



PROPOSED COMPREHENSIVE PLAN AMENDMENT

ITEM: 2017-CW-1CP
March 15, 2017

GENERAL LOCATION: Countywide

SUPERVISOR DISTRICT: All

PLANNING AREA: All

PLANNING DISTRICT: All

SUB-DISTRICT DESIGNATION: All

PARCEL LOCATION: All

Mobile and Land Based Telecommunications Policy Plan Amendment
For additional information about this amendment call (703) 324-1380.

PLANNING COMMISSION PUBLIC HEARING:
Wednesday, March 29, 2017 @ 8:15 PM

BOARD OF SUPERVISORS PUBLIC HEARING:
Tuesday, April 4, 2017 @ 4:00 PM

**PLANNING STAFF DOES RECOMMEND
THIS ITEM FOR PLAN AMENDMENT**



Reasonable accommodation is available upon 48 hours notice. For additional information about accommodation call the Planning Commission office at (703) 324-2865, or the Board of Supervisors office at (703) 324-3151.

MAP NOT APPLICABLE

This page intentionally left blank

STAFF REPORT FOR PLAN AMENDMENT 2017-CW-1CP

BACKGROUND

On January 24, 2017, the Fairfax County Board of Supervisors (Board) authorized Plan Amendment (PA) 2017-CW-1CP to harmonize the telecommunications review process of Section 6409(a) of the Spectrum Act, codified at 47 U.S.C. §1455, with the Policy Plan. The Spectrum Act advances wireless broadband service and governs state and local review of requests to modify existing telecommunications facilities. The proposed Plan amendment will bring the objectives of the Public Facilities portion of the Comprehensive Plan's Policy Plan into compliance with Spectrum Act requirements.

The proposed Policy Plan Mobile and Land-Based Telecommunication Services changes are the result of the Planning Commission Telecommunications Committee's review of the existing Plan text with input from staff. Currently, most requests to modify existing facilities are reviewed administratively according to provisions of Objectives 45 and 46 in the Public Facilities Policy Plan, which includes policies guiding the placement of antennae and associated equipment. Objective 46, policies a. through f., specify standards for modifying existing telecommunication facilities on building surfaces, electrical transmission towers, existing monopoles and towers, and within existing structures. Much of the guidance in Objective 46 corresponds with the Fairfax County Zoning Ordinance (ZO) requirements in Section 2-514 for the regulation of telecommunications facilities. The changes proposed to Policy Plan text respond to enactment of the Spectrum Act, which provides that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station." An eligible facilities request is any request involving modifications to co-locate, replace, or remove transmission equipment on existing telecommunications facilities.

The Federal Communications Commission adopted a report and order in 2015 clarifying criteria for eligible facilities to be approved under Section 6409(a) of the Spectrum Act. If a modification substantially changes the physical dimensions of a tower or base station it falls outside of Section 6409(a). A change is substantial if it meets any of the following:

- For towers and base stations outside of rights-of-way (ROW), the height is increased by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater
- For towers and base stations in a ROW, the height is increased by more than 10 percent or 10 feet, whichever is greater
- For towers and base stations outside a ROW, the modification protrudes from the edge of the tower more than 20 feet, or more than the width of the tower or structure at the level of the appurtenance, whichever is greater
- For towers and base stations in a ROW, the modification protrudes from the edge of the structure more than 6 feet
- For towers and base stations outside a ROW, the modification involves installation of more than 4 equipment cabinets

- For towers and base stations in a ROW, the modification involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure
- The modification entails any excavation or deployment outside the current site of the tower or base station
- The modification would defeat the existing concealment or camouflage elements of the tower or base station
- The modification does not comply with development conditions associated with zoning approval of construction of the tower or base station, unless the non-compliance is due to an increase in height, width, or addition of cabinets that does not exceed the “substantial change” thresholds.

State and local governments are also required to act on “any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time” per the Telecommunications Act of 1996. The FCC clarified in the 2015 report and order that under 6409(a) of the Spectrum Act the review of eligible telecommunications modifications must be completed within 60 days unless there is a mutual agreement to extend review time.

DESCRIPTION AND ANALYSIS OF PROPOSED AMENDMENT

In October and November, 2016, and in February, 2017, the Planning Commission Telecommunications Committee met and discussed the proposed Plan amendment and the text of the Mobile and Land Based Telecommunications Facilities portion of the Policy Plan. Objectives 43 and 44 are general guidelines for telecommunications facilities and contain standards for new facilities requiring a public hearing. Objective 45 is comprised of feature shown guidelines and Objective 46 provides guidance for administrative review. This proposed amendment focuses mainly on Objectives 45 and 46.

Objective 45 describes consideration of the feature shown review process for telecommunication facilities to be located on existing or replacement structures. Replacement of this objective is proposed for clarification and for distinction from the administrative review process of Objective 46. A modification to increase the diameter of antenna canister caps on utility distribution poles is proposed to allow for telecommunication equipment to co-locate on utility poles. Editorial changes are proposed to Objective 45, policy b. and Objective 46, policies a. and b. that contain standards to locate telecommunications facilities on building surfaces and electrical transmission towers. The policies are edited to better conform to the Zoning Ordinance. Objective 46, policies c. through f. include guidance for installation of telecommunications equipment on existing monopoles and towers and within existing structures, and standards for modification of existing facilities. Staff suggests the deletion of policies c. through f. due to the Section 6409(a) of the Spectrum Act requirements that supersede these policies.

CONCLUSION

The proposed amendment updates the feature shown and administrative review of Mobile and Land-Based Telecommunications Services in the Public Facilities Section of the Policy Plan element of the Comprehensive Plan. The update brings Policy Plan objectives into compliance with the Spectrum Act and the 2015 adoption of the Federal Communication Commission's report and order.

RECOMMENDATION

Staff recommends the Comprehensive Plan be modified as shown below. Text proposed to be added is shown as underlined and text proposed to be deleted is shown with a ~~strikethrough~~.

ADD: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Public Facilities, amended through 11-1-2016, Mobile and Land Based Telecommunication Services, page 38:

“MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES

...

The 1996 Telecommunications Act, implemented by the Federal Communications Commission (FCC), and the federal courts defers to state and local governments (subject to certain exceptions) with respect to the placement, construction, and modification of facilities used to provide cellular, broadband, and other personal wireless services. State and local governments may not regulate these facilities based on the potential health or environmental effects of radio frequency (RF) emissions, to the extent that the facilities comply with established FCC regulations. Information on the FCC regulations is available for review on their Website.

In February 2012, Section 6409(a) of the Spectrum Act (codified at 47 U.S.C. §1455) was enacted for state and local government review of requests to co-locate, replace, or remove transmission equipment on existing wireless towers or base stations. The FCC adopted a Report and Order in 2015, clarifying that modifications not substantially changing eligible facilities shall be approved under Section 6409(a) of the Spectrum Act. In the County, such modifications are administratively approved as a feature shown of the Comprehensive Plan.”

REPLACE: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Public Facilities, amended through 11-1-2016, Feature Shown Guidelines, page 41:

“Objective 45: ~~With Planning Commission approval, consider mobile and land-based telecommunication facilities to be located on existing or replacement structures a “feature shown” of the Comprehensive Plan to be processed without a public hearing when placed in conformance with the following policies:~~”

Replace with:

“Objective 45: With Planning Commission approval, first time mobile and land-based telecommunication facilities proposed on existing or replacement structures may be processed without a public hearing as a “feature shown” of the Comprehensive Plan when in conformance with the following policies:”

MODIFY: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Public Facilities, Amended through 11-1-2016, page 41 - 43:

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:

...

- “Utility distribution poles on property zoned for residential uses provided:

...

- The antennas on the pole are either concealed within a cap enclosure that resembles the pole, is no greater than ~~42~~ 20 inches in diameter, and is no higher than 7 feet above the top of the pole (See Figure 14.); or the antennas are flush-mounted panels no higher than the top of the pole and are limited to four in number; or the antennas are omni-directional (whips) that either extend no more than 4 feet above the top of the pole and are limited to 3 in number or extend no more than 8.5 feet above the top of the pole and are limited to 1 in number;

...

- Utility distribution poles on property zoned for commercial or industrial uses or that is within the right-of-way of an interstate highway or the Dulles Airport Access/Toll Road provided:

- The antennas on the pole are either concealed within a cap enclosure that resembles the pole, is no greater than ~~42~~ 20 inches in diameter and is no higher than 7 feet above the top of the pole; or the antennas are flush-mounted panels and are placed no higher than the top of the pole and are limited to 12 in number; or the antennas are placed in a unified design, such as a candelabra with cylindrical shells covering each antenna (See Figure 15.), and are limited to 12 in number; or the antennas are omni-directional (whips) that either extend no more than 4 feet above the top of the

pole and are limited to 3 in number or extend no more than 8.5 feet above the top of the pole and are limited to 1 in number; and

...

- Light and camera standards in rights-of-way of an interstate highway or the Dulles Airport Access/Toll Road provided the antennas on the standard are either concealed within a cap enclosure that resembles the standard, is no greater than ~~12~~ 20 inches in diameter, and is no higher than 7 feet above the top of the pole; or the antennas are flush-mounted panels and are placed no higher than the top of the standard and are limited to 12 in number; or the antennas are placed in a unified design, such as a candelabra with cylindrical shells covering each antenna, and are limited to 12 in number; and”

...

MODIFY: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Public Facilities, amended through 11-1-2016, Administrative Review Guidelines, page 45:

“ADMINISTRATIVE REVIEW GUIDELINES

...

Policy a. Locate telecommunication facilities on building surfaces (including water tanks or towers) in accordance with the following standards:

...

- The equipment cabinet or shelter shall be either:

...

- Located on the roof of the building immediately adjacent to its penthouse or other structure on the roof, is no greater than 500 square feet in area and ~~12~~ 14 feet in height, and shall be screened by a material of the same, or visually the same, color or pattern and of an equal or lesser height as the adjacent rooftop structure.

MODIFY: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Public Facilities, amended through 11-1-2016, page 45:

Policy b. Locate telecommunication facilities on electrical transmission towers in accordance with the following standards:

...

- The related equipment cabinet or shelter shall be located under or adjacent to and within the easement of the tower, and match the color of the tower structure.”

DELETE: Fairfax County Comprehensive Plan, 2013 Edition, Policy Plan, Public Facilities, Amended through 11-1-2016, pages 45 and 46:

~~“Policy c. — Locate telecommunication facilities on existing monopoles and towers in accordance with the following standards:~~

- ~~• — The antenna shall be self-supporting and its top shall be located no more than 15 feet above the top of the existing structure.~~
- ~~• — The color of the antenna and its mountings shall closely match the surface on which they are placed.~~
- ~~• — The related equipment cabinet or shelter area shall be no greater than 500 square feet in area and 12 feet in height and shall be placed within an existing telecommunications compound. The compound must meet the screening requirements of the Zoning Ordinance; and~~
- ~~• — The structure shall be located on property that is zoned I-1 through I-6 industrial zoning district.~~

~~Policy d. — Install telecommunication facilities within existing structures in accordance with the following standards:~~

- ~~• — The antenna shall be located totally within an existing structure; and~~
- ~~• — The equipment cabinet or shelter shall be located totally within an existing structure.~~

~~Policy e. — Expand and/or modify telecommunications facilities at existing installations in accordance with the following standards:~~

- ~~• — The surface area (as measured for panel antennas as height times width and for whip antennas as height times diameter) of a replacement antenna shall be no more than 50% greater than the antenna originally approved by the Planning Commission;~~
- ~~• — The top of the replacement antenna shall be mounted at a level no higher than the level of the top of the antennas being replace;~~
- ~~• — The color of the replacement antenna and its mountings closely match the background on which placed; and~~
- ~~• — The square footage and the height of the replacement or expanded equipment cabinet or shelter shall be no more than 25% greater than the square footage and the height of the original equipment cabinet or~~

~~shelter approved by the Planning Commission for the provider at the site.~~

~~Policy f. As an option for approved monopoles (camouflaged or non-camouflaged), add telecommunication facilities in accordance with the following standards:~~

- ~~• Antennas allowed within the maximum number identified for the platform elevations in the original monopole approval;~~
- ~~• Antennas allowed within the allowable size;~~
- ~~• Pad sites and equipment cabinet/shelters allowed within the maximum number identified in the originally approved monopole equipment compound; and~~
- ~~• Proposed telecommunication facilities must be in accordance with the Zoning Ordinance.”~~

COMPREHENSIVE LAND USE PLAN MAP:

The Comprehensive Land Use Plan Map will not change.

TRANSPORTATION PLAN MAP:

The Countywide Transportation Plan Map will not change.