FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
THURSDAY, FEBRUARY 9, 2012

COMMITTEE MEMBERS PRESENT:
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Jr., Springfield District

OTHER COMMISSIONERS PRESENT:
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Ellen J. Hurley, Braddock District

FAIRFAX COUNTY STAFF PRESENT:
Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), Department of Planning and Zoning (DPZ)
Connie Maier, PD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Jeanette Nord, Deputy Clerk, Planning Commission Office

OTHERS PRESENT:
Frank Stearns, Esquire, Donohue and Stearns, PLC
Joseph Divis, Vice President of External Affairs, AT&T Services, Inc.
William O'Brien, Real Estate/Zoning Manager, T-Mobile

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Chairman Peter F. Murphy, Jr. called the meeting to order at 7:05 p.m., in the Board Conference Room of the Government Center, 12000 Government Center Parkway, Fairfax, VA 22035.

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Commissioner Litzenberger MOVED TO APPROVE THE TELECOMMUNICATIONS COMMITTEE MINUTES OF THURSDAY, DECEMBER 8, 2011.

Commissioners Migliaccio and Lawrence seconded the motion which carried unanimously.

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PROGRAM UPDATE

Chairman Murphy introduced Chris Caperton, Chief, Public Facilities Branch, Planning Division, Department of Planning and Zoning, who provided a brief program update. He stated that the chart of pending/received 2232 applications had recently been updated and would be provided to Committee members as previously agreed. He added that staff had developed an internal checklist

to track the review process for standard 2232 applications and those requiring Special Exception approval, adding that he would share it with Committee members to illustrate how applications are reviewed. Referencing the handout on the "Shot Clock" Rule, Mr. Caperton briefly explained the recent ruling by the U.S. Court of Appeals for the Fifth Circuit in the *City of Arlington v. FCC*, adding that the ruling would not affect current County policy. (Copies of the Joint 2232 Review/ Zoning Action Checklist and the "Shot Clock" summary are in the date file.)

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TELECOMMUNICATIONS PLAN TEXT AMENDMENT REVIEW & INDUSTRY COMMENT/DISCUSSION

Mr. Caperton stated that he had not received any comments, as requested during the Committee meeting on Thursday, December 8, 2011, regarding the language in the last revision to the Policy Plan text and asked if additional time might be needed.

Commissioner Lawrence referenced a decision made during the December 6, 2011, Board of Supervisors meeting whereby the Planning Commission would be able to evaluate distributed antenna systems (DAS) as "features shown," and said that previously approved revisions to the Policy Plan would need to be reviewed to address the decision.

Mr. Caperton noted that he had provided a handout of the decision, adding that the Committee had previously approved the references to DAS under Objective 42 in the Policy Plan, whereas it might be more appropriate under Objective 44. He also pointed out that while there was interest in DAS, Beth Teare, Fairfax County Attorney's Office, had cautioned against prescribing technologies that were inappropriate or went beyond the scope of an application. In addition, he expressed concern about citizens' seeming belief that DAS was a panacea for telecommunications demands, adding that there would always be a need for cell towers and other similar structures. (A copy of the December 6, 2011 motion is in the date file.)

Before addressing the Committee about the Policy Plan language and DAS systems, Frank Stearns, Esquire, Donohue and Stearns, PLC, introduced Joseph Divis, Vice President of External Affairs, AT&T Services, Inc. and William O'Brien, Real Estate/Zoning Manager, T-Mobile, noting their desire to work with the Committee. He also noted that he had submitted a letter to Mr. Caperton regarding suggested changes to the Policy Plan language, which included concern about the word "eliminate." Stating that it would be impossible to eliminate the visual impact of telecommunications facilities, he suggested that the term be removed completely. He also pointed out that the requirement for alternative sites cited in Policy j could not be adequately met, much less evaluated, because providers could not demonstrate how a particular site had been selected. In addition, he expressed concern about the time and resources necessary to obtain the required information and suggested that the search and evaluation of alternate sites remain with the applicant. Mr. Stearns noted that DAS was a very good "tool in the box" that should be addressed as a "feature shown" in the Policy Plan. He pointed out, however, that cell towers were often the only means of providing high-quality service and would therefore continue to be necessary. (A copy of the letter from Donohue and Stearns, PLC, dated February 8, 2012, is in the date file.)

Mr. Divis stated that much of the demand on existing networks tended to be from small businesses and/or health care providers performing mission critical tasks and echoed Mr. Stearns' remarks regarding utilizing DAS as appropriate.

Mr. O'Brien echoed Mr. Stearns' comments about alternate sites and, noting the challenges in providing quality service in residential areas, said that T-Mobile had diligently worked with communities to provide a number of stealth facilities. With regard to DAS, he concurred with earlier remarks about its limitations.

When Chairman Murphy suggested a "follow-up" telecommunications seminar similar to that held in May 2011, Commissioner Lawrence said it would be beneficial because of the continual upgrades in technology.

Addressing Mr. Stearns' comment about the term "eliminate," Commissioner Lawrence pointed out that a concealed antenna, such as one inside a church steeple, was in fact invisible; therefore, its visual impact had been eliminated. He added that the term was appropriate in this case and should remain in the Policy Plan, to which Mr. Stearns disagreed, reiterating his earlier concern. Commissioner Lawrence also mentioned that network capacity was the main concern in the County and suggested that carriers help clarify that to citizens.

Commissioner Flanagan pointed out that the DAS systems installed in the Mount Vernon District were restricted to residential areas. He added that he concurred with Commissioner Lawrence's remarks about the elimination of visual impacts, but also noted that the Policy Plan required that telecommunications facilities be made the "least visible," not invisible. In addition, he pointed out that he had spoken with Ms. Teare about inconsistencies in the language for "features shown" in the Policy Plan and Zoning Ordinance and requested that Mr. Caperton review the documents.

Commissioner Hart briefly reviewed the language in Policy j and said that the elimination of visual impacts in and of itself was not required, but a suggested method of reducing visual impact. In addition, he pointed out that the use of DAS systems had been limited in the County, adding that flexibility would be beneficial in areas where residents did not prefer DAS systems.

Chairman Murphy noted that DAS would be inappropriate in some areas because utilities were underground. He added that he advocated any reduction in the amount of time spent discussing alternate locations, which often consumed more time than the applications themselves.

Commissioner Litzenberger noted that demographics were very important, noting that the number of citizens requesting increased coverage would be larger for Sully District than Mount Vernon District.

Commissioner de la Fe pointed out that current State standards required many of the County's original electricity/telephone poles to be replaced with taller ones, which often made the installation of new systems like DAS unappealing to citizens.

Commissioner Flanagan agreed with Commissioner de la Fe's comment, adding that because the Mount Vernon District had begun development prior to the rest of the County, it tended to be more densely populated.

Mr. Divis pointed out that 24 percent of households nationwide used wireless technology, adding that the statistics for Fairfax County would be comparable.

When Commissioner Lawrence pointed out that the demand for wireless service would increase dramatically over the next decade, Mr. Caperton added that DPZ would soon receive submissions from T-Mobile for 180 upgrades.

A brief discussion ensued between Mr. Divis and Commissioner Lawrence regarding capacity and methods for addressing consumer need.

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COMMUNITY EDUCATION AND OUTREACH

Mr. Caperton stated that a general lack of understanding and education persisted within the community, adding that a justification for wireless service would be inappropriate in a 2232 application. He noted that greater carrier involvement would help the industry and staff alike in expediting the approval process.

Commissioner Hall stated that industry involvement in citizen education would increase understanding and promote greater trust because the carriers had more expertise and experience than Planning Commissioners. A brief discussion followed wherein it was revealed that CTIA, The Wireless Association, provided radio advertisements about the advantages of broadband and expansion of service. Mr. Stearns acknowledged that there was a gap in education, but pointed out that carriers provided information at community meetings and public hearings.

Commissioner Lawrence agreed with Commissioner Hall, adding that lack of capacity was the issue and could best be explained by industry experts, not the Planning Commission.

Commissioner Hart suggested inviting Area Plans Review (APR) Task Force members and key members from district land use committees to meet in the Board Auditorium, after which attendees could provide information to their respective members. He also noted that “field trips” to proposed sites could help with citizen outreach and education.

Chairman Murphy pointed out that while education would be beneficial, nothing could be done to change the minds of citizens who simply did not want a telecommunications facility and would oppose any proposal. A brief discussion followed between Commissioner Hall and Chairman Murphy about attempts to work with citizens within their respective districts.

In response to questions from Committee members, Mr. O’Brien explained that the new T-Mobile application submissions would be for existing sites needing replacement antennas.

Answering questions from Commissioner Migliaccio, Mr. O’Brien stated that T-Mobile had provided general education information, but noted that representatives typically attended multiple meetings in each community as part of their reachout efforts.

Mr. Divis acknowledged that carriers needed to better inform their customers and agreed with Commissioner Hart's suggestion for a seminar, adding that AT&T could send experts to discuss current and future technologies.

When Commissioner Flanagan noted that citizen trust in the industry might increase if carriers would complete their proposed projects, Mr. Divis explained that lack of capital most likely caused application delays and/or withdrawals. Chairman Murphy added that he occasionally had to contact applicants to determine the cause of delays in facility construction/replacement.

Commissioner de la Fe pointed out that while there might be unfavorable aspects to wireless technology, it was still better than replacing underground facilities where the possibility of disabling another network existed.

Mr. Caperton requested that Committee members review the letter from Donohue and Stearns, PLC, and consider the concerns regarding Policy j, relating to alternative sites, adding that he would incorporate suggestions into the Policy Plan revisions before the next meeting.

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Chairman Murphy announced that the Telecommunications Committee would meet again on Wednesday, March 21, 2012, at 7:00 p.m., in the Board Conference Room.

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The meeting was adjourned at 7:58 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 21, 2012

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