



## Planning Commission Public Hearing Minutes for January 30, 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 30, 2019 to order at approximately 5 p.m.

### **Roll Call**

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

Absent: Commissioner MacKenzie

### **Minutes**

No Minutes were presented

### **New Business**

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

**Ms. Tacy Hass, Foster, Pepper, Seattle.** Ms. Hass provided an update on the code draft and reviewed the changes made based on the previous feedback.

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

**Ms. Kim Allen, WPG on behalf of Verizon Wireless.** Ms. Allen stated she has been working with Planning, Community & Economic Development Director Don Measamer and City Attorney Darcy Swetnam to provide input to develop a code that is durable and facilitate bringing this technology into Anacortes. Ms. Allen expressed concerns over the Type 3 permits and the shot clock running during a hearing examiner process, the conditional use permit requirements, setbacks, and screening requirements. Ms. Allen provided that Verizon typically self-insures in these instances and asked the City for an option to allow Verizon to demonstrate that they can provide equivalent insurance to the City.

With no further public comments, Chair McNett closed the public hearing.

Commissioners discussed how the City's draft regulations compare to other similar jurisdictions in regard to small cell wireless facilities and clarification of what small cell wireless facilities actually are. Discussion included if the code takes into consideration future technology and if the code will accommodate future cell providers.

Chair McNett asked about the ability for a carrier to self-insure; Ms. Darcy Swetnam provided the reason the City does not allow self-insurance is that the City's insurance carrier prefers that

the City carry the insurance to make sure there is coverage and that it is the City Attorney's office recommendation the City maintain the insurance requirement.

Commissioner Graf discussed how other jurisdictions have made the small cell wireless permitting a separate process which he believes provides more clarity. Ms. Hass provided codes from other communities were reviewed and that small wireless facilities are a bit different, but given the size of the equipment can be up to 28 cubic feet, the City wants to make sure there were the same protections in place in terms of screening, visibility and that numerous small cell facilities are not necessarily placed all over town without some consideration to the other elements.

Commissioner Graf asked about the City charging fees for use of the city owned poles and Ms. Hass provided that the federal regulations limit how much a city can charge which is based on reasonable approximation of the actual costs.

Commissioners discussed the use of a conditional use permit and asked for clarification on when and for what instances the CUP would be used. Ms. Hass provided that the CUP would be used in residential zones on new poles only.

Discussion included the language pertaining to densifying or filling in gaps and whether that information can be used to deny an application. Ms. Hass provided the information requested is to help clarify whether the use is needed or not but that the requirement does not necessarily involve an extensive analysis by the carriers.

After much discussion by the Commissioners, a conclusion was made that most of the concerns were addressed and the Commissioners were ready to make a motion to move the regulations to City Council for approval. Commissioner Mount made a motion to recommend City Council adopt the proposed amendments subject to the adjustments discussed at the meeting tonight and added that the motion include directing the Chair sign the findings of fact and conclusions. Motion was seconded by Commissioner Doll. Vote: Ayes – Commissioners Moffitt, McNett, Cleland-McGrath, Mount, Doll. Nays – Commissioner Graf. Motion Passed.

With no further discussion, Chair McNett concluded the meeting at approximately 7 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>.***