



## Planning Commission Public Hearing Minutes for January 16, 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](https://www.anacorteswa.gov/700/Watch-Meetings), or go to <https://www.anacorteswa.gov/700/Watch-Meetings>.*

Chair McNett called the Public Hearing of January 16, 2019 to order at approximately 5:00 p.m.

### **Roll Call**

Members Present: Commissioners Moffitt, MacKenzie, Graf, McNett, and Cleland-McGrath

Absent: Commissioners Mount and Doll

### **Minutes**

No Minutes were presented

### **New Business**

#### **Public Hearing – Public Hearing Wireless Telecommunications Draft Regulations**

Chair McNett opened the public hearing on the Wireless Telecommunications Draft Regulations.

**Mr. Allen Barber, Verizon Wireless, 3245 158<sup>th</sup> Avenue SE, Bellevue, WA.** Mr. Barber expressed some concerns including the provisions in the Ordinance chapter 19.68.30 and the definition around co-location, keeping in alignment with the federal law or the needs of the technology, the land use process to permit which he feels doesn't allow for the shot clocks of 60 and 90 days, and screening requirements.

Commissioner Graf questioned using history to predict what the impact is going to be on a permitting process as the current technology will be different from the new technology and believes the new regulations will cause more applications coming through to City staff. Commissioner Graf asked how this process and requirements compare to other communities.

**Ms. Tacy Hass, Foster, Pepper,** provided input on how a facility would be installed on a new pole in the right of way. New construction would require 3 permits which would include a construction permit. Ms. Hass provided that the code is geared towards encouraging co-location, although it is not always feasible to place more than one facility on the utility pole. That may be one of the challenges the City is going to face.

Ms. Hass provided in response to questions regarding overwhelming the planning department with numerous applications that we only allowed batching of up to 5 small cell facilities at one time just because the federal regulation does take into account the fact that while there is presumptions, if a city cannot reasonably review all the applications within a timeframe then there is some leeway.

Mr. Measamer, Director of Planning, Community and Economic Development, provided there have been maybe 5 applications over the past few years and that the industry has been really good about contacting and working with the City in advance so we can be prepared. These processes get more complicated in areas such as Skyline or other newer developments where facilities are underground and we are looking at potentially having a mono-pole or some other type of pole in the right of way or on private property in those areas.

Ms. Darcy Swetnam, City Attorney, provided there will be several processes that the providers are going to go through. Not all process will require a master permit every time a small cell node is deployed. Once a master permit is in place, that is essentially a franchise and if they decide they want to build a small cell node in a particular neighborhood, if they are not going to be digging up roadway, they will not need a construction permit. They would have to get some type of land use permit. Ms. Hass mentioned the optional pre-application process included in the regulations is designed to help move the process along quickly. If the industry group member are worried about the time it is going to take, they can submit materials that will be helpful in their review process.

Ms. Hass provided they did review other cities and there are some different approaches. Some have more regulations so it is a mixed bag and a lot of the local aspects including aesthetics vary quite a lot from city to city. Most communities have a master permit process where they address right of way issues and then a separate land use process for the siting of the actual project. The discretion is really in the process for the individual land use applications.

Commissioner MacKenzie believes that if part of the scale and engineering standards and some infrastructure were built into the master permit application, it should simplify the individual permitting process. Commissioner MacKenzie expressed concern about the types of poles and does not feel that there is differentiation between the types of facilities and asked if he will get a big cell tower on his neighbor's property or a tiny box that will be hidden on top of the pole.

Ms. Hass provided there are three different applications – one for non-substantial change; one for small wireless facilities; and one that covers the remainder. We worked to differentiate the criteria while also keeping some consistency just in terms of making sure that even though they are technically called small wireless facilities, they can be much bigger because of the equipment surrounding them. We also are making sure that equipment still meets the visibility criteria the City wants in place. Ms. Hass added the City can consider adding more language that is technically feasible to address some of these concerns because clearly you can't really screen a small cell that is up 30 feet on a pole. But you can do other things like making sure there is landscaping around the equipment or doing stealth type camouflage and making sure that it fits into the surrounding environment.

Commissioner MacKenzie asked how to differentiate the regulations to accommodate the different areas such as Old Town where very many poles exist and the impact would be lesser than compared to Skyline where there are few poles where the impact would be much greater.

Ms. Hass responded that is the reason for the 2 processes and they are determined by area as opposed to the type of facility.

Commissioner Cleland-McGrath expressed concern over installing poles in neighborhoods that have been developed to create beautiful views. Ms. Hass provided this will be an issue for the City to work with in the future but that she has not specifically seen any issues regarding this.

Chair McNett asked about the conditional use process and timelines and shot clocks; how will the City handle the deadlines. Will the hearing examiner drop everything to make sure the issues can be addressed right away or is the City considering eliminating the conditional use process based on recategorizing what fits in what box. Ms. Swetnam provided it is the City's intent to make the shot clock timelines and be able to work through the processes within those timelines and added that if the Planning Commission believes it is not the right fit for Anacortes, they could provide that recommendation to City Council.

Chair McNett reviewed the conditional use process and requested clarification as to whether the clock stops when an application is received and reviewed, during the comment period and while waiting for the applicant to respond. Ms. Swetnam provided that is correct although the clock does not stop during the public comment period.

Commissioner Moffitt asked how competing needs of multiple providers will be met for co-locations on a single pole. Ms. Swetnam provided that whoever applies for something first probably has the opportunity to use that pole, but recalled from the previous meeting when the Verizon rep indicated this was probably unlikely because of how these small cells are deployed right now.

Commissioner Cleland-McGrath asked in regard to long-term planning where there are no poles. Mr. Barber provided that a strategy that works in some cities is utilizing street lights. If there is no lighting then it is more of a challenge and you have to go with slim-line poles, small antennas to minimize the initial impact. Commissioner Cleland-McGrath asked if we have the verbiage in the regulations that says if there is not a pole that we encourage a light pole to be installed for these kinds of boxes.

Ms. Swetnam provided it is not currently included but the approach utilized through the application process gives the director some discretion. If it is a CUP process, the decision makers have some discretion to work with the applicant to try to make it visually appealing.

Mr. Bruce McDougal, Anacortes City Council Sysco Systems. Mr. McDougal asked for some clarification on density increases in the transition from 4G to 5G and whether they will be the same with no additional radios or equipment in the transition. Mr. Barber provided it would be significantly denser. Mr. McDougal and Mr. Barber discussed the differences in density on light poles of different heights and how many large cell poles in a town the size of Anacortes would need.

Commissioner MacKenzie asked if the master use permit included as much of the technical requirements as possible, would that alleviate some of the time crunches when processing the smaller permits that come along. He also asked how hard is it to modify a master use permit if the technology or hardware changes after they have been preapproved. Ms. Hass referred back to a previous discussion regarding the master use permit and that only one is required which allows use in the right of way; changes would really only occur if they are building something new in the right of way or constructing something new.

Ms. Swetnam provided she understands the concerns to create a more streamlined process and that is something that staff can discuss and see if that is possible. She added the challenge with that is we know that each of the providers has slightly different technology; they want to do different things and so it is really hard for us to anticipate in a master permit all of the types of applications that they are going to want to submit. If the carriers are going to put an application on top of an existing light pole or power pole, that is a very different request than putting in a new pole. Having a separate wireless service facility permit or CUP allows us to readdress the conditions and whether that specific project meets them, without having to anticipate. We want this to be a code that is robust enough that as the technology changes, we can roll with it instead of having to rewrite it and the concern would be that if we were overly prescriptive in a master permit process, we might be locking ourselves into a moment in time in terms of the technology.

Commissioner MacKenzie asked if there is a way to streamline the land use process. Ms. Hass provided that the goal is to balance both – deployment of these new facilities with preserving the historic and residential quality of neighborhoods. That is why there is the CUP versus a more streamlined administrative process.

Chair McNett believes it makes sense to process these administratively and the biggest concerns are the aesthetic impact in neighborhoods and streamlining the process. Chair McNett also shared that a major concern are the macro towers.

Commissioner Graf presented he is not fully convinced that we do not have an overly restrictive application process.

Mr. Measamer provided that we have a good starting point regarding the number of applications, types of applications, etc. Once an ordinance is approved by the City Council and we start working through the administration processes and various applications, if issues arise that need attention, we will come back to the Planning Commission and City Council with some recommended changes that might help everybody through the process.

With no further public comment, Chair McNett announced the public hearing will be continued to January 30, 2015 at 5 p.m. and closed the hearing at approximately 6 p.m.

***To view materials related to the Draft Regulations for Wireless Telecommunications, click [here](https://www.anacorteswa.gov/1022/Wireless-Code-Update), or go to <https://www.anacorteswa.gov/1022/Wireless-Code-Update>.***