CITY OF ISSAQUAH
PLANNING POLICY COMMISSION
MINUTES

February 1, 2018

City Hall South
Council Chambers

135 E. Sunset Way
Issaquah, WA 98027

PPC MEMBERS PRESENT
Joan Probala, Chair
Victoria Hunt, Alt.
Troy Rahmig
Carl Swedberg
Lindsey Walsh

STAFF PRESENT
Trish Heinonen, Policy Planning Manager
Keith Niven, Economic Dev. and Dev. Services Director

CALL TO ORDER
PROBALA, Chair, called the meeting to order at 6:30 PM.

APPROVAL OF MINUTES
MOVED BY WALSH, SECONDED BY RAHMIG that minutes of the PPC meeting on January 10, 2018 be approved as presented. MOTION CARRIED BY UNANIMOUS VOTE of all PPC members present.

APPROVAL OF MINUTES
MOVED BY WALSH, SECONDED BY RAHMIG that minutes of the PPC meeting on January 11, 2018 be approved as presented. MOTION CARRIED BY UNANIMOUS VOTE of all PPC members present.

PUBLIC HEARING: PROPOSED AMENDMENTS TO ISSSAQUAH MUNICIPAL CODE 18.07.505 WIRELESS COMMUNICATION FACILITIES
Niven made staff's presentation. He reviewed the wireless communications issue, specifically the need for new City code that addresses the need for wireless communications carriers to enhance infrastructure to add capacity so that carriers can provide 5G service. He explained how the original code relating to wireless communications pertains to macro infrastructure only, and the new code addresses the need for smaller antennas and other micro and small cell communication facilities. He said the new code would apply citywide. He showed images of examples of small cell antennas and equipment, as well as light standards from various locations around the City.

He continued by summarizing changes in the draft code made as a result of comments received in the last few weeks by AT&T, Verizon, and T-Mobile. He explained those items on which the City is willing to change language in the draft code and those items on which the Administration is not recommending any changes. He explained how franchise agreements and lease agreements would also apply, depending on the land where the equipment is being located.

He said the Administration was unwilling to concede Front Street right of way as a possible location for small cell equipment but was willing, at this point, to take Gilman right of way off the list of prohibited areas. SWEDBERG asked for clarification about what that would mean for Front Street. Niven said it would mean that because of the character of Front Street, allowing new poles with antennas and antennas on top of existing decorative poles on Front Street is an aesthetic issue for the City. So no new poles would be allowed in the right-of-way, although new poles could be

erected on the sides and/or roofs of buildings. SWEDBERG said so that wouldn't preclude any equipment on Front Street, just not on a new pole. Niven said that is correct. Public Works Operations has concerns about using city-owned municipal poles, he continued, and for right now, the code precludes using city-owned municipal poles, but that conversation can continue if the carriers so choose.

Niven continued his presentation on the new code language. He noted that small cell equipment is not being precluded in single-family home areas. HUNT asked is that listed under what is being "discouraged." Niven replied yes. WALSH referred to the water tower area next to the school in the Highlands and asked would that be precluded for macro towers. Niven said it is not zoned single-family and currently has two towers, and more macro towers could go there.

He concluded his presentation with staff's responses to comments made in letters from the wireless communications carriers previously distributed to PPC members.

HUNT said the language now lists "Front Street ROW" under "Prohibited." She said her concern is that extending antennas from decorative poles and municipal poles should also be prohibited on Front Street. WALSH suggested adding ""pole mounted." Staff made the change.

PUBLIC COMMENT
PROBALA opened the meeting for public comment at 7:00 PM. She said verbal comments received at the PPC meeting on January 24, 2017 from Richard Busch, Matt Russo, Linda Atkins White, and Carol Tagayun, representing wireless carriers, will be entered into the public record.

Amy Pellegrini, representing AT&T, highlighted three areas in the code that AT&T would like to see addressed. She continued AT&T would ask that no area in the City be prohibited from being a potential site for locating small cell equipment. She said AT&T has a variety of designs available that it feels would be acceptable to the City. The second area is the elimination of macro cells from single family and residential zones, which is a departure from current code. She said AT&T does not feel it is prudent to prohibit future macro sites from any zone and gave examples. The third area is the code requirement for small cell siting analysis within 100 feet of a proposed cell location.

Kim Allen, representing Verizon, highlighted two areas of concern in the proposed code. She said Verizon would like the opportunity to consider siting macro and micro equipment on churches and other nonresidential structures in residential neighborhoods, and said generally speaking Verizon would not seek to site equipment on a single-family home. She gave examples of how wireless communications are being used today. She continued with Verizon's concerns with batching, specifically requiring that poles be within 500 feet of the next one. She asked that the 500 feet contiguous requirement be removed. She also spoke to the elimination of the City's right of co-location assignment. She said the City does not have the expertise to determine whether carriers' equipment would be compatible, and asked that co-location be required in the lease agreement or in the code, but that assignment be left up to the carriers if technically feasible. She also said Verizon hopes to work with the City on being allowed to use municipal poles, and referred to Verizon's experience with other cities, including Spokane and Seattle.

Jennifer Taylor, site consultant with Ryka Consulting and Verizon, spoke to the 500-foot limit referred to earlier, and gave her perspective on how that could mean multiple permits for a single project. She continued it seems simpler for the City and the applicant to consider locating the poles as a single permit.

Hearing no additional requests to speak, PROBALA closed the public hearing at 7:15 PM.

Commission Deliberation
SWEDBERG said eliminating the 500-foot requirement seems reasonable, but how reasonable is it to think that a project will only need, say,10 poles. What's the average number of poles needed for a project, he asked. Kim Allen said typically, our engineers would look at need and capacity for a manageable chunk of a neighborhood, then would work with a siting consultant. She said typically we see 20 to 25 poles needed, and see municipalities allow batching up to, say, 20 to 25 poles. She gave examples. SWEDBERG said could you live with 10. Allen replied yes, if the 500-foot requirement was eliminated, and noted that the number could be renegotiated later. Niven added there will be a learning curve for staff, and 10 seems like a manageable number to start. He said a future iteration of the code could allow a larger number of poles if 10 proves to be too small.

RAHMIG said he favors limiting it to 10 and eliminating the contiguous requirement. He continued is there a definition anywhere in the code now that addresses allowing macro equipment in single-family zones on nonresidential sites, like a church. Niven said no; single-family, nonresidential zones do not allow water reservoirs, for example, but most do allow churches, and it's possible that a carrier might want to put a macro tower in a church parking lot. Staff would need to go back to the existing code on macro sites in single-family nonresidential zones and initiate making that change. RAHMIG said he would find that acceptable. He continued he is also concerned about the City's retaining the rights to facilitate communication between carriers. If there's a technical or legal reason why it won't work, the City would not mandate that co-location.

SWEDBERG asked would the City be assuming more responsibility for co-location of micro towers than macro towers if this proposed code language was approved. Niven replied yes, this does represent more of an encouragement than the code for macro towers. He continued that we are trying to affect changes in the community's favor, particularly given that no one has a "crystal ball" and can foresee exactly how this will all play out.

WALSH said she does have concerns about adding 45-foot poles to Gilman and referred to the existing poles of only 15 or 20 feet. What are the alternatives, she asked. Niven replied the new lighting planned for Gilman is likely to be only 15 to 18 feet. He said this is a demand-driven piece of infrastructure, and we are trying to figure out how to put it in and still preserve aesthetics the best we can. WALSH said she would like to see the requirements for the 15-foot allowance on buildings, and examples of what that would look like. Niven said most antennas will likely be on top of five and six-story buildings, not on the sides. Kim Allen added her perspective from working with the City of Redmond, and described the solutions that Verizon came up with satisfied the design concerns that Redmond had. She also described the difficulties with siting equipment on the sides of buildings, and why the pole option is preferred.

WALSH asked what does staff think is the best way to go forward. Niven replied Front Street will be affected by the upcoming Olde Town Subarea Plan update, and said staff would prefer to come back later and fix any situation with a code amendment. Another option is to say, "as allowed by the Olde Town Subarea Plan" and then work on the design guidelines for Olde Town. This code could reference that code for Front Street rather than prohibit it outright now, he added.

WALSH asked for clarification of the legal issues. Daniel Kenny, attorney with Ogden Murphy Wallace, said co-location can be addressed more appropriately from a legal standpoint elsewhere, but some fine-tuning is possible in the proposed language. He said to not co-locate, the applicant would have to show that they cannot co-locate their equipment, which would require a conversation between the co-locator carriers. So staff has built in some steps here that would

make it more difficult to not co-locate, he continued, although the language could also be strengthened. PROBALA asked is there a legal problem with the City if a municipal, City-owned pole is used by a carrier who then has a problem with the pole. SWEDBERG replied that would depend on how the lease is written. Kenny replied that is correct; the lease would include what the City needs to protect its interests.

HUNT asked for clarification about the technical review required by the carrier in the draft language, specifically what a carrier would be required to provide when proposing siting a pole. Niven replied the proposed language says the network provider must prove that each of the encouraged options be considered and eliminated, but staff is uncomfortable because that language requires staff to make a judgment without clear "check boxes." He continued his description of how being discretionary puts the City in a bad spot, especially during an appeal. Kenny said we can take another look at the version that would go to Council that could be less discretionary and more along the lines that Niven is describing. WALSH asked would that have to come back to PPC. Niven replied it would not necessarily have to come back to PPC; another hearing would take place at Council or another of its Committees. Kenny agreed we will have to see what other changes come up as this moves forward in the review process, and also agreed that the draft language can be strengthened by using "check boxes."

HUNT said her concern is that a technical evaluation was referenced in the previous version, and said it would be good for a provider to have to demonstrate why, say, a pole is required in front of someone's home. She said she would be more comfortable with requiring that kind of analysis. She also said she is in favor of keeping poles prohibited on Front Street, particularly as the technology is rapidly changing. She said she would like to see Front Street's historic appearance maintained as it is now, and there will undoubtedly be creative ways to incorporate infrastructure changes in the future. She said she appreciates that "promptly" was addressed in the new draft, but thinks 48 hours is not very "prompt" for a safety issue. She said if there is a safety issue she would hope that someone would be sent out to address it immediately. She also said Squak Mountain may be a good example of a location where antennas on top of poles might not be noticed, but it is her hope that someday the area may have underground wiring, and adding more poles and/or antennas is contrary to that. Fewer poles due to co-location would help with that ultimate goal, she continued, so she favors co-location, with modifications as needed.

WALSH asked are the poles on Squak Mountain PSE owned, and could a carrier locate on a municipal pole that the City might want to put underground eventually. Niven said that isn't something staff has considered, and gave examples of how that could be complicated for the City to address. He referred to the photos used earlier in his presentation and noted some street lighting is prohibitively expensive to put underground. He explained what would happen if a PSE pole was undergrounded due to redevelopment. Kenny added there is language in the lease agreement that would address that circumstance.

PROBALA said she appreciates that the carriers and the City have worked out a resolution to most of the issues, but of course not every instance can be accounted for. She said she would like to see a couple of safety issues fine-tuned, and will be interested to see the attorney's final language, as discussed earlier.

Niven said an outstanding question for the Commission is whether to leave the prohibition against locating macro equipment in single-family neighborhoods as it is now written, or to indicate that a single-family home can't have macro equipment but a non-single family structure in a single-family zone can. He gave some background about what took place when the macro code was written. It's possible that carriers could need to put in additional macro towers in Issaquah as demand for

capacity increases; no one knows that right now. We don't currently have a conditional use process, he stated, so the code would either allow it or we could change the code if, and when, we get to that point.

PROBALA said she understands that problems will inevitably come up, and asked staff to put this on the PPC's review schedule in a year or 18 months so we can see how it is working. SWEDBERG asked whether there are any small cell permits pending now. Niven said Verizon has submitted one permit, which will be grandfathered because no provisions are in place; AT&T had an application that has been withdrawn, although some are expected soon; and Verizon has indicated that it has a few projects queued up. He continued he's not sure where T-Mobile and Sprint are in looking at service in Issaquah. So in a year, we expect to have gotten some mileage out of this code, he concluded.

PROBALA added she recently drove down SR 900 and saw lots of poles on both sides, and after a while, they weren't even noticeable, nor did they seem derogatory to the scenery.

The main discussion points to be addressed in the new code language were summarized as: eliminate the reference to 500 continuous feet; the City attorney will work on the technical evaluation language to be clearer and less discretionary; and, working with the carriers, the reference to responding to safety issues will be narrowed to something less than 24 hours.

Kim Allen gave her perspective on how carriers respond to emergency or safety situations and said she can provide additional information for staff.

WALSH said she also has concern about 45-foot poles down Gilman. Niven said all the City's streetscapes are filling up. The City has prided itself on its uncluttered look and signage code, he said, and 45-foot poles may or may not be the right number. He continued we may have to "test drive" the look of the poles, then take another look in a year or two and adjust.

MOVED BY SWEDBERG, SECONDED BY RAHMIG that the code amendments to Issaquah Municipal Code 18.07.505, Wireless Communication Facilities, be forwarded to the Council with a recommendation for approval as presented, with the modifications discussed at tonight's meeting. MOTION CARRIED BY UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

OTHER/ADJOURNMENT

Heinonen noted next Thursday's PPC meeting, on February 8, will take place in the Eagle Room at the Police Station, and will be a joint meeting with the Parks Board focusing on the green network. PROBALA asked that the February 28 meeting be a presentation of all the pieces that PPC has reviewed on the neighborhood visions. It was noted that the February 22 meeting scheduled with the Parks Board may or may not be necessary.

With no additional business to conduct, PROBALA adjourned the meeting at 8:11 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary

(Note: Alternate Member(s) did not vote as there was a quorum of Regular Members present.)