

**BOARD OF SUPERVISORS
BUSINESS MEETING
BOARD MEMBER INITIATIVE**

SUBJECT: Critical Communications Infrastructure Improvement
in Areas of Need in Loudoun County

ELECTION DISTRICT: Catoctin and Blue Ridge

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACT: Stacy Carey, Chief of Staff to Supervisor Geary Higgins
Rachael Holmes, Chief of Staff to Supervisor Tony
Buffington

PURPOSE: To direct staff to identify improvements and provide an implementation schedule to decrease processing time and costs for critical communication infrastructure applications in underserved areas of Loudoun.

RECOMMENDATION: Supervisor Higgins and Supervisor Buffington recommend the Board direct staff to identify improvements and provide an implementation schedule for the improvements for the purpose of decrease processing time and costs for critical communication infrastructure applications in underserved areas of Loudoun and report back to the Board at a future business meeting.

BACKGROUND: The [2019 Communications Commission Annual Report](#) to the Board of Supervisors identified the need for county policies to encourage infrastructure investment and reduce investment costs for telecommunications and/or internet service providers. The Annual Report also noted that although two new towers are currently zoned, no new towers have been built in Western Loudoun in the past five years. The report further noted that Loudoun County still lacks at least 17 towers identified in the [2014 Wireless Gap Analysis](#) commissioned by the Board of Supervisors to identify cellular and mobile broadband (3G & 4G) coverage gaps in Loudoun County.

More recently, Loudoun County Communications Commission passed the following resolution during the September 24, 2019 Commission meeting: *“Resolved that because application and permit fees for telecom and broadband-related projects in Loudoun appear to be significantly higher than in other Virginia counties, we request the County to re-assess these fees and/or create special fee schedules as appropriate for telecom/broadband projects with a view towards maintaining Loudoun’s competitiveness and attracting needed communications investment.”*

In an effort to ensure Loudoun's ability to compete for carrier and private broadband infrastructure investment by increasing the predictability of projects and reduction of barriers to investment for critical infrastructure projects, Supervisor Higgins and Supervisor Buffington recommend that staff consider the following:

- Establishment of best practices / process improvements to decrease processing time for telecommunications applications,
- Reduction of costs for telecommunication applications,
- Updating Loudoun's process and fees as outlined in [2018 VA Senate Bill 405](#), which establishes a 150-Day time limit on permitting new wireless infrastructure.

FISCAL IMPACT: There is no fiscal impact for staff to perform this requested review.

DRAFT MOTION:

1. I move that the Board of Supervisors direct staff to identify improvements and an implementation schedule which complies with VA Senate Bill 405 to decrease processing time and costs for critical communications infrastructure applications in underserved areas of Loudoun and report back to a future Board Business Meeting.

OR

2. I move an alternate motion.

ATTACHMENT:

1. Fairfax County Wireless Permitting process (July 2019)



WIRELESS FACILITY PERMITTING

July 2019

Recent changes to Federal and State wireless facility regulations have facilitated the deployment of 5G technology. In response to the revised Federal and State regulations, the Fairfax County Board of Supervisors (Board) adopted amendments to the County's Zoning Ordinance and Comprehensive Plan on April 9, 2019. The amendments revised the review and permitting processes for these types of facilities. Wireless Facilities are defined as:

WIRELESS FACILITY: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

1. Equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Zoning and 2232 Reviews

Zoning Reviews - Although, all wireless facilities are subject to zoning regulations, not all wireless facilities require separate zoning approvals.

- Wireless facilities co-located on existing structures are allowed by right and require no zoning permit approval provided that the provisions of Par. 1 of Section 2-514 of the Zoning Ordinance are met: <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning/zoning%20ordinance/art02.pdf>.
- New utility or transmission poles 50-feet or lower in height and their associated facilities require Zoning Administrator approval of an Administrative Review Eligible Project (AREP) permit, subject to standards and an application fee of \$500.
- New structures, including monopoles, greater than 50 feet in height are deemed a Standard Process Project and require special exception approval from the Board with an application fee of \$6,200.

2232 Reviews - Planning Commission review under § 15.2-2232 of the *Code of Virginia* ("2232 Review") is required for both AREP and Standard Process Projects. The processing of an AREP application incorporates review of both the zoning and 2232 Review requirements. Standard Process Projects require both a 2232 Review by the Planning Commission and special exception approval by the Board. The 2232 Review and special exception application are processed concurrently.

General questions concerning the wireless facility zoning provisions can be answered by the Zoning Administration Division of the Department of Planning and Development (DPD) at 703-324-1314. Information pertaining to AREP and Standard Process Projects, including 2232 Reviews, can be found at: <https://www.fairfaxcounty.gov/planning-development/sites/planning-development/files/assets/documents/zoning/zoning%20ordinance/art02.pdf> or by calling the Planning Division of DPD at 703-324-1380. Information pertaining to the special exception process is available from the Zoning Evaluation Division of DPD at 703-324-1290.

Site Plan Approval

In most instances site plan approval will not be required for the installation of a wireless facility. For, example, the installation of equipment and antennas on an existing rooftop or on an existing utility pole will not require a site plan. However, the installation of ground-mounted equipment cabinets or a new monopole may require a site plan, depending on the amount of land disturbing activity. Information related to site plan requirements can be found at: <https://www.fairfaxcounty.gov/landdevelopment/site-development>. Questions concerning the site plan process can be addressed by the Site Development and Inspection Division of the Department of Land Development Services at 703-324-1720.

Building, Mechanical and Electrical Permits

Wireless Facilities are subject to the applicable Building, Mechanical and Electrical permitting requirements. Below are guidelines for determining the applicability of a building permit:

Exempt from Building Code and Do Not Require a Building Permit

- Direct burial poles of any material, including wood and concrete. (A direct burial pole is a pole that is mounted directly into the ground without any foundation or mounting support.)
- New and replacement antenna on existing monopoles, poles and towers. (Not located on or attached to the roof of a building – see below.)

Require Building Permit Approval

- New monopoles (which are not direct burial)
- Building housing exempt equipment and wiring (equipment sheds)
- Antennas that are attached to a building, attached to a monopole on the roof of a building, or mounted directly to the roof of a building. These permits applications will require design drawings to be submitted with the permit application.

Information regarding building, mechanical or electrical permits is available on-line at the Land Development Services link on the County website and from the Customer Technical Support Center of LDS at 703-222-0801, Option 2.

Zoning Review Submission Requirements for Wireless Facility Building Permit Applications

When Building Permit approval is required, the Zoning Permits Branch of DPD reviews the permit for compliance with the Zoning Ordinance and previous AREP or Standard Process approvals. In order to determine that all zoning requirements are satisfied, the following information must be submitted to the Zoning Permits Branch with any Building Permit application for a Wireless Facility:

- Proposed Facility Depicted on a Plan (Scale of 1" = not more than 50') which shows:
 1. Scale and north arrow.
 2. Property boundaries.
 3. Public right(s)-of-way and names.
 4. Locations, dimensions, and heights of all existing structures and proposed structures and equipment.
 5. Distance of proposed structures and equipment to all lot lines.
 6. When located in a utility easement or road right-of-way, distance of structures and equipment to all utility easement lines or road right-of-way lines.
 7. Fencing, screening and landscaping, to include height and type of landscaping.
 8. Antenna and mounting detail with dimensions.
 9. Equipment cabinet or shelter detail with dimensions. Equipment cabinets include generators and telco cabinets. Provide catalog cut sheets for equipment cabinets (except if within a shelter) and generators.
- Photographs of Site: Photographs of the existing structure, building, and site.
- Photo Simulations: Photo simulations of the proposed facility. The location of existing and new structures, screening and landscaping should be clearly identified.
- Schematic Drawings: Drawings showing the color, material, and scale of the proposed facility.

Note: Even if a wireless facility does not require a separate zoning approval or a Building Permit, the wireless facility is still subject to zoning regulations. Failure to comply with the zoning regulations would be a zoning violation and subject to zoning enforcement.



To request this information in an alternate form, call Ordinance Administration Branch, 703-324-1314, TTY 711