

CITY OF ISSAQUAH
Planning Policy Commission

6:30 PM
 January 24, 2019

MINUTES

Council Chambers
 135 E. Sunset Way

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commissioners Present:

Ron Faul, Vice Chair
 Bill Rinehart
 Lindsey Walsh
 AJ McGauley, Alt. (Voting as Regular Member)
 Jason Voiss, Alt. (Voting as Regular Member)

Administration/Staff:

Trish Heinonen, Planning Policy Manager
 Emily Arteche, Senior Planner
 Keith Niven, Development Svc. Director

Commissioners Not Present (Excused):

Joan Probala, Chair
 Joy Lewis
 Troy Rahmig

CALL TO ORDER

FAUL, Vice Chair, called the meeting to order at 6:30 PM.

APPROVAL OF MINUTES

- a) MOVED BY WALSH, SECONDED BY RINEHART that minutes of the December 13, 2018 meeting be approved as presented. MOTION CARRIED UNANIMOUSLY, 5-0.

PUBLIC HEARING(S)

- a) **2019 Docket of Issaquah's Comprehensive Plan Amendments, (D)**

Presented by: Trish Heinonen, Planning Policy Manager

Heinonen made staff's presentation on the proposed Comprehensive Plan amendments for 2019, as outlined in the agenda. She explained the process for identifying and approving the Comprehensive Plan amendments on a yearly basis, and described the four annual amendments as well as new ones proposed for 2019.

McGAULEY clarified that the Issaquah Treasures are included as an amendment to be reviewed in 2019. Heinonen replied yes. WALSH asked where the Green Necklace is reflected in this list. Heinonen replied the Green Necklace will be included in review of the Land Use Code, which is also being overhauled this year and next year. WALSH asked does the sign code need to be listed here. Heinonen replied no; the sign code is also part of the Land Use Code update, and PPC will be getting an introduction to that scope and schedule later on this in this meeting. FAUL asked what the difference is between references in this list to improvements in "nonmotorized routes..." and the Green Necklace. Heinonen said nonmotorized routes are not necessarily only recreational, but are more of a way to get from Point A to Point B. The proposed amendment mentioned in the Docket is to be sure that those nonmotorized routes identified in the City's Development Agreements are also shown in the Comprehensive Plan.

Public Comment

FAUL opened the public hearing for comment at 6:40 PM. Hearing no requests to speak, he closed the public hearing at 6:41 PM.

MOVED BY WALSH, SECONDED BY RINEHART that the Planning Policy Commission recommend approval to the City Council of the 2019 Docket of Proposed Comprehensive Plan Amendments, Items 1-9, as the established list of proposed amendments for 2019. MOTION CARRIED UNANIMOUSLY, 5-0.

MAYOR'S COMMENTS

Mary Lou Pauly, Mayor, thanked PPC members for their efforts and work to better their community. She noted that as volunteers, PPC members give up their valuable personal time to participate on PPC, including not just attendance at meetings but also the “homework” they must do in advance of meetings to prepare for discussions. She expressed her appreciation for their commitment to their community.

b) **Proposed Amendments to IMC 18.22 Wireless Communication Facilities, (D)**

Presented by: Keith Niven, Economic Dev. and Development Services Director

Niven made staff's presentation. He said the proposed changes to IMC 18.22 are in response to recently enacted regulations laid out by the Federal Communications Commission (FCC) that require localities such as Issaquah to modify their code as necessary to accommodate 5-G technology. He continued in light of comment letters received as late as 4:50 PM this afternoon, the Administration recommends that PPC take public testimony and have some discussion tonight, yet continue the public hearing to PPC's next meeting on February 14, 2019. That will allow PPC the opportunity to read the letters and also for staff to evaluate and respond to the concerns expressed. The Commissioners agreed with this recommendation.

Niven continued his presentation on the major changes required in the City's wireless code as a result of the FCC regulations. The first major change is that jurisdictions cannot prohibit the installation of facilities to complete the networks that the wireless carriers are trying to build. He referred to the PPC's previous discussion on designating locations in the City that could potentially receive equipment as “encourage/not encourage/prohibited” locations. Under the new regulations, he continued, carriers have a process they can go through to install equipment on locations deemed necessary, as described in 18.22.90, Siting Criteria. He explained that Section (C), Deviations, requires the applicant to provide “sufficient technical information that demonstrates there are no encouraged or discouraged sites available.” McGAULEY asked who would pay for that. Niven said the code would allow the City to hire a consultant to provide the technical report, and the carrier would pay for both the report and the required analysis of the information.

Niven continued with an explanation of the other major changes being proposed in the redline code, as outlined on pages 18-19 of 41 in the agenda packet. McGAULEY asked if a carrier submits multiple permits, can the submittal be broken out if only some of the locations are problematic and allow the others in the submittal to go forward. Niven replied that's a good question that hasn't yet been answered, but the hope is that the applicant and the City could negotiate that as an outcome. McGAULEY asked has the City identified appropriate technical experts to provide the

information needed to evaluate requests from carriers. Niven replied no, but staff plans to start the process to procure those kinds of technical services right away.

FAUL asked how many small cells could we expect to see in Olde Town, for example. Niven said his understanding is that the issue is one of capacity, and that more antennas are needed to stream more data to more users. So, if Olde Town became a hub of heavy demand, then there could potentially be more antennas there than in other parts of the City. He referred to design standards that already exist in City code, and said at some point when we start to see deployment, we may want to come back and re-address design specifications. He added no one really knows what this equipment could look like in ten years; there will be new facilities, but we don't know how many or exactly what they will look like. FAUL asked can the City hold off until we have a chance to see samples from other jurisdictions. Niven replied no; the FCC order went into effect this month. An injunction to hold off on implementation was denied, he added. Daniel Kenny, Ogden Murphy Wallace, City Attorney's Office, confirmed that the City needs to promptly comply with the FCC regulations, and cannot enact a "moratorium" of sorts on implementation.

WALSH asked whether applications from carriers have been received by other jurisdictions, especially larger ones such as Seattle. Niven referred to small wireless facilities that have been installed in the Bay Area. He continued every City's situation will be different. Issaquah's initial decision to not allow wireless equipment on municipal poles is not shared by all jurisdictions; some cities may see implementing this new infrastructure as a boost to their economic development.

FAUL said his sense is that residents will be fearful of the visual impact of this equipment, and also will have health concerns about the presence of more magnetic, wireless radio frequencies where they live. Niven said staff is trying to focus the conversation on the proposed changes that the FCC has required, and the City's response to those regulations. McGAULEY asked whether color is addressed in the design regulations. Niven referred to Section 18.22.100, Design Requirements. He said the FCC has indicated that jurisdictions must be "explicit and reasonable" in their design requirements. Kenny added that a jurisdiction's aesthetic standards also have to be published and cannot "materially inhibit" carriers' ability to provide service.

RINEHART clarified that all of staff's proposed changes, marked in red, are triggered by the new FCC regulations. Niven said yes. The Administration recommends that staff and the carriers work through the proposed changes, including the concerns raised in the carriers' letters received today, between now and PPC's next meeting, and continue this public hearing until then. Kenny said there will likely be an attempt to rehash the discussion points between the City and the carriers that were discussed earlier. The carriers are likely to have their own opinions about which sections of the City's code need to be changed, he added, including which would materially inhibit their ability to provide service.

WALSH asked whether staff has looked at other cities' code. Niven said no; the spectrum of jurisdictional response spans a wide range, from wanting very regulated aesthetic control to not wanting much control at all. Issaquah is probably closer to the former, he added. FAUL said he thinks the public will be passionately concerned about this issue because people here are protective of their visual landscape. He asked whether the City has any campaign planned for engaging and informing the

public about potential changes that may be coming. Niven replied we don't have a good sense of how this will all unfold, but we can think more about that and talk with PPC again about it.

Public Comment

FAUL opened the public hearing for comment at 7:24 PM.

Linda White Atkins, Davis Wright Tremaine, representing T-Mobile, referred to a letter submitted earlier today to PPC. She referred to photos of an installation in Las Vegas as an example of what equipment could look like. She expressed concerns in the code about the definition of antenna; the definition of completely concealed facility; and the design guidelines, particularly the siting criteria for macro facilities and materially inhibiting the installation of facilities.

Greg Busch, AT&T, referred to a letter submitted earlier to PPC and described concerns in two areas. The first area is the same set of concerns that were discussed with PPC in earlier discussions, specifically the City's prohibition on co-locating equipment on municipally owned and decorative poles in the City, and on Front Street. The second area is the City's proposed compliance with the FCC regulations. He said AT&T wants to work with staff and the City's counsel to provide input on policies that will be in compliance with the FCC regulations, particularly for clear deviation guidelines.

Devendra Maharaj, Verizon Wireless, referred to six items on page two of the letter submitted earlier today from Verizon Wireless to PPC. The items are areas of concern that Verizon feels do not address recent changes by the FCC and the technical requirements needed to implement the changes. He said Verizon is looking forward to working with the City and PPC to work through these concerns.

Hearing no additional requests to speak, FAUL continued the public hearing until the next PPC meeting, at 6:30 PM on Thursday, February 14, 2019.

Discussion

VOISS asked the carriers to comment on whether the equipment is getting smaller as the technology evolves. Atkins replied T-Mobile's expected design is smaller than what would be seen on a macro-tower, but because no one knows exactly where this technology is going, no one can say for sure what it will look like. Busch explained there is a difference in technology and infrastructure needed to provide 4G, 5G-E, and 5G service, and changes in the equipment needed could happen very quickly.

FAUL added many people are looking forward to the benefits of increased capacity in wireless services, but his sense is that the citizenry of Issaquah may prove to be a more discriminating consumer of these services than other cities and jurisdictions.

REGULAR BUSINESS

- a) **Presentation - Issaquah Sign Code Update: Scope, Process and Public Outreach, (I)**

Presented by: Emily Arteche, Senior Planner

Arteche noted that Lucy Sloman, Land Use Manager, and Daniel Kenny, Ogden Murphy Wallace, are also members of the City's team to update the sign code. She explained the objective is to legalize, streamline, and simplify the City's sign code, and continued her explanation of why the sign code is being proposed for updating now; the City's objective of having a single sign code; and the need to legalize the City's sign code (Reed v. Town of Gilbert). She explained tonight's presentation is intended to give a broad overview of this issue tonight and inform PPC about how the review team plans to proceed.

She continued her explanation of how the City's regulations can address the "time, place, and manner" of signage, but not the content. RINEHART asked for clarification in the case of, say, hate speech on signs. Kenny briefly described what is covered under the First Amendment in terms of content on signs. He said there are limitations as to what content is covered by the First Amendment, but prohibiting content has to be based on more than just content that makes some people uncomfortable, or the sense that "our community just doesn't feel that way."

RINEHART asked does most of the City's code that exists today speak to content specifically. Arteche replied yes; most of the City's existing code refers to content. FAUL said so essentially the City needs to evaluate a blank sign on the basis of its placement, size, and so on, regardless of the message. Kenny replied within limits, that is essentially correct. The Commissioners briefly discussed potential signs that contain messages that could be considered obscene or objectionable to some, or that advertise products such as cannabis in view of schools. Sloman noted those are all issues that the review team will be exploring. We don't have all the answers tonight and we will be bringing issues to PPC and others for feedback and discussion.

[8:09 PM--McGAULEY left at this time.]

Arteche continued her presentation, including areas of focus for the review team and possible additional issues that may need to be addressed. She concluded the expectation is that the resulting sign code will make it easier for applicants to receive permits by making the application process easier and standardizing compliance. She described the public involvement activities now under way to get the citizenry involved in this process and the activities planned for the coming months.

OTHER BUSINESS

- a) Meeting Schedule: Heinonen noted the next PPC meeting will be at 6:30 PM on February 14, 2019.

ANNOUNCEMENTS

Heinonen said the Park Board is forming an ad hoc committee to review and update the goals and policies in the Parks Strategic Plan, and is inviting participation from PPC members. She said she will send out information about when and how frequently the ad hoc committee will meet when it becomes available, and to let her know if any PPC members are interested in serving.

AUDIENCE COMMENTS

None.

ADJOURNMENT

With no additional business to conduct, FAUL adjourned the meeting at 8:16 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary