROVE THE TELECOMMUNICATIONS COMMITTEE MINUTES OF NOVEMBER 18, 2010.

Commissioner Litzenberger seconded the motion which carried unanimously.

//

Chairman Murphy discussed the joint recommendation that Springfield District Supervisor Pat Herrity and Mount Vernon District Supervisor Gerry Hyland had proposed to the Board of Supervisors on November 16, 2010, to modify the current 2232 review of radio frequency (RF) analyses. He asked Commissioners if they had spoken to their respective Supervisors with regard to discretionary third party RF testing on telecommunications facilities.

Commissioner Litzenberger said that he had spoken with Sully District Supervisor Michael Frey, who had expressed concern about circumventing the Federal statute. However, Commissioner Litzenberger pointed out that the inclusion of a diagram depicting RF radiation from telecommunications facilities, along with comparisons to that from cell phones, could help to alleviate citizen concerns.

Commissioner de la Fe agreed with Supervisor Frey's concerns regarding the Federal statute. He also said that citizen opinion would remain unchanged considering how easily information on RF radiation could be found online. He stated that the RF emission measurement should be a County function performed on all telecommunications facilities, thereby providing a necessary service to concerned citizens while concurrently eliminating perceived conflicts of interest.

Commissioner Flanagan agreed with Commissioner de la Fe's remarks and said that he had spoken to Supervisor Hyland, who had explained that the joint recommendation was a means to insure the availability of the service when necessary. He noted, however, that private sector RF experts could be called on as needed to perform the RF analyses.

Commissioner Sargeant expressed concern that RF testing might give citizens a false sense of security since the Federal statute stated that the County could not deny an application because of health issues.

Commissioner Lawrence said that Providence District Supervisor Linda Smyth recognized the resource difficulties confronting the Planning Commission and staff. He agreed with the Commissioners' earlier remarks but pointed out that distributed antenna systems (DAS) would be an issue because they consisted of shorter poles providing reduced signals and would be situated closer to residences. Commissioner Lawrence noted that an RF analysis was typically performed upon completion of a telecommunications facility installation. He suggested preparing a combined report using information from the applicant's RF analysis and information that staff gathered from field measurements taken from a random sample.

In response to a question from Chairman Murphy, David Marshall, Planning Division (PD), Department of Planning and Zoning (DPZ), said that the County Department of Information Technology (DIT) had no plans to hire a replacement for Frank Stoda, who had performed that function prior to retiring since the position had been eliminated.

Commissioner Lawrence and Mr. Marshall discussed the skills necessary to perform RF evaluations and the County's inability to provide a competitive salary for a qualified, full-time employee.

Commissioner Hart pointed out that making the RF analysis optional would create additional work because citizens would speak at public hearings to demand that analyses be done on all utilities. He also said that adding the analysis to the staff report would focus more attention on health issues, which remained outside the Planning Commission's purview.

Commissioner Hall said it would be inappropriate for the County to establish an independent evaluation process for an existing Federal requirement. She noted that the Federal Communications Commission (FCC) set the requirements and granted the licenses for telecommunications facilities. She added that it should be the applicants' responsibility to ensure that the FCC requirements were met and provide documentation to the County.

Commissioner Sargeant asked what alternatives would be available to the County if citizens considered the findings of an evaluation unacceptable or questioned the subject matter expert's credibility.

Chairman Murphy said he would consider this evening's comments and formulate a possible recommendation to the Board of Supervisors.

Mr. Marshall introduced Chris Caperton, Laurel Hill Project Coordinator, and Leanna Hush O'Donnell, Laurel Hill Planner, and explained that they would replace him and David Jillson, who retired at the end of January 2011.

Mr. Marshall referred to the "Mobile and Land-Based Telecommunication Services" section of the Policy Plan, a copy of which is in the date file, and said that it would be the basis for developing the strawman document. He said that the strawman would benefit from input from the Commissioners, industry experts, and staff prior to preparing the first draft, and sought suggestions about the current Plan and possible changes that might be required. Mr. Marshall briefly reviewed Objectives 42 through 45, on pages 37-46, which addressed the facilities in residential areas. In addition, he briefly discussed (DAS) systems and reviewed the processes for "features shown" and "consent agenda" items, which allowed the Planning Commission to approve certain facilities without a public hearing.

Commissioner de la Fe noted that Reston provided ideal conditions for telecommunications facilities because antennas could be placed on tall buildings in residential areas. He said the 10-foot clearance required by utility companies would be an ongoing issue for residents but noted that many of the proposed utility poles would replace ones that had been erected when Fairfax County was still suburban farmland. He also noted that a number of existing utility poles in the County did not meet *State Code* guidelines because the connecting power lines sagged perilously close to ground level and would therefore need to be replaced. Commissioner de la Fe expressed concern about future telecommunications facilities in relation to the growing opposition in residential areas and stated that the "consent agenda" process was ideal because of its expediency. He added that a requirement should be established for applicants to provide the locations of their facilities throughout the County.

Commissioner Sargeant suggested that language incorporating alternative types of facilities be drafted for consideration. In addition, he expressed concern about revitalization areas in that there might be requirements for facilities to be either located underground or camouflaged to fit the cityscape. In response to the latter remark, Commissioner de la Fe noted that satellite technology could be a viable alternative.

Commissioner Hart acknowledged the difficulty of starting the draft document and added that the most important consideration in modifying the Policy Plan would be the technological advances since the last amendment to the Plan. He suggested meeting with industry experts to discuss setting up and/or prioritizing hierarchical facility alternatives. He added that the strawman could then help clarify where other, routine changes might be addressed.

Chairman Murphy pointed out that the "Mobile and Land-Based Telecommunication Services" section of the Policy Plan was last amended in 2005 and said that advances in technology since then have been dramatic. He added that the current infrastructure could not adequately cover County residents, given the proliferation of wireless communications devices, and said that additional facilities were needed to handle the increase in consumer demand. As a suggestion, Chairman Murphy said an introductory paragraph should be added to the beginning of the amendment explaining what effect the proliferation of wireless communications devices has had on the County and why more structures would be necessary to serve the public as a result.

Commissioner Flanagan briefly discussed existing antennas in the Mount Vernon District and pointed out that the County was not involved in their construction. He said the visual impact of the antennas varied from site to site, which was a growing concern among citizens. He suggested that while the Policy Plan might need modification, examination of the County's 2232 process could prove more beneficial as a first step and reveal previously unknown weaknesses.

Commissioner Lawrence noted that the current 2232 process was appropriate for the Tysons Corner area; however, he noted that the established formula for solving coverage in residential areas was unsuccessful because it lacked community acceptance. He said that industry representatives should be well acquainted with community members and have most, if not all, significant issues resolved prior to the public hearing before the Planning Commission, which was the current procedure for rezoning cases. He pointed out that technology constantly changed and that new advances allowed users, like medical facilities, to receive more information faster, but not without the necessary infrastructure. Commissioner Lawrence suggested a "context-sensitive" approach, in which the type of facility would be determined by where it was located, and suggested that strategic planning and proactive citizen interaction would be beneficial.

Commissioner Litzenberger pointed out that many telecommunications applications tended to be similar and suggested a process whereby there would be one public hearing to discuss the construction of a facility and its initial carriers; however, all additional proposed carriers and equipment would be included for consideration. That way, he explained, only one public hearing would take place and citizens would know what the complete facility would look like from the beginning.

Commissioner Sargeant suggested that the County Attorney's Office review the recent Court decisions prior to amending the Policy Plan.

Commissioner Hall noted that while telecommunications companies spent a lot on advertising, she had never seen a commercial from a carrier that explained to consumers how they provided the service.

//

Chairman Murphy announced that the Telecommunications Committee would meet again on Wednesday, February 16, 2011, at 7:00 p.m., in the Board Conference Room.

//

The meeting was adjourned at 8:00 p.m.
Peter F. Murphy, Jr., Chairman

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

Minutes by: Jeanette Nord

Approved: March 3, 2011

_____
Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission