

**MOTION: NOHE**

**August 3, 2016  
Regular Meeting  
Ord. No. 16-33**

**SECOND: CADDIGAN**

**RE: ZONING TEXT AMENDMENT #DPA2016-00002, MINOR  
MODIFICATIONS TO EXISTING TELECOM FACILITIES –  
COUNTYWIDE**

**ACTION: APPROVED**

**WHEREAS**, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

**WHEREAS**, amending the Zoning Ordinance pertaining to the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

**WHEREAS**, the Federal Communications Commission (FCC) adopted new rules for existing telecommunications facilities which require administrative approval of minor modifications of existing facilities; and

**WHEREAS**, this necessitates a change to the provisions of Part 240 – Mobile and Land-Based Telecommunications Facilities of the Zoning Ordinance to provide for minor modifications of existing telecommunications facilities as required by new FCC rules; and

**WHEREAS**, the Prince William Board of County Supervisors duly ordered, advertised, and held a public hearing on July 13, 2016, at which time public testimony was received and the merits of the above-referenced Zoning Text Amendment were considered; and

**WHEREAS**, the Prince William County Board of Supervisors believes that public general welfare, as well as good zoning practices, are served by the adoption of this Zoning Text Amendment;

**NOW, THEREFORE, BE IT ORDAINED** that the Prince William County Board of Supervisors does hereby adopt Zoning Text Amendment #DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities.

**August 3, 2016**  
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**Page Two**

ATTACHMENT: Text Amendment

**Votes:**

**Ayes:** Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

**For Information:**

Planning Director

County Attorney

ATTEST: \_\_\_\_\_



Clerk to the Board

Attachment  
Text Amendment

Sec. 32-240.04 – Minor Modifications to Existing Telecommunications Facilities

1. This section implements Section 6409 (a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve an Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
2. For the purpose of this section, the terms used have the following meanings:
  - (a) Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
    - (i) Equipment associated with wireless communication services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.
    - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
    - iii. Any structure other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in paragraphs (a) (i)-(a) (ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- (a) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (b) Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - (1) Collocation of new transmission equipment;
  - (2) Removal of transmission equipment;
  - (3) Or Replacement of transmission equipment.

Attachment  
Text Amendment

- (c) Eligible support structure. Any tower or base station as defined in this section, provided that is existing at the time the relevant application is filed under this section.
- (d) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area where it was built, but was lawfully constructed, is existing for purposes of this section.
- (e) Site. For towers other than towers in public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- (f) Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
  - (2) For towers other than towers in the public rights-of-way, it involves adding appurtenance to the body of the tower that would protrude from the edge of tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structure that would protrude from the edge of the structure by more than six feet;
  - (3) For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves 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% larger in height or overall volume than any other ground cabinets associated with the structure;
  - (4) It entails any excavation or deployment outside the current site;
  - (5) It would defeat the concealment elements of the eligible support structure; or
  - (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support

Attachment  
Text Amendment

structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified in paragraphs (g)(i)-(g)(iv) of this section.

- h. *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or a Authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

3. Applications for an Eligible Facilities Request shall be processed in accordance with the following:

- a. The Planning Director or his designee shall prepare and make publically available an application form which shall be limited to the information necessary to consider whether and application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- b. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Director or his designee shall review such application to determine whether the application so qualifies.
- c. Within 60 days of the date on which an applicant submits an application seeing approval under this section, the Planning Director or his designee shall approve the application unless it determines that the application is not covered by this section.
- d. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Planning Director or his designee and the applicant, or in cases where Planning Director or his designee determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
  - i. To toll the time frame for incompleteness, the Planning Director or his designee must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
  - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Director or his designee's notice of incompleteness.

Attachment  
Text Amendment

- iii. Following a supplemental submission, the Planning Director or his designee will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- e. Interaction with the Federal Telecommunications Act of 1997 (Telecommunications Act). If the Planning Director or his designee determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under the Telecommunications Act, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Director or his designee's decision that the application is not a covered request. To the extent such information is necessary, the Planning Director or his designee may request additional information from the applicant to evaluate the application under the Telecommunications Act, pursuant to the limitations applicable to other Telecommunications Act reviews.
- f. In the event the Planning Director or his designee fails to approve or deny a request seeking Approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Planning Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- g. Applicants and the County may bring claims related to the Spectrum Act to any court of competent jurisdiction.



**Sec. 32-240.04 – Minor Modifications to Existing Telecommunications Facilities**

1. This section implements Section 6409 (a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve an Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
2. For the purpose of this section, the terms used have the following meanings:
  - (a) Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
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    - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
    - iii. Any structure other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in paragraphs (a) (i)-(a) (ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed under this section, does not support or house equipment described in (a)(i)-(ii) of this section.
  - (a) Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
  - (b) Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
    - (1) Collocation of new transmission equipment;
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    - (3) Or Replacement of transmission equipment.

- (c) Eligible support structure. Any tower or base station as defined in this section, provided that is existing at the time the relevant application is filed under this section.
- (d) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area where it was built, but was lawfully constructed, is existing for purposes of this section.
- (e) Site. For towers other than towers in public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- (f) Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
  - (2) For towers other than towers in the public rights-of-way, it involves adding appurtenance to the body of the tower that would protrude from the edge of tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structure that would protrude from the edge of the structure by more than six feet;
  - (3) For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves 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% larger in height or overall volume than any other ground cabinets associated with the structure;
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structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified in paragraphs (g)(i)-(g)(iv) of this section.

- h. *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or a Authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
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- b. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Director or his designee shall review such application to determine whether the application so qualifies.
- c. Within 60 days of the date on which an applicant submits an application seeing approval under this section, the Planning Director or his designee shall approve the application unless it determines that the application is not covered by this section.
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- iii. Following a supplemental submission, the Planning Director or his designee will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- e. Interaction with the Federal Telecommunications Act of 1997 (Telecommunications Act). If the Planning Director or his designee determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under the Telecommunications Act, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Director or his designee's decision that the application is not a covered request. To the extent such information is necessary, the Planning Director or his designee may request additional information from the applicant to evaluate the application under the Telecommunications Act, pursuant to the limitations applicable to other Telecommunications Act reviews.
- f. In the event the Planning Director or his designee fails to approve or deny a request seeking Approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Planning Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- g. Applicants and the County may bring claims related to the Spectrum Act to any court of competent jurisdiction.

Secs. 32-240.05 ~~32-240.04~~—32-240.09. - Reserved.



# COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT

1 County Complex Court, Prince William, Virginia 22192-9201  
(703) 792-6600 METRO 631-1703 FAX: (703) 792-7484

## BOARD OF COUNTY SUPERVISORS

Corey A. Stewart, Chairman  
Pete Candland, Vice Chairman  
Ruth M. Anderson  
Maureen S. Caddigan  
John D. Jenkins  
Jeanine M. Lawson  
Martin E. Nohe  
Frank J. Principi

Christopher E. Martino  
Acting County Executive

July 26, 2016

**TO:** Board of County Supervisors

**FROM:** Christopher M. Price, AICP *CTH*  
Director of Planning

**THRU:** Christopher E. Martino  
Acting County Executive

**RE:** Zoning Text Amendment #DPA2016-00002, Minor Modifications to Existing  
Telecom/Wireless Facilities - **Countywide**

**I. Background is as follows:**

- A. Purpose of the Zoning Ordinance – Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public. From time to time, new design guidelines will result in the need to update the Zoning Ordinance.
- B. Current Zoning Ordinance Language – Currently, the Zoning Ordinance provides regulations for the location of new communication facilities such as towers and monopoles. No specific regulations address minor modifications to existing facilities.
- C. Current Language Impacts – In April of 2015, the Federal Communications Commission (FCC) adopted new rules for existing telecommunications facilities. The new FCC rules require approval of minor modifications of existing facilities.
- D. Proposed Remedy – Revise the current Zoning Ordinance to include provisions for administrative approval of minor modification for existing telecommunication facilities based on the model language from the National Association of Counties (NACO).

**II. Current Situation is as follows:**

- A. Zoning Text Amendment Initiated – On August 4, 2015, the Board of County Supervisors initiated a zoning text amendment to amend Part 240 (Mobile and Land-Based Telecommunications Facilities) of the Zoning Ordinance to provide

for minor modifications of existing telecommunications facilities required by the new FCC rules through Res. No. 15-504, See Attachment B – BOCS Initiating Resolution.

- B. Development Ordinance Review Advisory Committee – The committee reviewed the proposed text amendment on May 20, 2016 and recommended approval.
- C. Planning Commission Recommendation – A public hearing before the Planning Commission was held on July 13, 2016, where they recommended adoption (See Attachment C – Planning Commission Resolution).
- D. Planning Office Recommendation – The Planning Office recommends approval of Zoning Text Amendment # DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities as proposed in Attachment A.
- E. Board of County Supervisors Public Hearing – A public hearing before the Board of County Supervisors has been properly advertised for August 3, 2016.
- F. Board Action Requested – Board of County Supervisors' action is requested to adopt Zoning Text Amendment # DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities, to the Prince William County Zoning Ordinance.

**III. Issues** in order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Community Input – Have members of the community raised any concerns?
- C. Legal – Are there any legal implications associated with this zoning text amendment?
- D. Timing – What are the timing considerations of the zoning text amendment?

**IV. Alternatives** beginning with the staff recommendation are as follows:

- A. Adopt of Zoning Text Amendment #DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities, to the Prince William County Zoning Ordinance.
  - 1. Policy – The proposed text will incorporate language recommended by NACO that implements the new FCC regulations regarding minor modifications to existing wireless telecommunications facilities. The zoning text amendment is necessary to comply with the FCC regulations. The change is consistent with the telecommunications Plan by encouraging the collocation of antennas on existing telecommunication facilities.

2. Community Input – The Planning Office has not received any comments from the community as of the date of this staff report. No citizens spoke at the Planning Commission hearing.
3. Legal – The zoning text amendment will provide new regulations in the review and approval of minor modifications to existing telecommunications facilities in accordance with FCC requirements. Legal issues, if any, are appropriately addressed by the County Attorney's office.
4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

B. Do Not Adopt Zoning Text Amendment #DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities, to the Prince William County Zoning Ordinance.

1. Policy – Not adopting the zoning text amendment would leave the Zoning Ordinance inconsistent with the existing FCC regulations.
2. Community Input - The Planning Office has not received any comments from the community as of the date of this staff report. No citizens spoke at the Planning Commission hearing.
3. Legal – The Zoning Ordinance will not be amended to reflect the new FCC requirements. Legal issues, if any, resulting from Board of County Supervisor's action would be appropriately addressed by the County Attorney's Office.
4. Timing – There is no time requirement for the Board of County Supervisors to take action on zoning text amendments.

V. Recommendation is that the Board of County Supervisors concurs with Alternative A and adopts Zoning Text Amendment #DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities.

**Staff:** David McGettigan AICP, x7189

**Attachments:**

- A. Proposed Text Amendment
- B. BOCS Initiating Resolution
- C. Planning Commission Resolution

## Attachment A – Proposed Text Amendment

### Sec. 32-240.04 – Minor Modifications to Existing Telecommunications Facilities

1. This section implements Section 6409 (a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”), as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve an Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
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    1. Any structure other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in paragraphs (a) (i)-(a) (ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- (a) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (b) *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - (1) Collocation of new transmission equipment;
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  - (3) Or Replacement of transmission equipment.
- (c) *Eligible support structure.* Any tower or base station as defined in this section, provided that is existing at the time the relevant application is filed under this section.



## Attachment A – Proposed Text Amendment

- (d) Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area where it was built, but was lawfully constructed, is existing for purposes of this section.
- (e) Site. For towers other than towers in public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- (f) Substantial Change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
  - (2) For towers other than towers in the public rights-of-way, it involves adding appurtenance to the body of the tower that would protrude from the edge of tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structure that would protrude from the edge of the structure by more than six feet;
  - (3) For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves 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% larger in height or overall volume than any other ground cabinets associated with the structure;
  - (4) It entails any excavation or deployment outside the current site;
  - (5) It would defeat the concealment elements of the eligible support structure; or
  - (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified in paragraphs (g)(i)-(g)(iv) of this section.
- (a) Transmission Equipment. Equipment that facilitates transmission for any FCC-licensed or a Authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup

## Attachment A – Proposed Text Amendment

power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

- i. Tower. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

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- b. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Director or his designee shall review such application to determine whether the application so qualifies.
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- e. Interaction with the Federal Telecommunications Act of 1997 (Telecommunications Act). If the Planning Director or his designee determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable

## Attachment A – Proposed Text Amendment

timeframe under the Telecommunications Act, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Director or his designee's decision that the application is not a covered request. To the extent such information is necessary; the Planning Director or his designee may request additional information from the applicant to evaluate the application under the Telecommunications Act, pursuant to the limitations applicable to other Telecommunications Act reviews.

- f. In the event the Planning Director or his designee fails to approve or deny a request seeking Approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Planning Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- g. Applicants and the County may bring claims related to the Spectrum Act \_\_\_\_\_ to any court of competent jurisdiction.

Secs. 32-240.05 ~~32-240.04~~—32-240.09. - Reserved.

## Attachment B – BOCS Initiating Resolution

**MOTION: NOHE**

**August 4, 2015  
Regular Meeting  
Res. No. 15-504**

**SECOND: MAY**

**RE: INITIATE A ZONING TEXT AMENDMENT FOR MINOR  
MODIFICATIONS TO EXISTING WIRELESS FACILITIES**

**ACTION: APPROVED**

**WHEREAS**, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

**WHEREAS**, in April of 2015, the Federal Communications Commission (FCC) adopted new rules for existing telecommunications facilities; and

**WHEREAS**, the new FCC rules require administrative approval of minor modifications of existing facilities; and

**WHEREAS**, amending the Zoning Ordinance for the above-referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann.; and

**WHEREAS**, on June 16, 2015, Chairman Stewart (Directive 15-75) directed that staff prepare for the Board of County Supervisors' consideration an initiation for a Zoning Text Amendment to address inconsistencies between existing regulations and the new FCC rules for telecommunications facilities; and

**WHEREAS**, this will authorize staff time and resources necessary for research, analysis and to conduct public hearings with the Planning Commission and the Board of County Supervisors; and

**WHEREAS**, the Prince William Board of County Supervisors believes that public general welfare, as well as good zoning practices, are served by the initiation of this Zoning Text Amendment;

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby initiate a Zoning Text Amendment to the Prince William County Zoning Ordinance to amend Part 240 (Mobile and Land-Based Telecommunications Facilities) of the Zoning Ordinance to provide for minor modifications of existing telecommunications facilities as required by the new FCC rules.

## Attachment B – BOCS Initiating Resolution

August 4, 2015  
Regular Meeting  
Res. No. 15-504  
Page Two

**Votes:**

**Ayes:** Caddigan, Candland, Jenkins, Lawson, May, Nohe, Principi, Stewart

**Nays:** None

**Absent from Vote:** None

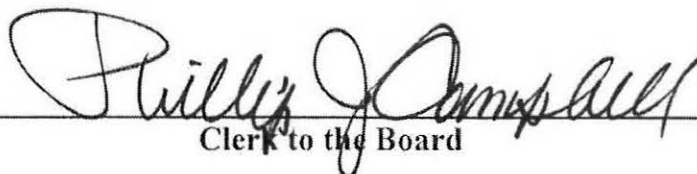
**Absent from Meeting:** None

**For Information:**

Planning Director

County Attorney

ATTEST: \_\_\_\_\_

  
Clerk to the Board

## Attachment C – Planning Commission Resolution

### PLANNING COMMISSION RESOLUTION

**MOTION: TAYLOR**

**SECOND: BRYANT**

**July 13, 2016  
Regular Meeting  
Res. No. 16-048**

**RE: ZONING TEXT AMENDMENT #DPA2016-00002- MINOR  
MODIFICATIONS TO EXISTING TELECOM FACILITIES -  
COUNTYWIDE**

**ACTION: RECOMMEND ADOPTION**

**WHEREAS**, in accordance with Title 15.2-2285 of the Code of Virginia, Ann., the Board of County Supervisors may amend the Zoning Ordinance whenever it determines that public necessity, health, safety, convenience, general welfare and good zoning practice necessitate such change; and

**WHEREAS**, amending the Zoning Ordinance pertaining to the above referenced issue is required by public necessity, convenience, general welfare and good zoning practice, and is consistent with the intent of Title 15.2-2283 of the Code of Virginia, Ann; and

**WHEREAS**, the Federal Communications Commission (FCC) adopted new rules for existing telecommunications facilities which require administrative approval of minor modifications of existing facilities; and

**WHEREAS**, this necessitates a change to the provisions of Part 240. - Mobile And Land-Based Telecommunications Facilities of the Zoning Ordinance to provide for minor modifications of existing telecommunications facilities as required by new Federal Communication Commission rules; and

**WHEREAS**, the Prince William County Planning Commission duly ordered, advertised, and held a public hearing on July 13, 2016 at which time public testimony was received and the merits of the above referenced zoning text amendment were considered; and

**WHEREAS**, the Prince William County Planning Commission believes that public general welfare, as well as, good zoning practices are served by the adoption of this Zoning Text Amendment;

**NOW, THEREFORE, BE IT RESOLVED**, that the Prince William County Planning Commission does hereby recommend adoption of Zoning Text Amendment #DPA2016-00002, Minor Modifications to Existing Telecom/Wireless Facilities.



**Attachment C – Planning Commission Resolution**

**July 13, 2016**  
**Regular Meeting**  
**Res. No. 16-048**  
**Page Two**

**Votes:**

**Ayes:** Berry, Bryant, Fry, Holley, McKay, Milne, Taylor, Vanegas

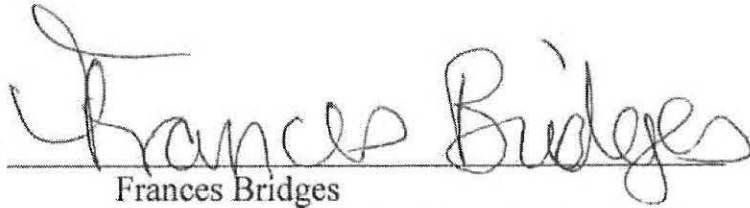
**Nays:** None

**Absent from Vote:** None

**Absent from Meeting:** None

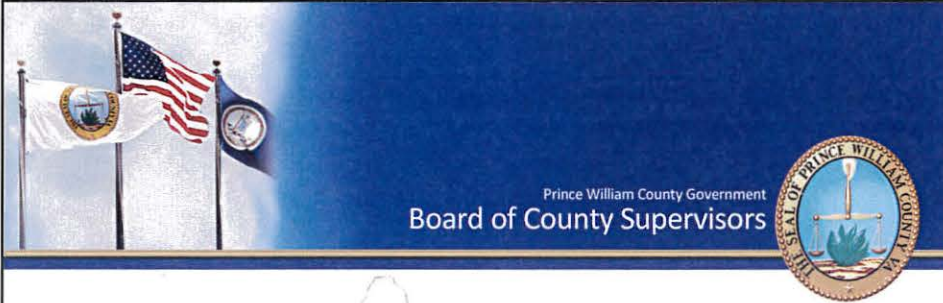
**MOTION CARRIED**

Attest: \_\_\_\_\_



Frances Bridges

Clerk to the Planning Commission



Prince William County Government  
Board of County Supervisors

**Zoning Text Amendment  
#DPA2016-00002  
Minor Modifications to Existing  
Telecom/Wireless Facilities  
(Countywide)**

*David McGettigan, AICP  
Planning Office*

## BACKGROUND

- Federal Communications Commission (FCC) adopted new rules (April 2015)
  - ◆ Defines minor modifications to existing telecommunication facilities
  - ◆ Limits local jurisdiction discretionary approval
- Board Initiation (August 2015)
- Planning Commission Work Session (Oct. 2015)
- DORAC Review (May 2016)

August 3, 2016 Countywide [2]

## PROPOSED AMENDMENT

1. County is required to approve an *Eligible Facilities Request* for a modification of an *existing tower* or *base station* that does not result in a *substantial change* to the physical dimensions of such tower or base station.
2. Definitions:
  - a) Base Station
  - b) Collocation
  - c) Eligible Facilities Request
    - 1) Collocation
    - 2) Removal
    - 3) Replacement
  - d) Eligible Support Structure
  - e) Existing
  - f) Site
  - g) Substantial Change
  - h) Transmission Equipment
  - i) Tower

August 3, 2016

Countywide

[3]

## PROPOSED AMENDMENT (Cont.)

3. Applications for an Eligible Facilities Request shall be processed as a site plan for development submitted in accordance with section 32-800.10.

### ■ Review Process

#### ◆ Zoning Verification

- Evaluate Substantial Change Criteria
- Track cumulative changes
- Ensure compliance with SUPs, PFRs, NCUs

#### ◆ Minor Site Plan Review

#### ◆ Permits (e.g., building, electrical)

August 3, 2016

Countywide

[4]

## Substantial Change

- For towers other than towers in the public rights-of-way, it increases the height of the tower by **more than 10%** or by the height of **one additional antenna array** with separation from the nearest existing antenna **not to exceed twenty feet**, whichever is greater; for the other eligible support structures, it increases the height of the structure by **more than 10% or more than ten feet**, whichever is greater

August 3, 2016

Countywide

[5]

## Substantial Change

- For towers other than towers in the public rights-of-way, it involves adding appurtenance to the body of the tower that would **protrude from the edge of tower more than twenty feet**, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structure that would **protrude from the edge of the structure by more than six feet**

August 3, 2016

Countywide

[6]



## Substantial Change

- For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but **not to exceed four cabinets**; or, for towers in the public rights-of-way and base stations, it involves 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% larger in height or overall volume** than any other ground cabinets associated with the structure;

August 3, 2016

Countywide

[7]

## Substantial Change

- It entails any excavation or deployment **outside the current site**;
- It would **defeat the concealment elements** of the eligible support structure; or
- It **does not comply with conditions** associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified in paragraphs 2(g)(1)-(g)(4) of this section.

August 3, 2016

Countywide

[8]

## RECOMMENDATION

- The Planning Commission recommends adoption of Zoning Text Amendment #DPA2016-00002, Minor Modifications to Telecom/Wireless Facilities and staff concurs.

August 3, 2016

Countywide

[9]