Planning Commission Meeting
January 29, 2009
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT (MOBILE AND LAND BASED TELECOMMUNICATION FACILITIES)

Decision Only During Commission Matters
(Public Hearing held on January 8, 2009)

Commissioner Hart: Thank you Mr. Chairman. With respect to the Telecommunications Zoning Ordinance Amendment for which the Planning Commission had a public hearing on January 8th, first let me thank staff, particularly Brian Parsons, Lorrie Kirst, and David Marshall, and also Beth Teare in the County Attorney's Office, for their fine work on this difficult case.

Commissioner Sargeant: Mr. Chairman? Can I interrupt for a second? I'm sorry to interrupt you, Commissioner Hart. As you know, I recused myself from this discussion previously and plan to do so tonight. So I'll step out while you're having this discussion.

Chairman Murphy: All right. Thank you.

Commissioner Hart: Thank you. Mr. Chairman, I also want to thank the speakers who came out to the public hearing as well as the individuals and groups that submitted comments after the public hearing. This amendment package is intended to harmonize recent technological changes in the telecommunications industry with our land use application procedures. Under the current Ordinance, special exception applications are required for certain slight modifications which typically have not resulted in significant complaints or impacts. Other neighboring counties also are somewhat more generous in what may be allowed. While any particular dimensions might be somewhat arbitrary and we might not all arrive at exactly the same numbers, I support staff's conclusions that these modest amendments are appropriate. With respect to structure mounted panel antenna height, I believe staff's recommendation of 8.5 feet adequately accommodates what antennas are anticipated by industry without significant visual detriment to the surrounding community. With respect to utility pole heights, there has been some concern expressed. Right now utility companies can replace utility poles with larger poles without any restrictions. This amendment will not change that circumstance but does recognize that the installation of antennas on utility poles ought not necessarily require a special exception as opposed to a 2232 review. I believe that staff's rationale for the maximum height of 64 feet, including antennas and diameter of 18 inches, represents a realistic balance between our objectives for minimizing visual impacts on residential areas and limiting the number of unnecessary special exception hearings. Dominion Power's typical wooden pole of 55 feet plus an antenna of 8.5 feet yields a height of 64 feet. Although the advertisement allowed us to consider going up to 80 feet rather than 64 feet, I believe on the record before us 64 feet will be sufficient for the time being. We also have some opposition to going even to that height although that may arise from concerns about the ability of the utility providers to install larger poles by right. Installation of antennas on replacement utility poles still will remain subject to 2232 review by the Commission. With respect to hub sites for distributive antenna systems, although there may be some disagreement about the dimensions, the proposed amendment is consistent with other Ordinance requirements

for equipment cabinets and structures for other mobile and land based telecommunications facilities. Mobile and land based telecommunications hub sites are currently and will continue to be subject to 2232 review by the Commission. We have also received some observations and constructive suggestions which have been determined to be outside the scope of the advertising or beyond our ability to regulate. Although we might wish we could have more say with respect to the height of replacement utility poles, my motion will track staff's recommendation as modified since the public hearing, which I believe is appropriate. And I believe we will have other opportunities, as directed by the Board of Supervisors, to revisit these provisions in light of future technological changes or the community's experience with these facilities. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED MOBILE AND LAND BASED TELECOMMUNICATION ZONING ORDINANCE AMENDMENT BE ADOPTED AS ADVERTISED AND CONTAINED IN THE DECEMBER 8, 2008 STAFF REPORT WITH THE FOLLOWING REVISIONS:

- REVISE PARAGRAPH 1D OF SECTION 2-514 TO ALLOW STRUCTURE OR ROOFTOP MOUNTED DIRECTIONAL OR PANEL ANTENNAS TO NOT EXCEED EIGHT AND ONE-HALF FEET IN HEIGHT INSTEAD OF THE EIGHT FEET AS PROPOSED IN THE STAFF REPORT.

- REVISE PARAGRAPH 5D OF SECTION 2-514 TO DELETE THE WORD "IN" AFTER THE WORD "FEET" ON LINE 33 OF PAGE 6 OF THE STAFF REPORT SO PARAGRAPH 5D WOULD READ AS FOLLOWS:

  THE HUB SITE SHALL MEET THE MINIMUM YARD REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT THAT HUB SITES LOCATED IN A UTILITY TRANSMISSION EASEMENT OR STREET RIGHT-OF-WAY SHALL BE LOCATED A MINIMUM OF TWENTY FEET FROM THE UTILITY TRANSMISSION EASEMENT OR STREET RIGHT-OF-WAY.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it accept the amendment to the mobile and land based telecommunications facilities as articulated by Mr. Hart this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Excuse me. Opposed?

Commissioner Alcorn: Abstain, not present for the public hearing.

Chairman Murphy: Motion carries. Mr. Alcorn abstains. Not present for the public hearing.

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(The motion carried by a vote of 9-0-1 with Commissioner Alcorn abstaining; Commissioner Sargeant recusing himself; and Commissioner Harsel absent from the meeting.)

JN