

**FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
THURSDAY, MARCH 3, 2011**

COMMITTEE MEMBERS PRESENT:

Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, 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:

Walter L. Alcorn, Commissioner At-Large
Frank A. de la Fe, Hunter Mill District
Jay P. Donahue, Dranesville District
Timothy J. Sargeant, At-Large

FAIRFAX COUNTY STAFF PRESENT:

David Marshall, Planning Division (PD), Department of Planning and Zoning (DPZ)
Chris Caperton, Chief, Public Facilities Branch, PD, DPZ
Anita Capps, Senior Planner, PD, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Sara Robin Ransom, Assistant Director, Planning Commission Office
Kara DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:

Len Forkas, President, Milestone Communications
Frank Stearns, Esquire, Donohue & Stearns

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Commissioner Walter L. Alcorn constituted the meeting at 7:03 p.m., pursuant to Section 4-102 of the Commission's Bylaws and Procedures, and indicated that the first order of business was to elect a Committee Chairman.

Commissioner Lawrence MOVED TO NOMINATE PETER F. MURPHY, JR. AS CHAIRMAN OF THE 2011 TELECOMMUNICATIONS COMMITTEE.

Commissioner Migliaccio seconded the motion which carried unanimously.

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Commissioner Litzenberger MOVED TO APPROVE THE TELECOMMUNICATIONS COMMITTEE MINUTES OF JANUARY 13, 2011.

Commissioner Hall seconded the motion which carried unanimously.

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Chairman Murphy announced that the Telecommunications Committee would meet again on Wednesday, March 23, 2011, at 7:00 p.m., in the Board Conference Room.

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DRAFT MOTION TO BOARD OF SUPERVISORS REGARDING RADIO FREQUENCY TESTING

In response to the Board of Supervisors' memorandum regarding radio frequency (RF) testing, Commissioner Litzenberger referenced an aerial map showing the radius of RF emissions from a telecommunications tower ("RF map") and explained that RF emissions diminished significantly within 50 feet of a facility. He added that a memorandum from Dean A. Tistadt, Chief Operating Officer, Fairfax County Public Schools (FCPS), dated September 20, 2010, regarding the FCPS Telecommunications Application Monitoring Process, provided data that explained the calculations on the illustration. While acknowledging the Federal statute on health related issues, Commissioner Litzenberger suggested providing the illustration along with the memorandum in future staff reports to help mitigate citizen concerns. He said that he currently provided this information to Sully District constituents upon request. Commissioner Litzenberger explained that a draft motion had been prepared for Springfield District Supervisor Pat Herrity and Mount Vernon District Supervisor Gerry Hyland to present to the Board of Supervisors to recommend the incorporation of the RF map and memorandum into the application process, which would eliminate the need to change the Policy Plan. (Copies of the RF map, memorandum, and draft motion are in the date file.)

Commissioner Hall stated that the RF map should have a notation identifying who prepared it and support documentation demonstrating their expertise should be included in the staff report.

Commissioner Lawrence said the RF exposure data depicted on a map should address the specific antenna system or facility in the application and added that the language in the corresponding motion should do the same.

Answering a question from Commissioner Litzenberger, Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), said he could make modifications as needed. David Marshall, PD, DPZ, concurred and said the exposure radius could be adjusted as needed.

Commissioner Hall suggested that the RF information be succinct and cautioned against tailoring photos and/or information for different facilities. Commissioner Lawrence said that no additional information would be needed; however, the language should accommodate the antenna system in the application. Chairman Murphy pointed out that monopoles and cell towers drew the most citizen opposition and should therefore be the focus of the motion. He added that a simple and succinct document would be most beneficial for the citizens and the Board of Supervisors.

When Commissioner Migliaccio asked if staff could verify the calculations on the RF map, Mr. Marshall said there was no one in DPZ with such expertise, adding that the task had been performed previously by an engineer from the Department of Information Technology. Commissioner Migliaccio said the documentation would be meaningless without such verification, particularly for opponents to transmission towers.

Commissioner Hart said that adding the RF map would aggravate an already tense situation by providing documentation that could be used negatively by opponents of transmission towers. He said that incorporating it into the application process would simply give citizens more to discuss, if not oppose, during the public hearing process.

Discussion ensued regarding issues that arose during a previous case in which the RF calculations were called into question.

Commissioner Flanagan said Supervisor Hyland was concerned that the RF calculations could not be verified. He also said that follow up, or lack thereof, was an issue and cited a recent case in which the final structure was not what had been approved.

Commissioner Litzenberger reiterated that the memorandum supported the RF calculations and noted that Sully District residents appreciated the documentation. He acknowledged that opposition would most likely continue, but said the documentation would complement the existing statute and asked the Committee review it.

Chairman Murphy suggested that the additional information be made available upon request and said that the Federal legislation was sufficient. Commissioners Hart and de la Fe agreed and briefly discussed ways the additional documentation could be provided.

Commissioner Hall suggested that staff create an additional policy for the 2232 application review requiring proof that the RF emissions fell within the specified range.

Commissioner Litzenberger noted that “features shown” tended to be time consuming for County staff and suggested streamlining the process by approving the full build-out of a proposed site in one public hearing. He said that applicants could submit for approval images of a proposed site at the beginning stage and at full build-out to demonstrate its impact on the area.

Chairman Murphy commended Commissioner Litzenberger, but said the documentation would be more appropriate on an individual basis. He pointed out that providing the information at community meetings prior to the public hearings before the Planning Commission could prove valuable in expediting the process. He said he would draft a motion to the Board noting that the federal statute was sufficient.

Discussion ensued regarding Commissioner Litzenberger’s suggestion for “features shown.” Chairman Murphy pointed out that it was a formatting issue. Commissioners de la Fe and Hall noted that it was a legitimate issue; however, there were often differences between what was approved and what was constructed.

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REVIEW OF POLICY PLAN STRAWMAN LANGUAGE: MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES

Mr. Marshall briefed the Committee on proposed modifications to Objective 42 of the Policy Plan, Mobile and Land-Based Telecommunication Services, as outlined in the strawman document, a copy of which is in the date file.

Discussion began with what term should be used to describe “telecommunication facilities.” Commissioners cited several terms that appeared to be used interchangeably within the first few paragraphs.

Commissioner Hall suggested that, beginning in the introductory paragraph, the term “support structures” should be replaced with “structures,” which should be used throughout the document.

Mr. Marshall explained that Objective 42 was the general guideline leading into more specific policies.

For Policy a., regarding the avoidance of new structures, the discussion centered on the types of poles and structures that would hold proposed antennas. Commissioners also mentioned different types of enclosures used to house the support equipment.

For Policy b., which discussed locating structures in areas that would cause minimal impact, Commissioner Hall said the language could be misleading in that citizens might expect applicants to completely conceal their facilities. A brief discussion ensued, after which it was suggested that the policy be modified to say, “minimize their visual impact on the surrounding areas and/or conceal the telecommunication facilities.”

Commissioner Hall suggested that Policy c. be deleted because it repeated what was covered in Policy b.

In response to a question from Commissioner Flanagan, Mr. Marshall explained that the original Policy g. was renamed “Policy f.” because it flowed more naturally after Policy e.

Commissioner Lawrence expressed concern about Policy h., which discussed the characteristics of a structure and its impacts, and said that it seemed that the needs of the applicant were more important than those of the community. He suggested re-wording it to indicate that community needs would be equal to service area requirements.

Chairman Murphy pointed out that language was needed in the Comprehensive Plan to clearly explain that telecommunication facilities did not provide cellular telephone service only. He suggested that staff prepare language explaining the need for a robust infrastructure that could support a network and provide the necessary bandwidth to ensure reliable services for consumer electronic devices.

Answering a question from Commissioner Flanagan, Mr. Marshall explained that although cell phones did not fall under “light public utility use,” they were considered public utilities under

the “Mobile and Land-Based Telecommunication Use” and were subject to *Virginia Code* Section 15.2-2232 review.

Commissioner Lawrence pointed out that the County sought to develop a network that could provide optimal service with acceptable terms.

Commissioner Hall questioned what services were included in the entitled “Mobile and Land-Based Telecommunications Services.” Frank Stearns, Esquire, Stearns & Donohue, briefly explained the compliance and licensing requirements for service providers. As to whether “services” meant the provider or the carrier, Len Forkas, President, Milestone Communications, pointed out that a tower could not be constructed without a contracted service provider; therefore, the term “telecommunications services” would encompass both the structure and the services.

Commissioner de la Fe noted that telecommunications facilities could not be built to a particular specification because of their uniqueness. Mr. Marshall and Commissioner Lawrence agreed, noting that utility towers were also subject to the unique provisions in the Zoning Ordinance.

Mr. Marshall said he would email the strawman document to the Commissioners so they could make individual revisions prior to the next meeting.

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The meeting was adjourned at 8:09 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.

Meeting Taken by: Kara A. DeArrastia

Minutes by: Jeanette Nord

Approved: May 5, 2011

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