

**FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
WEDNESDAY, SEPTEMBER 21, 2011**

COMMITTEE MEMBERS PRESENT:

Earl L. Flanagan, Mount Vernon 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

COMMITTEE MEMBER ABSENT:

Janet R. Hall, Mason District

OTHER COMMISSIONER PRESENT:

Jay P. Donahue, Dranesville District

FAIRFAX COUNTY STAFF PRESENT:

Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), Department of
Planning and Zoning (DPZ)
Anita Capps, Senior Planner, PD, DPZ
Fred Selden, Director, DPZ
Barbara J. Lippa, Executive Director, Planning Commission Office
Dawn M. Ashbacher, Assistant Director, Planning Commission Office
Jeanette Nord, Deputy Clerk, Planning Commission Office

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Chairman Peter F. Murphy, Jr. called the meeting to order at 7:06 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 WEDNESDAY, MAY 5, AND THURSDAY, JUNE 16, 2011.

Commissioner Flanagan seconded the motion which carried unanimously.

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PROGRAM OVERVIEW

Chairman Murphy introduced Chris Caperton, Chief, Public Facilities Branch, Planning Division (PD), Department of Planning and Zoning (DPZ), who began the discussion with a brief update on the status of the 2232/"feature shown" applications and said that changes requested at the July 20, 2011 meeting had been incorporated.

Mr. Caperton mentioned that he had met with representatives from Commlabs, based in California, which was developing a land-based global positioning system (GPS) that would operate via several chips in a personal cell phone. He explained that the company system would require eight-foot whip antennas that would be mounted on existing structures, with the only accessory structure being a four-by-four foot equipment cabinet. Mr. Caperton described the technology and said the company wished to expand its market in the Washington Metropolitan Area, with its first application to be submitted for a site in the Providence District in October 2012. He said that the company planned to erect 16 antennas over the next year and that representatives had expressed a desire to meet with County representatives to present their information.

Mr. Caperton said that he had also met with representatives from Fairfax County Public Schools to discuss the process for school improvements, particularly bond-approved improvements. He noted that staff processed many school-related applications and said it might provide a more efficient review process for staff and Planning Commissioners.

Chairman Murphy noted that he had received a request for the Planning Commission's Schools Committee to meet. Mr. Caperton suggested that staff attend this meeting.

In response to a question from Commissioner Litzenberger, Mr. Caperton noted that while many bond-approved items might not go through a 2232 application process, there were improvements that were not approved on a public bond but were required to go through the 2232 process. Commissioner Litzenberger expressed concern about the openness of the bond process and said he would favor a public process for school improvements.

Commissioner Flanagan noted that he had spoken with the County Attorney about a case in the Mount Vernon District where he had received a site plan for improvements at a school, and had been told that recent case law suggested that the 2232 process was required for all improvements.

Answering a question from Commissioner Hart, Mr. Caperton explained that once approved on bond, anything built afterward need not go through the public process again.

Fred Selden, Director, DPZ, pointed out that bond-approved items went through a public process during the Capital Improvement Program (CIP) public hearings. He noted, however, that perceived problems lay in the time lapses between –

1. When the decision was made to place an item in the CIP,
2. When the item was approved by the County, and
3. When the item was actually funded and started.

Commissioner Hart acknowledged the approval process through the CIP, but expressed concern about the legality of current County procedures. There was a brief discussion wherein which Mr. Selden noted that he would continue the discussion with the County Attorney to obtain clarity on the issue. Anita Capps, Senior Planner, PD, DPZ, further noted that not all "feature shown" applications required specific review. Commissioner Hart expressed concern that items approved on the CIP could become larger issues at a later date because the CIP did not provide a great deal

of detail. Mr. Selden countered that the same could be said for 2232 items in the Comprehensive Plan, such as fire stations, that had been approved as “features shown.”

Commissioner Flanagan noted that adjacent property owners would not receive notifications for bond-approved improvements; however, Mr. Caperton pointed out that school representatives sent out notifications when site planning began. He also noted that his meeting with school representatives had been prompted by the fact that staff typically did not learn of school projects until then and said that he would be more proactive in the future.

Chairman Murphy noted the difficulties in predicting the process and direction of 2232 applications, particularly those involving school improvements. A brief discussion followed wherein it was noted that public notification was unnecessary for CIP/bond-approved items.

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TELECOMMUNICATIONS PLAN TEXT AMENDMENT

Chairman Murphy referred to the document entitled “Proposed Comprehensive Plan Amendment with Approved Changes from March 24, 2011; May 5, 2011; June 16, 2011; and July 20, 2011 PC Telecommunications Meetings”, a copy of which is in the date file, and addressed changes that had been made since the Committee’s last meeting. He reminded everyone that the final amended draft would have to be presented to the Planning Commission and Board of Supervisors and suggested that the Committee present a complete Policy Plan Draft Amendment rather than sending it piecemeal. After a brief discussion, everyone concurred with this suggestion, noting that the draft amendment would be completed in approximately four months, to be presented in February 2012.

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ADMINISTRATIVE REVIEW PROPOSAL (Commissioner Litzenberger’s Proposal)

Ms. Capps briefly explained the Administrative Review Process proposed by Commissioner Litzenberger, as shown in the handout entitled “Administrative Review Study Proposal”, in conjunction with the handout entitled “Cingular Wireless PCS, LLC”, both of which are in the date file. She noted that the proposed 2232 application process would require an applicant to provide the fully built-out telecommunication structure that, once approved, would require only administrative review of the subsequent approvals. The ensuing discussion revealed that the process could be a significant time saver for County staff and could also boost confidence for applicants by alleviating the subsequent administrative reviews upon initial approval.

In response to a question from Commissioner Migliaccio, Ms. Capps explained that while County staff could inspect a facility at any time, there was no current inspection process in place to after the initial approval of a telecommunications facility.

Commissioner Lawrence and Ms. Capps briefly discussed the depiction of the full build-out and subsequent community expectations. Additional discussion further revealed that structural heights set in the initial approval would remain unchanged throughout the life of the application.

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OTHER ITEMS

- Chairman Murphy noted that Massachusetts had begun to place wind turbines on Federal and industrial properties, pointing out that a turbine placed at the Massachusetts Maritime Academy provided the majority of its power. Discussion ensued wherein Commissioners Hart and Flanagan discussed turbines in the County, one of which was scheduled for a public hearing in December and another concerning the Fairfax County Landfill in Lorton. Discussion continued regarding wind energy use in other counties in the state and its impacts.
- Chairman Murphy expressed concern about the number of 2232 applications that were unaccepted. There was a brief discussion wherein Mr. Caperton and Ms. Capps explained that agents were contacted regarding insufficiencies; however, Committee members agreed that the corporate contacts needed to be identified and informed about County protocols.

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Chairman Murphy announced that the Telecommunications Committee would meet again on Wednesday, October 27, 2011, at 7:00 p.m., in the Board Conference Room.

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The meeting was adjourned at 8:05 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: October 27, 2011

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