

Kitsap County Planning Commission Minutes – December 18th, 2018

KITSAP COUNTY PLANNING COMMISSION

Administration Building – Commissioner’s Chambers

December 18th, 2018 @ 5:30 pm

These minutes are intended to provide a summary of meeting decisions and, except for motions made, should not be relied upon for specific statements from individuals at the meeting. If the reader would like to hear specific discussion, they should visit Kitsap County’s Website at <http://www.kitsapgov.com/dcd/pc/default.htm> and listen to the audio file (to assist in locating information, time-stamps are provided below).

Members present: Kim Allen (Acting Chair), Tom Nevins, Joe Phillips, Richard Shattuck, Jim Svensson;
Arriving late: Aaron Murphy, Gina Buskirk (Chair)

Members absent: Karanne Gonzales-Harless (Vice Chair)

Staff present: Jim Bolger, Darren Gurnee, Laura Zippel, Robyn Readwin (Clerk)

5:35:30

A. Introductions

- Meeting starting late due to a tornado in the area earlier this afternoon.
- Chair Buskirk has been delayed and Vice-Chair Gonzales-Harless will not be in attendance due to the tornado event. Kim Allen will serve as acting Chair.

B. Adoption of Agenda/Approval of Minutes

- **Motion:** Joe Phillips moves to postpone approval of 11/20/18 meeting minutes to the first meeting of January 2019.
 - **Second:** Jim Svensson
 - **Vote:** 5 in favor; 0 opposed; Motion carries.
- **Motion:** moves to adopt the agenda as presented.
 - **Second:**
 - **Vote:** in favor; 0 opposed; 0 abstentions – motion carries.

Chair Allen discloses her current employment as a Wireless Industry consultant for Verizon, though not involved or working, in that capacity, on this project. Having served as a public official for other municipalities and believes she is capable of hearing and making decisions as a member of the Planning Commission with impartiality.

5:37:08

- Chair Allen calls for questions, concerns or objections to her remaining seated on this matter.
 - **QUESTION:** Tom Nevins anticipates no problems, but in a close vote, or if Chair Allen were the deciding vote, would that pose a problem in the appearance of fairness?
 - **RESPONSE:** Chair Allen intends to follow Richard. Shattuck’s lead example, having appeared as a legal representative for the Development community in Kitsap County,

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1 and is able to separate that role from his work on the Planning Commission.

2 • **RESPONSE:** Mr. Shattuck notes the Bylaws, Conduct of Ethics specify protocol for
3 disclosure and recusal for quasi-judicial matters, but does not believe that applies to
4 legislative action. Mr. Nevins agrees and Chair Allen notes that the Code Update is
5 initiated by Staff, not the industry.

6 • **Hearing no objections, Chair Allen will remain seated on this matter.**

7 **5:39:54**

8 • **D. Work Study: Wireless Code Update – Darren Gurnee, DCD Planner**

- 9 • Mr. Gurnee provides a brief overview of the Wireless Code Update presentations to
10 be heard tonight, noting the tentative timeline includes additional Work Study and
11 Public Hearing in January, with deliberations and Findings of Fact to follow.
- 12 • This evening’s Work Study will be recorded and broadcast by BKAT.
- 13 • Proposed update topics include: definitions, required permits, permit review times,
14 general design standards (height, visual appearance, lighting, noise, agreements) and
15 specific design standards (tower facility vs. non-tower).
- 16 • Proposed update goals include: Ensure compatibility, provide predictable permitting
17 process, encourage collocation, streamline review for small cell technology that meets
18 aesthetic criteria.

19 **5:45:16**

- 20 • **Leila Vaga, Verizon Wireless Representative,** provides a brief overview of the wireless
21 industry trends and goals, including contact information from local industry
22 representatives and noting a 39-fold increase in mobile data from 2010 – 2017, with
23 52% of American households becoming wireless only and 80% of all emergency calls
24 coming from wireless phones.
- 25 • Ms. Vaga presents information regarding 5G Small Cell Wireless technology and
26 facilities, noting that 5G technology travels at 10 gigabits per second (gbps), much
27 faster than 4G (400 mbps), but does not travel as far.
- 28 • Macro sites are the traditional sites with 75 – 150-foot-tall towers, with 6 – 8 foot-tall
29 panel antennas typically located on hilltops and provide coverage for large geographic
30 areas.
- 31 • Small Cells provide capacity as needed by sending lower level signals shorter
32 distances. Multiple small cell sites can increase capacity with less interference by
33 locating them close to the end user, typically mounted to poles or structures.
- 34 • Small Cells are used as an addition to, not as a replacement for macro site coverage,
35 and each requires its own standards, regulations and code.
- 36 • **QUESTION:** Mr. Shattuck asks if they are independent or share a network.
- 37 ○ **ANSWER:** Ms. Vaga responds that they function independently but are
38 located in clusters of 10 – 40 in an area. They are intended to interact, with
39 mutual capacity improvements. Small Cell sites can be entirely standalone,
40 but often use signal equipment housed at nearby Macrosites.

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- 1 • Ms. Vaga shows examples of each kind of site, noting that sites must adhere to
2 industry and local safety policies and standards as well as those of the owner of the
3 pole or structure the sites are located on.
- 4 • **QUESTION/ANSWER:** Chair Allen asks, and Ms. Vaga confirms, that existing poles
5 must often be replaced in order to meet standards related to condition of the poles or
6 height requirements.

7 **5:56:01**

- 8 • **QUESTION:** Mr. Svensson asks about possible collocation or sites shared by providers.
- 9 ○ **ANSWER:** Ms. Vaga confirms collocation is a consideration but is often
10 challenging and not feasible due to several factors.
- 11 ○ Providers often operate on different frequencies with different location
12 needs, based on the proximity of each carrier's Macrosites.
- 13 ○ Limitations on the number of carriers allowed on a single pole may also vary,
14 set the site owner or others, often for safety and compliance reasons.

15 (Gina Buskirk arrives)

16 **5:58:55**

- 17 • **QUESTION:** Mr. Shattuck notes a city may not face the same challenges a rural setting
18 would, in terms of locations for 5G technology. Will 4G be standard for rural, and 5G
19 more in city settings?
- 20 ○ **ANSWER:** Ms. Vaga notes a combination of 4G and 5G, Macro and Small Cell
21 sites, will likely continue as different factors affect the need, quality and
22 capacity of the data and coverage.
- 23 • Ms. Vaga reviews components and different types of small cell and macrosite
24 installations, referencing visual examples, including conduit, antenna, shrouding, fiber
25 and other features, noting each small cell will require fiber, which is often through a
26 3rd party provider, and different permitting will be required for fiber than wireless.
- 27 • **QUESTION:** Chair Allen asks if the carriers can all use the same designs/standards.
- 28 ○ **ANSWER:** Ms. Vaga responds that carriers do not use the same, as project
29 engineers design specific components based on individual project needs and
30 sites, including frequencies.

31 **6:06:05**

- 32 • Ms. Vaga continues to review and display small cell examples, including strand
33 mounts, light standards, stealth poles and wireless only poles.

34 **6:16:10**

- 35 • Ms. Vaga notes that jurisdictions may make conflicting decisions or requirements on
36 what designs or kinds of installations are acceptable. Some work is currently being
37 done to develop industry standards, that could help reduce the wide variations by
38 jurisdiction.
- 39 • Chair Allen asks if any other industry representatives are in attendance. Ms. Vaga

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1 identifies Sunny Austin from AT&T, considered an expert in Macrosite code.

2 **6:18:10**

3 • **QUESTION:** Mr. Svensson asks about the difference and implications of in electro-
4 magnetic radiation with 4G and 5G.

5 ○ **ANSWER:** Ms. Vaga note frequencies are lower and the sites are lower to the
6 ground. The FCC closely monitors and regulates emissions and safety in the
7 wireless industry, reports on non-ionizing energy are produced to ensure
8 compliance. Small cell radios generate 5 – 40 watts, for 4G and 5G.

9 • **QUESTION:** Mr. Nevins asks if there any discussion of regional design standards for
10 aesthetics or otherwise.

11 ○ **ANSWER:** Ms. Vaga is not aware of anything formal, but in 2017, 22 cities
12 created a consortium of cities in 2017 to discuss and review the different
13 presentations and plans from multiple wireless carriers. A model code was
14 created along with many best practices, Ogden-Murphy-Wallace was the
15 consultant for this work.

16 • **QUESTION:** Mr. Shattuck asks if the industry has any thoughts on how 5G technology
17 may impact current and future Land Use decisions, in terms of location and other
18 requirements.

19 ○ **ANSWER:** Ms. Vaga notes the network designs are based on needs of
20 network, and where the highest demands and usage are, and where potential
21 bottlenecks are occurring. Data is then modeled to improve coverage and
22 capacity. We actively work with municipalities, but don't have any urban
23 planning measures or intent to change that based on site location.

24 • **QUESTION:** Mr. Shattuck asks, with multiple carriers and collocation not likely, should
25 we expect to see four carriers, with their own equipment in one neighborhood on
26 multiple poles?

27 ○ **ANSWER:** Ms. Vaga believes Kitsap County is a long way from 4 carriers on
28 each site, due to the level of work needed on macrosites to provide a much
29 higher level of continuity and capacity before adding the infill of small cell.
30 However, there are multiple carriers and they will be using their own
31 equipment. Areas with high densities of users will be desirable to multiple
32 carriers.

33 **6:26:30**

34 • Chair Allen invites the **Sunny Austin, AT&T representative**, to the podium, and how
35 AT&T's plans for deployment and site location may be similar or different. Ms. Austin
36 notes that sometimes the carrier shares macrosites, tower locations but not always.
37 Needs may overlap, but not always. It does depend on customer-driven needs.

38 • **QUESTION:** Mr. Nevins notes that about 20 years ago, Kitsap Public Utility District
39 passed legislature and some infrastructure required to put in fiber-optic cable, will
40 your work use any of that and possible amortize the cost to taxpayers?

41 ○ **ANSWER:** Ms. Vaga notes 3rd party providers are often contracted for the
42 fiber build and provision, it would be the contractor's decision.

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6:30:31

- Mr. Gurnee introduces **Lisa Nickel, Kitsap County Deputy Prosecuting Attorney.**
- Ms. Nickel provides an overview and description of the history and factors related to the Wireless Code and this proposed update, referencing a visual presentation.
- In 1996 the FCC passed sweeping legislation to open up the industry, called the 1996 Telecommunication Act. As a result, local government has less authority to regulate - noted in:
 - Section 332 – ‘preservation of local authority’; regulations cannot ‘unreasonable discriminate’; permit request decisions must occur ‘within a reasonable amount of time’
 - Section 253 – noting ‘removal of barriers to entry’ and regulations cannot prohibit a business from providing telecom services; managing right-of-way, non-discriminatory fees published in advance
- In 2009, the FCC issued ‘Shot Clock Order’ stipulating permit decision times for new wireless facilities at 150 days from application for new and 90 days for existing. Times can be rebutted with documented reasons.
- In 2012, the Spectrum Act ordered governments to approve requests for permits for collocated or replacement on existing facilities with no substantial dimension changes.
- In 2014, the FCC added definitions; timeline of 60 days for permits with non-substantial changes; Day 1 begins with date of application, not completed application; Limited tolling or reasons for clock stoppage and restart.
 - Also provided clarification that if no decision is made in the required timeframe, the permit decision is deemed automatically approved.
- In 2018, ‘small wireless facility’ was defined and the shot clock times were revised to require a permit decision for a new small wireless within 90 days; collocated small wireless within 60 days. The Shot Clock can be restarted one time
 - Also allows batching - multiple applications on one permit. Some exceptions allowed, but not many.
 - If no decision within the required timeframe, a 30 days appeal period.
- Fees must be published in advance, same for all providers, reasonable approximation of actual cost. One-time and recurring fees were also limited.
- The update needs to help provide for 5G rollout for small wireless facilities with aesthetics, fees and process.

6:40:27

- Mr. Gurnee concludes the presentation with discussion of an example of a Permissibility Table which will outline the permit review times in the code, in a similar design as other land use and building permits.
- Work Study for this topic will continue at the next meeting.
- Mr. Shattuck appreciated the podcast provided by DCD. Mr. Gurnee notes these will

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be available on the DCD Code Update webpage.

- Mr. Phillips asks if the study and work by Ogden-Murphy-Wallace for the 2017 Consortium of Cities, referenced in Ms. Vaga’s presentation, can be made available. Mr. Gurnee will check into this.

6:44:45

- **E. Administrative Update – Jim Bolger, DCD Interim Director**

- The Board has asked the Human Resource Department to include the Planning Commission in the Focus Group being assembled for the DCD Director recruitment process. You should expect some outreach in January.
- Some details regarding today’s unexpected tornado, categorized as F2. We have had 80 evacuations due to damage or gas leaks.

- **F. For the Good of the Order**

- None heard

Time of Adjournment: 6:47:15

Minutes approved this 19th day of February 2018.



Kim Allen, Planning Commission Chair



Amanda Walston, Planning Commission Clerk