FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
THURSDAY, MAY 3, 2012

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

COMMITTEE MEMBER ABSENT:
Janet R. Hall, Mason District

FAIRFAX COUNTY STAFF PRESENT:
Chris Caperton, Chief, Public Facilities Branch, Planning Division, Department of Planning and Zoning (DPZ)
Fred Selden, Director, 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

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Chairman Peter F. Murphy, Jr. called the meeting to order at 7:02 p.m., in the Board Conference Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Litzenberger MOVED TO APPROVE THE TELECOMMUNICATIONS COMMITTEE MINUTES OF WEDNESDAY, MARCH 21, 2012.

Commissioner Flanagan seconded the motion which carried unanimously.

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PROGRAM MANAGEMENT

Chris Caperton, Chief, Public Facilities Branch, Planning Division, Department of Planning and Zoning (DPZ), briefly discussed staff's workload and noted that he had met earlier today with Lorrie Kirst, Deputy Zoning Administrator, Zoning Administration Division, DPZ, regarding recent revisions to streamline the 2232 application form. He added that he would send a revised status report on staff workload to the Planning Commission on Friday, May 4, 2012.

Mr. Caperton stated that the number of applications submitted was below the previously reported estimate of approximately 80. A brief discussion followed between Chairman Murphy and Frank Stearns, Esquire, Donohue and Stearns, PLC, regarding the decreased number of applications among industry providers in anticipation of forthcoming upgrades in cell phone technology. Commissioner Flanagan added that T-Mobile had suspended its development initiatives and upgrades in anticipation of its attempted merger with AT&T, which has since collapsed.

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ADDITIONAL EDITS TO POLICY PLAN TEXT AND STEPS TOWARD APPROVING THE REVISED POLICY PLAN

Mr. Caperton mentioned the revised draft of the Policy Plan language and additional emails that had been submitted by Committee members and discussed the latest revisions, as shown in the handout entitled "Proposed Comprehensive Plan Amendment," dated May 3, 2012.
(Note: The Policy Plan draft language with the notation "Draft 12/1/12" had erroneously been provided and that is in the date file; however, all other information within the document is correct.)

Referencing Objective 42, Policy j, under the "General Guidelines," shown below, Mr. Caperton explained that Beth Teare, Assistant County Attorney, Fairfax County Attorney's Office, had advised against removing "least visual impact" from the second line, noting that the term had been cited in a recent court case that had been decided in the County's favor.

> "Policy j. Demonstrate that the selected site for a new telecommunication facility provides the least visual impact on residential areas and the public way, as compared to other sites considered. Analyze the potential impacts from other vantage points in the area, especially from residential properties, to show how the selected site provides the best opportunity to minimize its visual impact on the area and on properties near the proposed site."

Mr. Caperton said that Commissioner Flanagan's suggested revisions to Objective 44, Policy b, of the "Feature Shown Guidelines" had also been reviewed and accepted by Ms. Kirst, with changes in the introductory paragraph and the addition of two new paragraphs, as follows:

> "Policy b. Utilize the following types of existing or replacement poles and towers for telecommunication facilities to avoid the construction of new monopoles and towers:

In addition, two additional sub-bullets would be added under the second bullet as follows:

- There is no more than one related equipment cabinet which is either (l) located on and painted to match the pole and is 20 cubic feet or less in volume, or (2) is located on the ground immediately adjacent to the pole, is 70 cubic feet

or less in volume and no more than 5 feet in height, and is screened according to Zoning Ordinance provisions.

- The height of a replacement pole or standard, including antenna, shall not exceed sixty-four (64) feet. The diameter of a Placement pole shall not exceed eighteen (18) inches."

Commissioner Flanagan added that Figure 14 on page 20 of the attachment, depicting a seven-foot radome cap on the top of a utility pole, should be revised to correctly reflect the proper safety distances for items on utility poles in Virginia.

When Commissioner Lawrence noted that the safety distance might be 12 feet rather than 10, Mr. Caperton said he would determine the correct number.

Commissioners Litzenberger and Flanagan and Mr. Stearns briefly discussed the modifications to the language in Policy b.

Mr. Caperton added that he had contacted Dominion Virginia Power regarding the safety distances and added that he had spoken to Ms. Teare, who expressed interest in reviewing the revised language.

Commissioner Litzenberger suggested that industry experts be given an opportunity to provide input to the language prior to review by the County Attorney's Office. During the discussion that followed, Mr. Stearns stated that he would disseminate the revised Policy Plan language to the major providers requesting they provide input to County staff by the end of May. This would allow review by the County Attorney prior to the Committee's next meeting on Thursday, June 14, 2012.

There was a brief discussion between Mr. Caperton and Chairman Murphy regarding the development of a strawman document for reference/approval by the Planning Commission and Board of Supervisors. Commissioner Hart added that a strawman document would provide the text to be used in the advertisements for the proposed Comprehensive Plan Amendment. Discussion continued briefly on the process for obtaining authorization from the Board of Supervisors to hold public hearings.

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OVERVIEW OF LEGAL CASES AND MISCELLANEOUS ITEMS

Mr. Caperton noted that Ms. Teare had met with County staff and gave a presentation on recent legal decisions relative to telecommunications. He added that she had said she was also willing to meet with the Telecommunications Committee to provide an overview of telecommunications cases, both local and nationwide.

Commissioner Lawrence pointed out that as work continued on the redevelopment of Tysons Corner, he was developing proffer language requiring applicants to furnish a viable and robust

wireless environment to help form a “smart” Tysons wherein service would be available for residents as well as anyone passing through the area. In the discussion that followed, Chairman Murphy suggested that language from previous redevelopment, such as the Base Realignment and Closure, be incorporated into upcoming applications for Tysons Corner.

In response to a question from Commissioner Migliaccio, Commissioner Lawrence confirmed that the telecommunications facilities in Tysons Corner would be flush-mounted on the buildings.

Commissioners Hurley and Lawrence and Chairman Murphy briefly discussed issues with large and/or unsightly facilities, methods to mitigate such items at construction, screening options, and ways to remove obsolete items.

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Chairman Murphy announced that the Committee would meet again on Thursday, June 14, 2012, from 6:30 to 7:00 p.m., in the Board Conference Room. He added that at 7:00 p.m., the Planning Commission would go into closed session for consultation with legal counsel pertaining to relevant telecommunications case law, pursuant to the *Code of Virginia*, Section 2.2-3711(7).

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The meeting was adjourned at 7:43 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: June 14, 2012

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