Planning Commission SPECIAL Meeting Minutes for January 3, 2019

This is not a verbatim transcript of the meeting and is written in an attempt to capture the general spirit of the discussion based upon notes and video observation by the author. To view the video recording of this meeting, click here, or go to https://www.anacorteswa.gov/700/Watch-Meetings.

Chair McNett called the Special Meeting of January 3, 2019 to order at approximately 3:00 p.m.

Roll Call

Members Present: Commissioners MacKenzie, McNett, Cleland-McGrath, Mount and Doll

Absent: Commissioners Moffitt and Graf

Minutes

No Minutes were presented

Correspondence

None

New Business

Public Meeting – Public Meeting with Planning Commissioners, Stakeholders and Staff – Wireless Telecommunications Draft Regulations

Ms. Darcy Swetnam, City Attorney, introduced the first draft of the wireless telecommunication regulations within the City of Anacortes. Ms. Swetnam provided a brief review on the changes to the regulations for wireless telecommunication including the need to updates due to new technology such as small cell deployment and updates in state and federal laws. In August 2017, Council adopted Ordinance 3010 which placed a moratorium on new applications for telecommunication facilities and franchise agreements within the City, with an additional extension that was set to expire February 2019. City staff has been working on the new regulations with outside counsel from the Foster Pepper law firm to develop the new sections of code. Ms. Swetnam then invited Ms. Tacy Hass, Foster Pepper, to present more detail on the draft regulations.

Ms. Hass provided an overview of the two draft sections that consist of wireless services facilities and the public utilities and telecommunications right of way use chapter. Ms. Hass compared the wireless service facility permit process to a zoning permit process and provided what type of facility is allowed within different zones with 2 different types of permits – a wireless service facilities permit and a conditional wireless use permit. Ms. Hass included that the application processes take into account the differentiation between complex and simple facilities and streamline requirements in the applications in consideration of timelines for review and provide visibility and performance standards.

Chair McNett then offered the floor to members of the audience for their input and questions.

Ms. Lila Vaga, Network Engineer, Verizon Wireless, discussed concerns relating to eligible facilities requests, small wireless facilities and macro facilities and their differences, co-location definitions. Ms. Vega also suggested a few language changes to more closely mirror the federal regulations and pointed out that some middle requirements such as landscape plans, fencing plans, etc., are really not truly appropriate to small wireless facilities or small cells which are located in the public right of way and most often do not have ground based equipment. She also expressed concern about the CUP process being required for small wireless facilities which is generally not be something that could be accomplished in the 60-90 day approval window set out in federal law and suggested administrative review instead. Ms. Vaga provided Verizon has worked with many jurisdictions throughout the Pacific Northwest and nationally regarding small cell wireless and wireless facilities in general and offered their assistance in the development of these regulations.

Ms. Linda Atkins, Davis Wright Tremaine, Seattle, WA, representing T-Mobile. Ms. Atkins provided their concerns include how the different types of facilities that have different federal legal requirements and different processing requirements have been lumped into one process. Ms. Atkins believes it would be very helpful to have a separate process for small wireless facilities which is what most jurisdictions around Puget Sound are following as they update their codes. Ms. Atkins provided some examples of concerns such as there is no provisions for batching small wireless facility permits. Batching is a more efficient way of deploying small wireless facilities at one time. Also, there is concern regarding prohibited locations such as in the Central Business District because the whole purpose of small cells is to provide additional capacity in areas where there is a lot of demand for data. This is typically your downtown areas and we have been finding over the last year most jurisdictions have been able to find a way to incorporate the ability to locate small wireless facilities in downtown areas in a way that is sensitive to the community need for aesthetics.

A representative of Crowne Castle, an infrastructure management company, echoed similar concerns of the previous stakeholders and specifically the opportunity or lack thereof to contribute as a stakeholder in some of the provisions of this ordinance and hope that some of the comments brought forth today will be considered heavily and perhaps even a greater opportunity for some red line comments to go into the draft. The application requirements, replacement as opposed to new technology and the requirement for photo simulations, landscape requirements, were among the concerns presented.

Amelia McNamara of Crowne Castle, expressed concerns about the permitting process.

Patrick Gallagher, 1406 Portallis Court, Anacortes, discussed multiple entities using the poles and the clutter on the landscape and whether these procedures would be followed by the City as it rolls out the fiber network.

Commissioners asked for clarification to understand better the difference between the normal cell towers and coverage provided by those and the newer technologies, spacing of clusters to address densities, placing utilities in vaults, on rooftops, aesthetic issues, whether the regulations have been written to accommodate changing regulations and continuous technology updates, how this will work with the City's installation of the new fiber network, among other discussions. Commissioners also discussed locations of equipment in various sites in residential, industrial, medical and commercial zones, the differences between monopoles and street poles.

Commissioner Doll asked for clarification on what adverse impacts may be when locating wireless services. Ms. Swetnam provided the intent of that is to maintain a balance within the community such as keeping the aesthetics of a neighborhood as intended.

Chair McNett called the meeting to a close at approximately 4:30 p.m.

To view materials related to the Draft Regulations for Wireless Telecommunications, click here, or go to https://www.anacorteswa.gov/1022/Wireless-Code-Update.