

ZONING ORDINANCE AMENDMENT – APPROVAL PROCESS FOR MONOPOLES AND TOWERS

After Close of the Public Hearing

Chairman Murphy: Alright, public hearing is closed. Mr. Migliaccio.

Commissioner Migliaccio: Thank you Mr. Chairman. Before I begin my motion, I would like thank Ms. Kirst, Mr. Caperton, Ms. Johnson, and our County legal staff and all others who have worked on this zoning amendment to get it here tonight in a quick and efficient manner. I know we are up against the clock and we have to get this done before July 1. Otherwise, bad things can happen. With that being said, Mr. Chairman, we are here tonight to debate and vote on this monopole approval process amendment due to the actions of the General Assembly, specifically House Bill 883. While Fairfax County has worked with the industry and all stakeholders in the past to come up with a workable process that steers many of the cell towers toward industrial and commercial areas of the County, this one action by the General Assembly wipes out all of that work and potentially silences the voices of Fairfax County residents. What I find most disappointing about how we arrived here tonight is that it did not have to be. Up until the final days of the General Assembly, the bill in question recognized that the localities in Northern Virginia, including Fairfax, did not have a process problem with siting monopoles and excluded them from the bill. Unfortunately, a state senator who represents Fairfax County amended the bill to include Fairfax County and here we are tonight. If the Board of Supervisors does not pass this Amendment by July 1, the citizens of Fairfax County will have no influence or control when it comes to siting monopoles and cell towers in commercial and industrial sections of the County. They will no longer have the opportunity to voice their opinions and concerns in a public hearing through the 2232 process. The County will also lose the ability to determine and regulate the potential adverse effects that a 199-foot tower might have on nearby residential neighborhoods. The best way that we can protect the citizens of the County is to fold all monopoles and cell towers into the Special Exception process. While this might be more cumbersome and expensive for industry, it is the only way forward between now and July 1. It is essentially a placeholder until we can get something better in the system. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE PROPOSED APPROVAL PROCESS FOR TOWERS ZONING ORDINANCE AMENDMENT BE APPROVED, AS ADVERTISED AND CONTAINED IN THE STAFF REPORT DATED MAY 17TH, 2016, WITH AN EFFECTIVE DATE OF 12:01 A.M. ON THE DAY FOLLOWING ADOPTION.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Ms. Sargeant and seconded by the Chair. Is there a discussion of the motion? Just to spin off a little bit on what Mr. Migliaccio said – you know, I guess when you're elected to the House of Delegates, you're elected to represent the people of your district and the people in the state. And you have the responsibility to create legislation and to vote for legislation, but it just seems to me that if you're in a jurisdiction where you're going to create or vote on a piece of legislation that impacts that jurisdiction and you ain't that far away from the Board of Supervisors, who represents the people in the county – that before you would do

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something like this to a legislation – especially pull the exemption out – you may want to talk with the Board of Supervisors. You may want to coordinate your vote or your action on a piece of legislation with the home team. And that didn't happen here – surprise. Further discussion of the motion? All those in favor of the motion, as articulated by Mr. Migliaccio to recommend to the Board of Supervisors that it adopt the approval process for monopoles and towers Zoning Ordinance Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Is there any other business before the-

Commissioner Migliaccio: Mr. Chairman, I just have one follow-on motion-

Chairman Murphy: I'm sorry.

Commissioner Migliaccio: -just to capture – not to discount what Mr. Stearns has said and just to continue what staff has been doing. Recognizing that this Zoning Ordinance Amendment is just a placeholder that nobody is happy with seeing tonight, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT STAFF TO CONTINUE THEIR WORK ON THE SUBJECT MATTER BY ENGAGING ALL APPROPRIATE STAKEHOLDERS TO STREAMLINE THE APPROVAL PROCESS FOR THE SITING OF MONOPOLES AND CELL TOWERS IN COMMERCIAL AND INDUSTRIAL SECTIONS OF THE COUNTY.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant and the Chair. Is there a discussion of that motion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

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(Each motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JLC