

**CITY OF SEQUIM
PLANNING COMMISSION MINUTES
SEQUIM CIVIC CENTER
152 WEST CEDAR STREET
SEQUIM, WA
AUGUST 16, 2016**

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE & ROLL CALL:** PC: Mahalick, Protze, Wiseman, Wendt, Janisse.

Commissioners present: Mahalick, Protze, Wiseman, Janisse; Wendt was excused.

2. **APPROVAL OF MINUTES: July 19, 2016**

Motion to approve minutes of July 19, 2016 meeting by Janisse; second by Wiseman. Unanimously approved.

3. **ITEMS FROM THE PUBLIC NOT ALREADY ON THE AGENDA**

4. **PUBLIC MEETING**

- a. Proposed text amendment to the Zoning Code: new SMC Chapter 18.61 Wireless Communication Facilities (WCF)

City Attorney Kristina Nelson-Gross educated the Commission on the history of the wireless moratorium and set the stage for legal boundaries of where we can spend time and energy on local regulation and those pre-empted by the FCC and Federal government. She gave a brief overview of the 1996 Telecommunications Act, which was amended to remove local barriers to broadening the availability of wireless telecommunications. Local jurisdictions have a narrow area of authority. The Spectrum Act adopted in 2012 further restricted the ability of local governments to deny modifications/collocations on existing WCFs. Local jurisdictions may only request documentation that is “reasonably related to determining whether the application meets the requirements” of the Spectrum Act. Local jurisdictions are prohibited from requiring documentation demonstrating a “need” for business case for the proposed modification. She commented on the timeframes set in the federal laws that are important to applications.

We are prohibited on regulating radio frequency (RF) emission standards if they are in compliance with the federal laws. This many times is the concern of citizens. We can require collocation which would cut down on the number of towers.

Areas in which we do have maneuverability is zoning and building inspections. We can establish preferred sites; require collocation where possible; establish height restrictions, setbacks and landscaping requirements; require proof of RF compliance for new facilities; require consideration of aesthetics, lighting, noise; require “stealth technology” i.e., camouflage, distributed antenna systems (DAS) or “small cells.” A DAS is a network of separate antenna

nodes connected to a common source to provide wireless service within a geographic area. They can be indoors or outdoors and area designed to minimize clutter.

We cannot discriminate on applications as law allows sites in all zones. We can regulate the height and number of towers.

The FCC has published a documents called "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to define and promote locally-adaptable procedures that provide adequate assurance of compliance without imposing unnecessary burdens on local government or applicants.

Local governments are prohibited from banning the facilities outright. We cannot impose restrictions that amount to a ban; cannot discriminate among providers of functionally equivalent services; cannot unreasonably delay applications to place, construct or modify wireless communications facilities; cannot deny permits for new wireless communications facilities or modifications for existing facilities based on RF emissions when applicant's project meets FCC guidelines on emissions; cannot deny a permit unless that denial is based on substantial evidence set forth in a written record; and cannot fail to follow the processes set forth under federal law and the FCC Rule, including deadlines.

We have picked the Spokane ordinance to follow as it was written in 2015 and could be modeled to fit our community.

For applications for towers already in existence, the application must be approved if they do not have a substantial change by FCC rules.

There was a discussion about where cell towers are currently located in the City. There was brief discussion concerning the Brigadoon tower and other locations.

There was a discussion about exempt facilities.

Hugo provided a handout re zoning from Spokane and compared it to what Sequim is proposing.

Nelson-Gross stated if you were to recommend a certain maximum height and used the distributed antennae systems, you might have more towers than if you went up to a higher height. This will be a concept to consider when at our meeting to recommend the code changes to Council.

Mahalick asked where on the zoning map the towers would be able to be built. Hugo said it would be like the EOAs and light industry. It won't be in the Washington corridor. She'd like to see to see a map of where the towers could be located for visual impact.

Nelson-Gross stated the Brigadoon tower had to be high enough to not interfere with other signals. If we are going to allow co-location, we need to be sure the height of the original tower is appropriate. This will be a policy decision.

Protze commented that towers are usually put on the highest point in the area and maybe not in the City.

Hugo said he will research what DAS looks like in reality. It seems they are more adaptable than stealth design.

Public Meeting closed at 6:55 pm.

5. NEW BUSINESS

6. UNFINISHED BUSINESS

a. Zoning code update: Council meeting of August 8 and next steps

Hugo gave a brief history of the property at Sequim Avenue and Port Williams Road; it was once approved as the Sorrento project. Council did not pass the zoning code update at its meeting on August 8.

There will be a Special Meeting on September 6 for Council with an educational program for zoning practices. The Planning Commission is invited to attend the Council session and then we will have the Planning Commission meeting.

7. DIRECTOR'S REPORT

a. Pending fill of PC vacancies: Appointments at Council meeting 9/12 at earliest

We have received at least two applications for the vacancies on the Commission. The selection committee is the Mayor, the Commission chair and Hugo. The applicants will be interviewed and hopefully appointed at the September 12 meeting.

8. GOOD OF THE ORDER

9. ADJOURNMENT

Motion to adjourn by Protze; second by Wiseman. Unanimous.

Respectfully submitted,



Roberta J. Usselman, MMC
Deputy City Clerk



Karen Mahalick
Chair