

**FAIRFAX COUNTY PLANNING COMMISSION
TELECOMMUNICATIONS COMMITTEE
THURSDAY, NOVEMBER 18, 2010**

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
Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Suzanne F. Harsel, Braddock District
James R. Hart, At-Large
James T. Migliaccio, Lee District

FAIRFAX COUNTY STAFF PRESENT:

David Marshall, Planning Division (PD), Department of Planning and Zoning (DPZ)
David Jillson, PD, DPZ
Fred Selden, PD, DPZ
Anita Capps, PD, DPZ
Connie Maier, PD, DPZ
Dean Tistadt, Fairfax County Public Schools (FCPS)
Lee Ann Pender, FCPS
Tom Casey, FCPS
Bob Cordova, FCPS
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:

Len Forkas, Milestone Communications
Frank Stearns, Esquire, Donohue and Stearns

ATTACHMENTS:

1. Memorandum from Wanda M. Gibson to Board of Supervisors, dated September 24, 2010
2. Joint Board Matter/Motion from Supervisors Herrity and Hyland Regarding RF Testing for Telecommunication Application, dated November 16, 2010

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Acting Chairman Janet R. Hall called the meeting to order 7:04 p.m. in the Board Conference Room, at 12000 Government Center Parkway, Fairfax, Virginia, and indicated that the first order of business was to elect a permanent Committee chair.

Acting Chairman Hall MOVED TO ELECT PETER F. MURPHY, JR., AS PERMANENT CHAIRMAN OF THE TELECOMMUNICATIONS COMMITTEE.

Without objection, the motion carried unanimously.

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Chairman Murphy MOVED TO APPROVE THE TELECOMMUNICATIONS COMMITTEE MINUTES OF SEPTEMBER 15, 2010.

Commissioner Hall seconded the motion which carried unanimously.

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Chairman Murphy noted that the first meeting in September had been successful and generated many ideas; however, the numerous issues had made the discussion difficult. Hence, Chairman Murphy introduced David Marshall, Planning Division (PD), Department of Planning and Zoning (DPZ), to discuss the current outstanding issues with the committee.

Mr. Marshall explained that the current process for telecommunications applications was not concurrent with the Comprehensive Plan and suggested a review of the Plan and Zoning Ordinance for processing applications as well as placing the structures. He noted that staff had received suggestions regarding citizen notification and improvements. He suggested that staff review the requirements for telecommunications facilities and consider radiofrequency (RF) testing, particularly since it was a primary health concern to many citizens in the County. Mr. Marshall stated that although health concerns were not currently subject to the 2232 process, they were forefront in County citizens' opposition, and should therefore be addressed by the Planning Commission and County staff. He added that the placement of telecommunications facilities on school grounds had met with mixed reaction in the County, but said that could be a result of poor communication with both the applicants and citizens. Mr. Marshall noted that language currently directed applicants to select visually appropriate locations for telecommunications facilities, but acknowledged the difficulty in proving that alternate sites have been investigated.

Chairman Murphy suggested that language be added to the Mobile and Land-Based Telecommunication Services section of the Policy Plan, Objectives 42 through 45 on pages 37-46, to address such facilities in residential areas.

Chairman Murphy and Mr. Marshall discussed the current process for "features shown" and "consent agenda" items, which allowed the Planning Commission to approve certain facilities without a public hearing. In addition, they discussed distributed antenna systems (DAS), a multi-node system that often included numerous locations.

Commissioner Hart suggested that staff prepare a strawman document, beginning with the Policy Plan text, to help focus the discussion and allow the current text to be edited.

Commissioner Lawrence added that the strawman would be particularly advantageous to address the impact on residential areas, but cautioned that the County would need to ensure that the process be flexible since the technology changed constantly.

Commissioner Flanagan mentioned that the Board of Supervisors had requested that staff review the procedures for proposed telecommunications facilities, after which a brief discussion ensued. Chairman Murphy reiterated that re-examining the Policy Plan would help address issues associated with such facilities.

Commissioner de la Fe pointed out that the majority of facilities were approved without incident through a public hearing or administratively. He noted that problems generally arose when applicants proposed to place tall facilities in residential areas. He acknowledged that the primary reason for citizen opposition was health related, but pointed out that current guidelines prohibited the consideration of health-related issues during the approval process. He pointed out, however, that satellites would render such facilities obsolete since they provided better service.

Commissioners Hall and de la Fe and Chairman Murphy discussed the recent increase in opposition to telecommunications facilities and said the decision to allow them at middle and elementary schools could be the cause for complaints.

In response to a question from Chairman Murphy, Mr. Marshall said that staff would prepare a strawman draft for Telecommunications Facilities in Residential Areas, starting with the text from pages 37 and 38 of the Policy Plan.

Dean Tistadt, Chief Operating Officer, Facilities and Transportation Services, Fairfax County Public Schools, stated that opposition to telecommunications facilities had increased with the approvals for installations on middle and elementary school sites. He requested guidance to change the current process to provide a more certain outcome or gauge community response earlier in the process. He pointed to the citizen opposition from the Longfellow and Sandburg Middle Schools and suggested that a survey aimed toward parents and surrounding households could provide more input for Commissioners to consider.

After some discussion about the sudden spike in citizen opposition to cell towers, Chairman Murphy pointed out that most of the recent opposition had occurred as a result of incorrect advertising and misunderstanding of terms, and consequently the Planning Commission spent more time arguing over format and not content.

Commissioner Lawrence noted that even if an applicant received approval to build a facility, its certainty could not be guaranteed because the community could take action to appeal the decision, as had happened recently in the Providence District. He further pointed out that a citizen from another district had attended a recent public hearing to speak in opposition to a monopole in the Providence District.

Commissioners Donahue and Flanagan discussed the issues the citizens in their respective districts had with monopole proposals, including lack of information, miscommunication, and mistrust among the participants.

There was a brief discussion on the School Board vote which allowed telecommunications facilities on middle and elementary school sites. Chairman Murphy pointed out that high schools had been acceptable because the campuses were larger and more removed from residential areas. He said he would not consider applications on elementary school sites in the Springfield District.

Commissioner Flanagan suggested a proactive approach, pointing out that Mount Vernon District Supervisor Hyland had determined a search grid to look for sites that would be supported by the community.

Mr. Tistadt stated that staff had refined the process to ensure more rigorous and appropriate notification of people in the affected community, provide accurate information, and eliminate misinformation, and requested that committee members provide suggestions to help improve the process.

Commissioner Hart pointed out that communication and accurate information were extremely important to citizens and said they might respond more positively if they received information from the beginning of the process through advertisement and public hearings. He remarked that monopoles that blended in with the community landscape tended to be less controversial than those that did not.

Commissioner de la Fe recommended that an applicant ensure that the owner of a proposed site fully supported the proposal prior to the public hearing, noting that he would not want to consider an application without full support from the property owner. Commissioner Harsel added that, for a school property, the faculty and PTA should be notified and their position on the proposal noted.

Commissioner Hall said that citizens often commented on the revenues that the schools received from the telecommunications industry. Mr. Tistadt explained that a school would receive a one-time payment of \$25,000 for a new tower and a one-time payment of \$5,000 for an antenna attachment, noting that any additional revenue would go into a general fund to purchase items such as communication devices for critical personnel. (A copy of the FCPS chart depicting Monopole Revenue Allocations is in the date file.)

Chairman Murphy stated that health had become a primary concern for citizens and would need to be addressed. He cited a recent flagpole monopole approval in the Springfield District adjacent to a community that had opposed the structure because of health concerns. He said that Wanda Gibson, Director, Fairfax County Department of Information Technology, had stated in a memorandum to the Board of Supervisors dated September 24, 2010, that the County's incumbent radio engineer had retired and the position was subsequently eliminated. Chairman

Murphy explained that Springfield District Supervisor Pat Herrity and Supervisor Hyland presented a joint recommendation to the Board of Supervisors on November 16, 2010, to modify the current 2232 review of RF analyses; however, the recommendation suggested that RF analyses be performed “at the discretion of the respective Planning Commission member” when deemed “pertinent and of value to the application being considered.” As a result, the Board remanded the matter to the Telecommunications Committee. (Copies of Ms. Gibson’s memorandum and the Joint Board Matter are in the date file.)

Commissioner Harsel asked Frank Stearns, Esquire, Donohue and Stearns, to provide information regarding a device capable of measuring RF emissions for homeowners. He said he would provide manufacturing information and where it could be purchased.

Commissioner Lawrence briefly discussed the dangers of driving while texting and said the telecommunications industry should advocate working with the automotive industry to endorse safety measures for drivers.

Commissioner de la Fe suggested that the Commissioners urge their respective Supervisors to advocate either reinstating the radio engineer position or allocating that function to an existing position in the County.

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Chairman Murphy announced that the Telecommunications Committee would meet again on Thursday, January 13, 2011, at 7 p.m., in the Board Conference Room.

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The meeting was adjourned at 8:13 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: January 13, 2011

Kara A. DeArrastia, Clerk
Fairfax County Planning Commission



County of Fairfax, Virginia

DATE: September 24, 2010

TO: Board of Supervisors

FROM: Wanda M. Gibson, Director
Department of Information Technology

SUBJECT: BOS Matter July 13, 2010: County Radio Frequency (RF) Emissions Testing

This is in response to the Board of Supervisors Matter of July 13, 2010 regarding County's current capability to evaluate and verify that radio frequency (RF) emissions associated with proposed telecommunications sites in the County are within Federal Communications Commission (FCC) guidelines. As noted in the matter, prior to 2007, one of the two radio systems engineers in the Radio Services Branch of the Department of Information Technology (DIT) assisted the Facilities Planning Branch in the Department of Planning and Zoning (DPZ) by performing such studies when requested, and also at times supported DPZ in providing expertise at Planning Commission meetings as requested. The study work required a specific expert skill. While the performance of an independent review of the telecommunications proposals was a helpful service for the county to have in addressing citizen inquiries and concerns around RF emissions, it was not a statutory requirement or requirement of the 2232 application process.

FCC regulations provide that local governments may not deny a commercial wireless carrier permission to build a telecommunications site based on RF safety concerns, provided that emissions from the proposed facility do not exceed the Maximum Permitted Exposure (MPE) limits set by the FCC and OSHA. A local government can require that a carrier provide an analysis that demonstrates that a proposed facility will not exceed the MPE limits; however the County has no obligation under the regulations to perform its own analysis. After these regulations were adopted by the FCC, DIT assisted DPZ by providing an independent evaluation to confirm the analysis provided by the wireless carrier. DIT performed this work and developed reports for DPZ until the incumbent engineer retired. Generating these reports is a complex exercise that requires many hours (or even days) of staff time, depending on how many antennas are at the site that is being evaluated. In some cases, radio program consultants assisted. Predicted emissions are expressed as a percent of the MPE limit. If the predicted levels at a location near the site do not exceed 100% of the MPE limit, that location is considered completely safe. For commercial wireless sites the levels are very low, usually less than 1% of the MPE, or worst case for a collocation site with multiple carriers, a few percent of the MPE. The county's analysis was done using worst-case assumptions. Actual exposures from a site are likely to be even lower than the predicted levels shown in the reports.



After the retirement of the incumbent radio engineer, DIT determined that the specific expert skill and probable certification required for this non-mandatory service would be difficult to find and recruit due to competition from the market. It could also be perceived as a conflict of interest since DIT purchases services competitively from commercial carriers that seek 2232 applications from Fairfax County. Based on this, DIT believes that it would be more appropriate for wireless carrier applicants to submit a stamped and sealed independent analysis with their application, performed by a Professional Engineer (P.E.) licensed to practice in the Commonwealth of Virginia, which would eliminate the need for an independent analysis performed by the County. DIT informed DPZ that DIT could no longer provide the discretionary service for ad-hoc RF testing with internal staff.

DIT's recruitment of the vacated radio shop position discussed above with emphasis on the County's radio services mission and requirement for updated skills to architect, implement, manage and maintain newer radio systems technology that the county uses supporting its critical Public Safety and Public Service radio systems which is DIT's core mission. As well, the scope and complexity of the work in the Radio Services has greatly expanded over the years, to include supporting GIS based AVL (automated vehicle location) devices, expanded public safety mobile fleet with the implementation of the new Law Enforcement mobile systems and ambulances, as well as the FCC 800 MHz re-banding mandate and Department of Homeland Security requirements for intergovernmental communications interoperability. Even with the vacant position updated to meet required technical support requirements, an additional position would be valuable for base capacity to support the expanded workload, but not specifically for RF emissions tests.

In order to resume the practice of providing an evaluation and verification of Radio Frequency (RF) emissions associated with proposed telecommunications sites, staff recommends that the wireless carrier applicants be required to submit a stamped and sealed independent analysis with their 2232 Review application, performed by a Professional Engineer (P.E.) licensed to practice in the Commonwealth of Virginia concerning the level of RF emissions from their proposed facilities. This application amendment would require that the applicant include, as an exhibit, an independently performed RF Exposure Safety Study performed at the applicant's expense by an independent engineering firm separate from the applicant's own company and experienced in the art of calculating RF emission levels from telecommunications and broadcast sites. It will be required that the study be performed in accordance with FCC Office of Engineering and Technology Bulletin 65, Edition 97-01, including any applicable Supplements, and shall include sufficient detail such that DIT and DPZ staff and the Planning Commission are able to review the data and assumptions that form the basis of the study. The study shall evaluate RF emissions from the applicant's proposed installation, along with emissions from existing antennas at the proposed site, if applicable, such that the overall emissions from the site are considered in the study.

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BOS Matter July 13, 2010: County Radio Frequency (RF) Emissions Testing

Until such time that the 15.2-2232 application requirements are amended by staff as proposed above, DIT has an RF Engineering Services contract in place that can be used to provide independent analysis and verification at cost, cost varying based on the specifics of the site design, and that funding for this service if deemed valuable against other priorities *be* provided. DIT can also be available at Planning Commission meetings for information as requested and available

cc: Anthony H. Griffin, County Executive
David Bobzien, County Attorney

David J. Molchany, Deputy County Executive
Robert Stalzer, Deputy County Executive
James Zook, Director, Department of Planning and Zoning
David Marshall, Chief, Facilities Planning Branch
Elizabeth Teare, County Attorney's Office
Steven Brundage, Director, Communications Technologies Division, DIT



County of Fairfax, Virginia

**Supervisor Herrity and Supervisor Hyland
Joint Board Matter
November 16, 2010
RF Testing for Telecommunication Applications**

Background: In response to a Board Matter made jointly by Supervisor Hyland and I on July 13, 2010 concerning the County's capabilities to evaluate and verify radio frequency (RF) emissions associated with proposed telecommunication sites in the County, Board members recently received a memo dated September 24, 2010 from Wanda Gibson, the Director of the Department of Information and Technology, which recommended that the wireless carrier applicants be required to submit as part of their 2232 Review applications, an independent analysis performed by a Professional Engineer, concerning the level of RF emissions from the proposed facility.

This RF analysis would be prepared at the applicant's expense and in accordance with FCC guidelines. It would confirm that the telecommunications facility being proposed meets all FCC guidelines and will serve to respond to various questions that are many times raised in the application review process concerning antenna emissions and safety. The Department of Information and Technology does not currently have the staff available to perform such an analysis and due to the competition from the market, staff believes it would be difficult to recruit the necessary skills to do so. While we believe that the recommendations made by staff to require an RF analysis as part of the 2232 Review application submission is probably the best method for verifying the safety of proposals, we believe that it is unnecessary to impose this requirement on all telecommunication applications and to do so would be unnecessarily burdensome and time consuming, particularly for the many cases that involve collocation on existing buildings and structures that are processed as a "feature shown." A more realistic approach we feel is to provide that such RF studies be provided with a 2232 Review application only when requested by the respective Planning Commission member. This would eliminate a blanket application requirement and focus the requirement only on those applications where it is

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determined by the respective Planning Commission member that such study is of value to the decision and of interest to the community.

Motion: Therefore, Madam Chairman, Supervisor Hyland and I recommend that the Board direct staff to make the submission of an independent RF analysis a 2232 Review application requirement when it is determined at the discretion of the respective Planning Commission member that such RF analysis is pertinent and of value to the application being considered, and that the current 2232 Review application guidelines be modified to include this requirement beginning January 1, 2011.

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