

**Skagit County Planning Commission**  
**Work Session: Wireless Facilities Code Update Introduction**  
**July 26, 2022**

**Planning**

**Commissioners:** Kathy Mitchell  
Mark Knutzen  
Vince Henley  
Amy Hughes  
Tim Raschko, Chair  
Joe Woodmansee  
Tammy Candler, Vice Chair  
Martha Rose  
Jennifer Hutchison

**Staff:** Hal Hart, Planning Director  
Sarah Ruether, Long Range Planning Manager  
Jenn Rogers, Assistant Long Range Planner

**Others:** Bob Duchon, Consultant (River Oaks Communications)

Chair Tim Raschko: (gavel) Good evening. The July 26<sup>th</sup>, 2022, meeting of the Skagit County Planning Commission is now in order. Let's see, I'm going to do a visual roll call. I believe we have everybody; have we not? We do. Okay, great. I'd appreciate a motion to approve the minutes of our prior meeting.

Commissioner Vince Henley: So moved.

Commissioner Kathy Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve the minutes. Is there any discussion of the minutes?

(silence)

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: So that carries. Thank you.

So we'll turn to Public Remarks. Here in the room we have no public and, Jenn, are you aware of anybody online?

Jenn Rogers: There are no other \_\_\_ online that are interested in providing public comment tonight.

Chair Raschko: Okay, thank you. So we will dispense with the Public Remarks, which takes us to Staff Announcements. So Jenn, please go ahead.

Ms. Rogers: Thank you, Commissioners. My name is Jenn Rogers. I'm assistant long range planner for Skagit County PDS. So first what I wanted to go over is we have an updated schedule for the Planning Commission for the rest of the year. And, as you know, this can change, it can be updated as things get moving, but I just wanted to first discuss the docket.

So at the last meeting we had discussed bringing in the petitioners to provide presentations at the August 9<sup>th</sup> meeting, so I reached out to the petitioners. It looks like it should work for August 9<sup>th</sup>. So they'll come in and give a presentation and you'll have time to ask questions of them. We will also continue our work on Wireless Facilities in August and then continued into September. So we'll have a public hearing and deliberations on Wireless Facilities in September.

There is a new project that's been added on here, our Farmland Ordinance. So one thing that I've given you in front of you is a press release on an interim ordinance that we've – a moratorium on offsite compensatory mitigation projects. So there is currently a temporary ban on those projects on agricultural lands in Skagit County. The County is interested in moving that forward as a permanent ordinance, which would require review by the Planning Commission before being approved by the Board. So our legal department will be drafting the documentation and the memos for that and be prepared to present it to the Planning Commission for the first time on September 13<sup>th</sup>. So that'll be upcoming. We'll have more information for you to review before that meeting.

So into October we will go into the staff recommendations on the 2022 Docket the first week in – or the first meeting in October. We will also have deliberations on the Farmland Ordinance scheduled for that day as well. Then we'll have our public hearing on the Docket and move into our work on the Capital Facilities Plan. So that is our – you know, our yearly process that we do to update that, so that'll start in late October and go into November as well. And we will also be wrapping up – so we'll have another work session on the Docket after the public hearing to go over the comments that we received and how the staff would like to address them. And also then go into deliberation on the last meeting in November on Wireless Facilities and the Capital Facilities Plan, and then hopefully wrap up the year by getting into Agritourism and then the 2022 Docket.

And like I said, it's tentative, but that's what we're aiming for for the rest of the year. Is there any questions or comments, concerns?

(silence)

Chair Raschko: No questions? Is pushing the Docket deliberations to the very last meeting of the year – is that a little risky?

Ms. Rogers: Potentially, but we're only allowed to update our Comprehensive Plan once per year and we've already done that this year. The Board approved the 2021 docket in April.

Chair Raschko: That's true, yeah.

Ms. Rogers: The Board wouldn't be able to pick it up until next year so that's why there isn't quite as much of a rush to get through it, and there's some other things that we'd like to get approved in the meantime.

Chair Raschko: Thank you. Any other questions?

(silence)

Chair Raschko: Okay.

Ms. Rogers: Okay. The second topic I wanted to discuss is rescheduling the Bayview Ridge tour. So I printed off the agenda for the 2021 tour just to look over what had been previously planned and what we could do moving forward. I have reached out to the Port and they would be happy to host a tour of their facilities, and we could also reach out to business owners that are listed on this agenda to continue the visits that were already planned. So I have two questions. One, we were looking at August 23<sup>rd</sup>, which is a similar timeframe as previous, as last year. We don't have a meeting scheduled for that day. It's during your normal August break. It would be during the day. It's about 3 – 5, same timeframe as before is what we would look at. So I just wanted to see if that date would work for most of you. If there's a different week that would work better for you I'm happy to look at a different day.

Commissioner Mitchell: What day of the week is that?

Ms. Rogers: That is a Tuesday. So if we were following our normal schedule we would have a meeting on August 23<sup>rd</sup>, but that is during your break. One thing I did want to highlight is that we are still – we have new requirements for OPMA so we're still in discussions with legal about what we would need to do to ensure as – you know, as long as we have a quorum, that we would need to have opportunity for a hybrid option. So we're looking at what that could look like. Do I just need to have a phone on speaker or do we need to have something more substantial set up? But we're working through those needs for an outside-of-the-hearing-room visit.

Commissioner Martha Rose: I have a question. So on this tour, is this a car pooling effort or do we each drive our own vehicles? How does it work?

Ms. Rogers: So I believe last year they were looking into using County vans, so we could do that. Or if it would be more comfortable, we can do more of a carpool situation or a train of cars between the visits – whichever would be preferable. I can set up vans for everyone to ride together if that would work for you as well.

Chair Raschko: Any other questions?

Commissioner Mitchell: Are you looking for feedback?

Ms. Rogers: So I'd love feedback. The other part of this is, Is there any other visits that you would like to add? Because this is a year later, so I want to make sure that the visits are the most relevant for you. We're also talking about a stop by one of the stormwater facilities just so you can see it in person, since we just talked about that. So if you have any feedback on either of those things, I'd love to hear it.

Chair Raschko: Kathy and then Martha. Thank you.

Commissioner Mitchell: I think it'd be convenient to do the vans. That way we can probably have more questions and answers as we ride along, and take up less space, too.

Ms. Rogers: Okay.

Commissioner Rose: I'm going to echo Kathy's suggestion about the van. Because I'm sure that there could be relevant conversations we could have with each other – and we could turn it into a party van!

(laughter)

Ms. Rogers: We'd have one party van and one calm van.

Commissioner Rose: Just kidding!

Ms. Rogers: Okay, great. I can look into using the vans and how many we would need to make sure everyone can join. Is there any feedback on the visits? Is there anything else you'd like me to add?

Commissioner Mark Knutzen: Have you talked to any of these groups this year about if we can still do this?

Ms. Rogers: I haven't reached out to the business owners yet – just the Port. I wanted to see what dates would work best for you before I discuss it with the business owners.

Commissioner Knutzen: The reason I asked that I've heard there's been hiccups with the Amazon building.

Hal Hart: I'll speak to that in a little bit but, yes.

Commissioner Knutzen: I mean, I'd love to be able to do all this and we could have done it last year except for COVID. But, like you say, you haven't checked and first things first.

Ms. Rogers: Mm-hmm.

Commissioner Rose: I personally like that date. My calendar's open that day.

Ms. Rogers: Okay.

Chair Raschko: I just had a comment on the transportation part. For a lot of people, COVID's not over, so I think having the option of driving on your own I think should be left open.

Ms. Rogers: Well, and dependent on how many people are able to join, we could have one van and then anyone who would like to not be in the van can follow behind.

Chair Raschko: Okay, anything else?

(silence)

Ms. Rogers: Okay, great. Well, once I have the visits confirmed, hopefully I'll have a good itinerary set up for the August 9<sup>th</sup> meeting so I can give you another update at that time. And if anyone has

any concerns about that date, if you could let me know in the next couple of days that would be great, and then we can look at some other time.

And the last topic I wanted to discuss, we have a new long range planning manager, so, Sarah Ruether, would you like to introduce yourself?

Sarah Ruether: Hi, I'm Sarah Ruether. I live in Anacortes. I have two kids and we moved here in 2019. I worked recently at Island County but I also worked at Woodinville with Hal, and I've been in the northwest for a long time – 20-plus years. And I grew up in Colorado. Any other questions? I've worked in planning for over 10 years. Took some time off with my kids but back into it.

Chair Raschko: Well, welcome, Sarah. Has anybody any questions for Sarah?

(silence)

Chair Raschko: You got off easy!

Mr. Hart: Commissioners, I'm going to throw her into the discussion about transportation fees, impact fees. It's something that Grace, the Public Works engineer or Public Works director, is interested in. We went through the Amazon process and so we are looking at as that area grows up there, is there way to capture more of those fees from growth? And that's something the Public Works offices are interested in at least looking at. So I'm going to throw Sarah to that one to look at this summer and going into probably early fall. And we'll keep you updated about that.

The additional thing is capital facilities. She's going to be working on the Capital Facilities planning effort that we do annually. And then after that, we are all going to be training on the Growth Management Update starting in August. So they're laying out what we would have to do to update our Comprehensive Plan. So we'll keep you informed as we know what the rules of the game are, but there is a set amount of \$750,000 – something like that – for our Growth Management planning coming from the state. One of the first things that Sarah and the team here will be looking at is: What is a plan to do a plan? Do you want to explain the first piece, which is the outreach plan? I didn't mean to throw you into this but it's something that's required right away.

Ms. Ruether: Okay. Well, I mean, public outreach is a big part of a comprehensive plan and so we will – you can be thinking about ways to do public outreach. You know, there's everything from public meetings – that's public outreach – to having special events, surveys. So we will think about it because, you know, I like to think of public outreach as, like, you're building the foundation. So if you don't do a good public outreach and get a wide breadth that you won't build a good foundation because you won't understand all the different views. So think about it. I mean, as times change people interact differently. I think now we're all wired so maybe it is something that evolves with time. But we'll come up with a public outreach plan of how we're going to – whether it's meetings or surveys or fairs or open houses – how we should do it. But think about how – you know, what is the best way to make sure we reach all community members to have a solid plan.

Mr. Hart: And that's probably one of the big areas we spend a lot of money is trying to figure out how to reach out to a growing community. And so we're going to bring those ideas to you and we're looking for your recommendations on that as we bring those forward to the Commissioners.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yeah, I've got a question for you, Sarah, if you don't mind. Welcome. Glad you're here. Can you give us a little bit more about what your forte with planning is or the things that you really enjoy about it?

Ms. Rueter: Yeah, I mean, Hal put me on transportation because I did the transportation master plan for Woodinville. I actually like all the geeky things of the numbers and trying to figure out. It's like trying to figure out how to measure things best and get the best policy nexus. I did parking, too. I got kind of – once you get that transportation label, I did parking plans and design. I like design. Both Hal and I got urban design certificates at Simon Frazier University. They have, like, a weekend class the planners can do. I did that. It was in late 2000. So I like design and sketching, like Hal.

Oh, what else? I worked with – when I worked at Woodinville, the benefit of working at a small city is you do lots of different things. I worked with some of the shoreline issues there. We did volunteer for something like shoreline restoration. I feel like I have a varied – I did current planning as well so understanding of how the regulations affect you once you, you know, put them forth. The Tree Board – I led the Tree Board. That was one where I got a better understanding of how those regulations affect homeowners. So I feel like this is a good fit for me. I like long range planning. I like to be creative and I like to think about how best to, you know, measure things that sometimes are hard to measure. So that's what I like about it.

Mr. Hart: In an urban setting not necessarily transferrable, but the Tree Board acts as the place where you get 3 or 400 volunteers to plant trees. And so it's kind of interesting. So if you're to go looking at what they did during that era, those trees are 40 feet tall now and they're providing a cooling effect on what was just basically a canal from Redmond to Bothell. And so that was, you know, kind of the effort of that era.

Commissioner Mitchell: Wonderful.

Mr. Hart: Yeah, it is. It's fun to see that if we do those things today, 20 years from now they'll have an impact.

Commissioner Mitchell: Well, that's terrific. Thank you so much. It gives a little better idea for the things that you like and what we'll be seeing.

Chair Raschko: Any other questions, comments?

(silence)

Chair Raschko: Okay, anything else, Jenn?

Ms. Rogers: No, Chair.

Chair Raschko: Okay. Well, thank you very much. Then we'll move to the Wireless Facilities Code Update Introduction. Who's going?

Ms. Rogers: Thank you, Commissioners. So today we'll be introducing the Wireless Facilities Code Update and going over the timeline for Planning Commission review.

So Skagit County worked with a consultant, Bob Duchon – and I'm sorry if I'm mispronouncing that, Bob – of River Oaks to develop the code language, and he's on Zoom right now so if there's

any questions that I can't answer then we'll pop over to him. One thing just to remember is if we do have to go to Zoom to hear him, it just takes a little bit for the transition so we can hear what he's saying.

So first, why are we doing this update? So there's two primary reasons why we're looking at a comprehensive update to the wireless code. First, our code is significantly out of date and no longer consistent with the type of technology and infrastructure that wireless providers are using these days. So we've gone through to update our definitions and code language to match up with the type of infrastructure being deployed in Skagit County.

Second, there have been changes to wireless facility code mandated by the federal government as to how local governments are allowed to process applications for wireless facilities to ensure that they're being approved efficiently.

So first I'll get into the new technology side. So I'll highlight a few of the important definitions I think will be important to highlight before we get into the code updates. So "collocation" refers to the mounting or installing of antenna on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

"Stealth" is a design that minimizes the visual impact of wireless facilities by camouflaging, disguising, screening, or blending them into the surrounding environment so providers can paint their infrastructure to match the pole they're attaching to or to ensure they're matching the surrounding neighborhood. I'm sure you've seen some macro towers that look like trees. That's a pretty popular way to blend it in with the surrounding environment. There's one that I always think of on Highway 20 at the junction of district line that kind of sticks out like a sore thumb but it does look like a tree.

And an "eligible facilities request" would be a request to modify an existing tower or base station without a substantial change to the physical dimensions of such tower or base station.

Just a couple more definitions: A "pole" is a legally constructed pole such as a utility, lighting, or similar pole made of wood, concrete, metal, or other material located or to be located within or outside of the right-of-way.

A "macro tower" is a structure built for the sole or primary purpose of supporting a wireless facility that does not meet the definition of a small wireless facility. And a "small wireless facility" are those typically mounted on structures 50 feet or less in height including the adjacent antennas.

Now I highlighted those last three definitions specifically because these are where two of the most substantial changes in infrastructure are coming from. Traditionally wireless networks have been made up of large macro towers to spread out and create a network of connectivity for customers. Now with new technology there are still macro towers but we also have small cell wireless facilities, which are small radios with antennas that are commonly placed on existing infrastructure such as utility poles, light poles, traffic lights, existing buildings. So the locations of where these are being placed are changing and we need to make sure our code is staying up to date with where they would like to place them.

I've got a few more pictures here on the screen of the small cell wireless. They're very small compared to macro towers and can be mounted on a lot of different existing infrastructure that could be in or outside of the right-of-way.

So as the wire providers are changing their infrastructure, the first reason is because of a substantial increase in the number of devices that we're using daily in our lives that require data consumption. We have a lot of devices in our homes now that require data compared to even just 10 years ago, so providers are needing to increase the capacity of their networks to keep up with the demand. So now providers are using these small cabinet, antenna, radio-style facilities to not only deploy new technology like 5G wireless but to densify their networks to ensure that they have enough capacity to meet the demand for new data.

The small cell facilities have a fairly short range – just a few hundred feet – but they have a stronger signal to support 5G. And providers will aim to install these areas first and foremost in areas that have a lot more people. So think about, you know, a football field or a shopping mall. They're going to want to have a lot of small cell wireless in that area because there's going to be a lot more people that are using their phones nearby. Same thing in any kind of urban area. They're going to want to have these – quite a few of them – spread out to ensure that their network is reaching as many people as they can.

We have started to see a few applications for small cells come through Skagit County. So updating this code language and the process is going to be important to supporting their process moving forward.

So the second reason why we are updating the code is to remain consistent with federal law and, in particular, the 2018 Federal Communications Commission decision on small cell wireless in particular. This decision came down primarily because there was an argument that local governments were, quote, "effectively prohibiting new wireless infrastructure by creating regulations that were too arduous, costing high fees, and delaying the approval process to the point where new infrastructure was being" – it was very difficult for them to build. So the FCC released a decision which detailed three main components as to how local governments may now process these wireless facility applications. So, first, the application fees must be reasonable. The FCC did come out with several fee limits that local governments must adhere to. Fee changes are not included in this code update. I'm just mentioning that because it was included in the decision by the FCC.

Second, local governments may not implement aesthetic requirements which are more arduous than aesthetic requirements of similar infrastructure. So our code currently reads it needs to match the surrounding environment, match the infrastructure that you're mounting it on. Those are the types of guidelines that we have for wireless providers in our code. And this is also where, you know, stealth techniques can be used by providers when they're installing these.

The last requirement is the most impactful change. There will now be "shot clock" requirements that limit how long staff have to review applications before they're automatically deemed approved.

So I've got a table up here with the timelines per type of application that we will have. So these timelines are dependent on the type of application but tell staff how long they have to review a completed wireless facility request. Shot clocks do not start until the application and permits are completed. If an application and permit are submitted and staff realize that there are pieces missing of their application, the shot clock can be paused to contact the provider and notify them of the incomplete status. So in the code you'll see this referred to as "tolling" the application. That's what the pause is referred to. Once the application has been completed, the shot clock will then resume from where it left off.



The new code language reads that if the decision on the application is not made within those time limits the application will be automatically deemed approved once the applicant notifies the County in writing that the review period has expired.

And just for your awareness, I'll go over the permit process just little bit. For eligible facilities requests, small cell and macro tower collation, and new small cell infrastructure it requires an application and an approved building permit. For a new macro cell tower, that is a longer process. It still requires an application and a building permit but depending on what zone you're in it will either need to receive final approval through an administrative special use or through a hearing examiner special use permit. And again, that final decision is made dependent on the zone, but typically it's residential zones require a hearing examiner. More industrial zones are just simply more an administrative special use.

So for those two, it does take longer for new macro towers because both of those will require noticing, a public comment period. And if it's a hearing examiner, then you'll have to have a hearing as well for that.

I did include a picture up here of a new macro tower that looks like a tree. That's one way that they can self-design them.

So we have provided the Planning Commission with an introductory memo summarizing the changes we discussed tonight. The memo and the proposed redline code amendments are available for review on our project website at the link displayed on the screen.

Commissioner Henley: I think there's a typo in that memo on the first page.

Ms. Rogers: Okay, I can fix that.

As for the timeline for review: So we host the first work session tonight. Our aim is we'll have a second work session on August 9<sup>th</sup> to go over some specific site examples and address the questions I'm assuming that you will have tonight. We will then have a public hearing on September 13<sup>th</sup> and deliberations are scheduled for September 27<sup>th</sup>.

So what will be helpful for us – I'm sure you have a lot of questions so we're happy to answer any questions you have tonight, or if Bob can help if they're any questions I'm not aware of. We can – but if there's any other information that will be helpful to you, that would be great to know so we can make sure to present that at the next meeting.

And that wraps up my presentation, so if you'd like to start questions I'm happy to start answering them.

Chair Raschko: Okay, are there questions for staff?

Commissioner Henley: I just had the typo. That's all. Page 1 of your memo, the second paragraph where you have "technological advancement and *wire spread* adoption," I think it should be "*widespread* adoption." Second paragraph, fourth line.

Ms. Rogers: Yes. Thank you.

Chair Raschko: Okay, are there other questions? Jen, please.

Commissioner Jen Hutchison: Thank you, Chair. My first – I guess the main question where I'm confused with the federal shot clocks. In reading this it only looks like it's automatically deemed approved in one scenario. In the rest of it, there seem to be options for the applicant to make judicial claim in most scenarios.

Ms. Rogers: So there are –

Commissioner Hutchison: There's variances there.

Ms. Rogers: Right. So each application that I detailed does have a shot clock requirement. It's on the last section of the code so towards the back. And I think I have a page number somewhere. But each section that details each application there is a section on the shot clock with the time limit. But you're right. If there was any – if the County wanted to – you know, there would have to be some kind of court action if we wanted to fight. And why don't I let Bob answer that?

Bob Duchen: Sure. Thank you very much. Hi, I'm Bob Duchen, River Oaks Communications. We've worked with Skagit County on a number of projects over the years. We've done quite a bit of work in the Puget Sound area over the years up and down the I-5 and 405 corridor.

The answer to the question is there're five shot clocks under federal law. And one of them, the eligible facilities request, is the one that has a deemed granted remedy. So if someone wants to make a modification of an existing tower and \_\_\_ station and it is deemed that that change does not –

Ms. Rogers: Bob?

Mr. Duchen: Yes?

Ms. Rogers: Can I pause real quick? Brian, would you be able to turn up the volume?

Commissioner Mitchell: We missed the full first part.

Mr. Duchen: Oh, I'm sorry. Is that better?

Mr. Hart: That's better.

Mr. Duchen: Okay. You want me to mute my video on this end so they're not two pictures on the screen of me? Is that okay? Let me know if it's not. I'm Bob Duchen of River Oaks Communications. We have worked with Skagit County on a number of matters over many years. We've done a lot of work with jurisdictions up and down the I-5 and 405 corridor in the Puget Sound area.

And in terms of the question that was asked this evening, there are five different shot clocks under federal law. One of them has what's called a "deed-granted remedy." That's an eligible facilities request. So if someone wants to make a modification to an existing tower or \_\_\_ and it's not a substantial modification in terms of height or width or the number of cabinets or the amount of land that's going to be used for expansion, then after 60 days, if Skagit does not take any action on that application, once the applicant sends an email or a letter on the 61<sup>st</sup> day to the County, that application's automatically deemed granted if Skagit County's not taken any action. On the other four shot clocks, the remedy for an applicant is that if the County does not act in a timely manner then they have the ability to go to court and to ask for judicial review. So that's the best

way to differentiate amongst five shot clocks – which one has an automatic remedy and which one has a judicial remedy – which of the other four have a judicial remedy.

Commissioner Hutchison: Thank you.

Chair Raschko: Kind of a follow-up to that: In my own experience – and this goes back many years – getting government approvals – this was for forest practices. There was a 30-day period that they had to approve it, and when it got really busy and they had a lot of approvals they didn't like it. On Day 29, you got your whole application back saying it was incomplete. Is going to court the only recourse in that kind of – I don't want to call it "game-playing," but in that kind of a situation?

Mr. Duchon: Let me answer your question this way. First of all, these shot clock time periods are unreasonable. The federal government came out with them. In terms of what's a complete application and what's not a complete application, the scenario gets even a little bit more challenging. In a number of cases, the County only has 10 days to say whether or not an application is complete or not. In other cases, depending upon the type of application, the County has 30 days to say whether or not an application is complete or not. The answer to your question is, if the County fails to act on four of these shot clocks the only remedy for the applicant is to go to court. Now as a practical matter, my experience in working with jurisdictions in a number of places is that the applicants are not availing themselves of these shot clocks. Because to do so would get them crosswise with the governing authority. More likely they're going to file an application. They're going to work with you. They'll informally toll the shot clocks and you can continue on with them without having an arbitrary period of 60 days or 90 days or whatever it might be invoked by the providers.

Chair Raschko: Thank you.

Vice Chair Tammy Candler: I didn't quite hear. Did you say these timeframes are *unreasonable*?

Mr. Duchon: Yes.

Vice Chair Candler: So they're not –

Mr. Duchon: It's really unrealistic, I think, given what we see, whether it's the County or it's the City – everybody's got a lot going on, and once you get an application you have such a short time period not only to review the application but the timeframes I'm alluding to. Within that timeframe the FCC said you've got to review the application, you've got to issue all the permits, you've got to have any and all hearings you have to have, and you've got to complete the whole process within 60 days or 90 days, as the case may be.

Vice Chair Candler: And that's what I thought I heard you saying. Thank you.

I have a follow-up question for the Department because that was my question that I had written down earlier is whether or not these shot clocks are workable for our local department.

Mr. Hart: Yeah. I'll take a shot at answering that. Under the 1995 changes to the Growth Management Act, we came up with in the state of Washington 180-day shot clocks, so we're used to, in Washington, more time to make those decisions. So what I've been telling our staff is that we're going to have to adjust to this specifically when these come in. We will have – it's going to

be on a different process, right? It's the only way to separate this from 15 other applications that might come in on the same day.

Vice Chair Candler: The memo says they *are* subject to federal shot clocks, so we don't have latitude here, it sounds like.

Mr. Duchen: That is correct. That's not good news, I know, but I want to be transparent so that you know what we're all going to be dealing with. As I said, what you can do: If you get into a bind, you can go to the provider, if they choose to invoke the shot clocks, and say, Hey, let's enter into a tolling agreement. Let's voluntarily choose to slow down this process to give us adequate time to work with you and to do our review.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I've got two – almost a three-part question for you or for whoever can answer this. So as far as staffing goes for the County, does that mean that we, the County, need to add more staff on or is it just you carve somebody's time off again?

Mr. Hart: Great question. I think it's more of – I've only looked at it as how we would process this with the existing team. And so I'm focused on training the existing team to respond.

Commissioner Mitchell: Okay, thank you. The next two parts – the reason for these questions are knowing what's happened with our satellite company, for instance. It's over on South Fidalgo Island and every time there's a **storm** comes through there something that happens. So when these companies do these applications and they're putting these smaller cells in, they can go on, what it sounds like, poles, buildings, other kinds of things. Are they having to negotiate access to those or pay fees for using those? And what about crossing properties to do those? The reason for that question is a few weeks ago when our whole satellite went out again for a while – four days – and the satellite's is a Colorado company – finally told us, they said they knew what the problem was but they share the facility with the government, is what they said, and they were not allowed to have access – which was nuts. And so by Monday they got all that straightened out again. It's happened twice where they were prevented access or something like that on weird hours. When things need to be fixed, they need to be fixed. So folding those questions together, when these things are going on – poles, buildings, or whatever – who allows them to do that or are they crossing property, how do you get permission fixing, repairs – those kinds of things?

Ms. Ruether: Oh. Bob, you're on mute.

Mr. Duchen: Sorry about that. If I could answer those questions initially and Jenn or others in attendance, please supplement. The first question was, Who has to get permission? If they're going to go in your right-of-way, then the County is the authority that has the ability to grant permission. Now what the FCC has done is they've made it easier for these companies to deploy their small wireless facilities on existing poles or new poles in the right-of-way. The answer to your other question is the maximum amount you can charge for a small wireless facility in the right-of-way is \$270 per SWF (small wireless facility) per year. There is a caveat. The caveat is if the County does a cost study and you can demonstrate that the cost of your staff time and review time and inspection time and going out to make sure the site was restored properly – if you can show that your actual costs are more than \$270 per site per year, then you can charge the providers a higher amount for using your right-of-way.

On the application fee side, the rule is you can only charge \$500 for five applications for five sites in the right-of-way and \$100 for each supplemental application. The caveat to that is if they're going to put a new pole in your right-of-way you can charge them \$1000 per site as an application fee. Now if they want to go on a building and they're not going to be in your right-of-way, then their negotiations are going to be with the building owner, and they're not constrained by those numbers I just shared with you in terms of how much they can get. That's more like a lease rather than a right-of-way agreement, and so that's the big differentiating factor. What these companies do, though, as a matter of course is they put their facilities most likely in the right-of-way because the FCC has made it easier for them to deploy quicker and at a less expensive alternative than having to go and do a lease with each building owner every time they want to put up a new antenna. The other thing I would mention to you is that, as Jenn said, these small wireless facilities are intended to add capacity to an existing network. You're still going to need a macro cell tower. These backfill the macro cell tower and add capacity to the existing network so the people using their phones or their i-pads or their laptops, they've got the connectivity they need. Having said that, a small wireless facility's not necessarily small. The FCC has said that can be on a 50-foot pole. It can actually be 10% larger than that if the poles of that magnitude \_\_\_ in the area. You can have a – at the base of the pole you're going to have an equipment cabinet, you're going to have radios on the pole. When you take all that into consideration, it's really a misnomer by the Feds that this is small. The only thing small about these is the coverage area. They usually range from about 300 to 1200 feet, or maybe 1500 feet, and that's it. So what you're going to find is these providers are going to need to deploy these to add capacity at fairly regular intervals. And what happens on top of that is these poles are only 50 feet in height so they're not tall enough to allow collation of multiple providers on one pole, at least not now technologically. So what you can anticipate is a lot of applications, a lot of sites, and the burden on staff is going to increase as this moves up the I-5 corridor. And that's where it's going. Now 5G is not as robust as advertised in terms of all the providers saying they can cover the whole nation – that sort of thing. But what I am sharing with you is you want to get this code updated and get it in place so that you can be proactive in handling these anticipated applications.

Commissioner Mitchell: Thank you.

Mr. Duchon: Mm-hmm. You're welcome.

Chair Raschko: Commissioner Woodmansee, please.

Commissioner Joe Woodmansee: I've got a comment and a couple questions. My experience with the shot clock – which I never heard that term before tonight – my experience with it is that it's very similar to Tim's, and that is that when you get up close to a deadline that the County or the City has to make a determination, there always seems to be something missing in your application. And that can go on and on and on and on, because 180 days doesn't actually start until you have an application deemed complete. And that might not be 100% accurate, but I know that the real clock doesn't start until the application's deemed complete.

And so I would suggest that, you know, we build a system that routinely gets the comments out in some sort of a handout that is very detailed in what's required to be submitted, so that there's just a checklist, just like there is in a lot of our permits now, and everything's on that checklist and then you're good for your application. So I've experienced the Cities. I've never experienced this in the County, but I've experienced Cities that use this tactic to their advantage regularly.

Really my main question is: How many, right now, per year, applications like this do we process?

Ms. Rogers: I don't have an exact number right now. It's not a lot. I just got one example of a new macro tower to review, just as example, but not a lot. But I can get better numbers for you on that, on how many we have pending maybe right now. I did want to address the first part of your question, though. In the code language under the shot clock – so under subsection 720-21, Timing of Decisions, which is on page 21 – each application does have a limit on when the County can tell you it's incomplete. So like for eligible facilities it states – I believe you only have 10 days to tell them that their application is complete. And so it's under each – so you have a type of application, like small cell wireless facilities, and then subsection I, subsection c, you can see: "The County shall notify the applicant within 10 days that the application is incomplete." So there are lines in here to ensure that the County then has a very short timeline of whether they would like to toll an application.

Commissioner Woodmansee: And so how many times can the County say you're incomplete? Once or multiple times?

Ms. Rogers: Bob? I don't think that's in the code language.

Mr. Ducher: The answer to that is if you timely respond to an incomplete application the first time around – for example, for small wireless facilities you only have 10 days, as Jenn was saying. So if you send them something in writing on the 9<sup>th</sup> day and you toll the shot clock and then they resubmit, you have the ability to say your application is still incomplete and you keep going through that process until the application is complete, but the key is you've got to be timely within the 10 days or the 30 days, depending on the type of application – on the first bite of the apple.

Commissioner Woodmansee: So if the County issues an incomplete application statement and requests additional information, does a 10-day clock start over again once the additional information's been submitted?

Ms. Rogers: It picks up where it left off, is what I understand. Right, Bob?

Mr. Ducher: (inaudible)

Ms. Ruether: But it just pauses. Once you sent the letter out saying I'm requesting a study – usually it – then you put a pause on that day so you've used your 10 days, and then when you get it back in the clock starts. So once they request a study, you get the study back and the clock's back on. The minute you got that study.

Mr. Ducher: You know, that's a very good question about do you have one day left, do you have 10 days? I'd have to go back and doublecheck that. But I will tell you it's even more complicated when they have small cell facilities. If you send a notice to a provider that their application's incomplete and 9 days has run, or whatever it might be, the clock actually goes back to zero and that starts the 60 days over. And if it's for a small cell on an existing pole, the 90-day clock stops and then it resets once to zero and then starts in with 90 days again. So I want to get an answer to you on your question, but I also want to make you aware of the fact that there's a reset on the entire time period for small wireless facilities one time on the 60-day clock and the 90-day clock.

Commissioner Woodmansee: Yeah, okay. Thank you. My reason for bringing this up is I want to make sure that at the County we don't do that, that we do everything we can not to be stop/start, stop/start and use it as a tool because we didn't get to it.

Ms. Rogers: And it does say in the code as well for “subsequent.” So say right what you’re saying when he told you it was incomplete. \_\_\_\_\_. For the example of a new macro cell tower, we have 30 days within receiving the application to tell them it’s incomplete. So they respond, they provide the documents that we need, and we decide – you know, we see – you have 10 days from the second time to then decide that it’s incomplete. So it does shorten your timeframe each time, at least for that example.

Commissioner Woodmansee: Thank you.

Chair Raschko: And the Chair recognizes Commissioner Hutchison.

Commissioner Hutchison: Thank you, Chair. So glad you used that example, Jenn, because my question is actually to do with the new macro cell tower timing. Is 30 days actually enough for you all to really – I mean, it seems like they could be very complex.

Ms. Rogers: Yes. It is something that we know is going to be difficult so we’ll have to address an expedited timeline and we’re going to have to come up with new processes with our permit techs and our current planners to ensure that review starts as soon as these applications come in. So we’re going to have to set aside a different process.

Commissioner Hutchison: So in Section II, though, even, it goes more clearly to delineate specifically every missing document. And that seems ridiculous because then down in the next subsection (b), “Second or subsequent notices of incompleteness may not specify missing documents...that was not delineated in the” first “notice of incompleteness.” This paragraph is in *every different instance*, but the notice here of all missing documents being required for you to give to the applicant, this is the only time I’ve found this. And it seems like a really great burden on you within 30 days of such a massive potential application.

Ms. Rogers: Bob, do you want to take that?

Commissioner Hutchison: Does that have to be there?

Ms. Rogers: Oh, sorry.

Mr. Duchon: Sure. It is a massive burden and it’s completely unreasonable and, again, if someone wants to – if one of the providers wants to avail themselves of these provisions that the FCC came out with that are quite – that I think are really untenable, that’s a problem. The more likely course of action is you work with the provider. You make sure they’re not going to drop the 30 days on you in terms of when you have to make a decision on the incomplete application, and you continue to work with them over a series of – it could be months, to make sure their application *is* complete. But what you do want is something in writing from the provider that says they’re not taking advantage of, for example, this 30-day period where you’ve got to tell them every single thing that’s missing from their application. And the other thing is this fluid process. They could give you a bunch of documents on the 29<sup>th</sup> day and then you look at these and you say, Well, wait a minute, you’re still missing something. And a month later you could figure out you’re missing something else. So work with the providers. That’s what’s unwritten in the code here. Work with the providers so that you get the right result. You get all the documents you need. You do a thorough review. The provider wants to get their macro cell tower built, but you’re not going to do this in a haphazard, rushed fashion and miss something.

Commissioner Hutchison: I just feel like you've got to be careful the way the language is written there because your applicant might really get confused if after the 10 days goes by and then you tell him again that there's more missing information. I'm on page 25 of the printout.

It seems contradictory. And so in more with Commissioner Woodmansee's question on, like, the shot clock relapse – and you're talking about resetting. I didn't find that kind of language anywhere in here. I keep reading the word "tolling." Tolling, like it's a pause. So at what point then, if the 150 days goes by and the applicant's still working with the County in communications and finding all the right missing pieces for the app, does a new 150-day period restart? Is there – what does that look like or –

Mr. Duchen: I'll tell you what. Let me answer your question this way. It does not apply to the 150 days. If you go to – and it's my page 12, so my page is going to be different – "Small Wireless Facilities Collocation of Existing Structures." And you go down to – well, I'll tell you what. What we're going to need to do – as I'm looking at this again – is we're going to need to add some more language to clarify that. I see where you're going. We need to add some more language to clarify the resetting of the shot clock of the two small wireless facilities portions of the code.

Can everybody hear me okay?

Ms. Rogers: Yes.

Mr. Duchen: Okay. I believe that there was language in there originally but I think some of it was taken out to try and un-complicate some of this, but I think we're going to need to put it back in to clarify it.

Commissioner Henley: When you put together this code, did you review the requirements imposed by the FAA and the FCC on these kinds of installations? The reason I ask the question is because there's a fundamental conflict in philosophy between what the FAA requires and what you require in the code. For example, you have a lot of emphasis on stealth installations, for example, in hiding things. The FAA, on the other hand, wants to make things as highly visible as possible because otherwise it would be a hazard to navigation. So, you know, if you've got a cell phone tower in a valley it won't matter, but if you've got a 200-foot-high cell phone tower on top of a hill it might very well matter. And so there's just a fundamental difference in philosophy between what you want for aesthetics and what the FAA requires for high visibility. So my question is, Did you look at that?

Mr. Duchen: I'm sorry. I want to answer your question but I'd like to go back to the prior question. In the code on my page 13 the question was asked: Is there language in here about resetting the shot clock? If you go to the Small Wireless Facilities Collocation of Existing Structures and you go to letter (b) – letter (c), excuse me. It says the first time the County provides notice of incompleteness a new 60-day timeframe will commence upon resubmission of the application. That's the resetting of the shot clock for a small wireless facility on a collocation situation. Then if you go to the next category, Small Wireless Facilities on a New Structure, letter (c), the language is – it follows "The first time the County provides notice of incompleteness, a new 90-day timeframe will commence on resubmission of the application." So the resetting of the shot clock language is in those two situations. The shot clock does not reset in the other three situations.

Now to answer *your* question. This code is subject to whatever the FAA requirements are. For example, if you've got a 200-foot tower, typically, then you've got to have lighting in the top of the tower. And that's the FAA. We did not go into purposely what the FAA requires in this code



because the applicants know they're subject to both the federal requirements in terms of the FCC requirements and your local requirements and the FAA's requirements. So I understand what you're saying. We want to do stealth things. The FAA may not want them do stealth things. And the more restrictive will govern, is how it will work.

Commissioner Henley: Well, I asked the question because there are a number of areas where this will come up. For example, like RF exposure, for example, which is considered to be, for better or for worse, a possible health hazard. All right? And there are requirements for making measurements on these things that, you know, the provider must do. And so that's why I asked the question about have you looked at what the federal requirements are because they may be somewhat limiting to what you would like to do in terms of putting the code together.

Mr. Duchon: The answer is yes. The shot clocks, for example, are an embodiment of the federal requirements. Some of the definitions – not all of them because the federal law doesn't define everything in terms of certain things. But we have taken a very close look at what's required by the FCC and the federal rules under the Code of Federal Regulations and the US code and all of those things – not talking about the FAA, but all of those things that we put in this code were intended to be consistent with federal law.

Now to your question about the health and safety, I'm glad you brought that up, Commissioner. That's a very important thing. A lot of folks, a lot of residents, don't realize that the RF emissions requirements are solely within the purview of the FCC. So if a provider is providing and it's got an antenna and it's sending out radio frequencies, as long as those radio frequencies cumulatively are within the standards set forth by the FCC, unfortunately the County has no jurisdiction. You cannot – a County and a City cannot make decisions on the placement or construction or modification of wireless facilities based on the health concerns, the RF concerns. And that doesn't satisfy residents but that's really an important thing. If you get people pushing back on why are you letting 5G in the county, then the answer is because we have no choice. As long as the providers are providing signals that are within the FCC standards, you cannot say yes or no to an applicant. Now the problem is those FCC standards are 20 years old and no one even knew what 5G was 20 years ago in all likelihood. So the problem is that technology has far outpaced the law on this one, but the best you can do is say, Hey, we hear you. We understand your concerns. You need to go to the FCC with those concerns.

Here's a specific provision in the US code that says the same sort of thing I was just relaying to you. You can't make decisions based on the environmental effects of the placement of these facilities. Meaning the radio frequency – what could be the cancer-causing – and I'm not saying these cause cancer but they're going to tell you they cause cancer. That's what some residents are going to say. And the reality is there're studies done all the time but those studies are done by industry and by scientists and it's just a matter of who you want to listen to and who you want to believe.

Commissioner Henley: Well, at one point in time we ignored those kinds of things, but in recent years the FCC has made, you know, measurements – more requirements, for example. You have to do the measurements.

Mr. Duchon: Correct. And one of the things we put in this code was that although you cannot tell them what those measurements can or cannot be they have to provide a statement, either from an RF – an independent RF engineer or a qualified employee, where they certify that what they're doing is going to fall within the parameters of the federal standards.

Commissioner Henley: Yeah. This is – the FAA matter is likely to come about more often with new macro cells and tall towers. The RFE problem will happen most often with collocation where you have offices, buildings, residences, and so on. That will become more important in that case.

Mr. Duchen: That is correct.

Commissioner Henley: Because as you pointed out – all right? – there’s nothing small about these small cell things. They’re actually quite powerful.

Mr. Duchen: Well, and the thing is you’re going to have a lot of them. And so it’s not a matter of just what’s the individual RF implications that are coming from one small cell site. If you’ve got another company 100 yards away, 200 yards away, or whatever it might be – or a couple blocks – what’s the cumulative effect? And there’s just no easy answer to that and it’s not a satisfying answer. And I’ve seen situations where we’ve helped jurisdictions who got some very ugly letters from residents wanting the City, for example, to shut down 5G applications. And that’s a no-win situation because you can’t shut them down. So if you shut them down the providers could litigate, and if you don’t shut them down the citizens could raise claims that they want to litigate. So it’s a very difficult situation for Counties and Cities.

Ms. Rogers: Commissioner Henley, I just wanted to highlight: There *is* a line on page 9 under subsection 7, Design Requirements, that “All towers, poles, antennas, and related equipment must meet current standards and regulations of the FAA, the FCC, and any other agency of the Federal or State government with relevant regulatory authority.”

Commissioner Duchen: Yeah, I’ve got it marked. I’ll put this in writing because there are some questions about that because it also relates to (viii), as a matter of fact, okay? You were quoting (v) and if you look down two paragraphs to (viii) it’s more involved.

Chair Raschko: Okay, Commissioner Mitchell?

Commissioner Mitchell: Yes, both to Jenn and – is it Bob?

Mr. Duchen: Yes, it is.

Commissioner Mitchell: Okay, thank you. I’m sorry if I missed your name earlier. I think this is fascinating and incredibly in depth. It’s amazing how fast this one’s coming down and it’s got to be done. But I understand that there’s got to be a whole lot of extra reading that can be done, should we choose to. And I’m not offering anybody else’s time on that, but I would like any links or extra reading material to help understand some of these situations, not just with the 5G but with the other small things. What you had mentioned was something that had already bothered me quite a bit because I was thinking about wind turbines for the same thing when you’ve got residents coming through the valleys and things like that, it goes through the walls, it goes through people’s bodies and things like that – the same kind of thing, where our bodies are largely water and electricity. And, you know, when you’ve got the different competing things going on, what could be there, what might not be there, what matters, what doesn’t matter. And it’s all those lovely statistics that could be presented in different ways on what that could be. So if you have more suggested reading for rounding out, I certainly would appreciate having anything accessible that you guys have. And I know that Jen had read quite a bit too. There’s no such thing as too much. We can always not read it.

Ms. Rogers: Of course. We can send you what we have.

Commissioner Mitchell: Thank you.

Mr. Duchen: And I'll be glad to send you some links as well.

Commissioner Hutchison: Thank you. I just have a couple more quick questions. In the Definitions, are we able to please define what a "base station" is, as well? I see nodding. Thank you. And aside from that, reading about the break point design of the towers, are there guarantees on their function? Like, how do we know that they're actually going to properly fall if the break point's at 80 feet high? Is that part of the application process in receiving all of that detail and knowing? Because when you're looking at setbacks and neighbor lines and tree lines, and some of these towers get tall I just wonder are there performance tests that we have to validate the use of those types of towers in these plans?

Ms. Rogers: Yes.

Commissioner Henley: If the \_\_\_ tower, the \_\_\_ circle can be almost as high as the tower itself in terms of size. As far as break point is concerned, good luck with that.

Ms. Rogers: There are engineering design requirements in our building permits that require them to be able to prove that their design is going to function as stated. Bob, did you have anything to add to that?

Mr. Duchen: I was going to reference part of the code that – just as you said, Jenn. They're going to have the burden of showing through engineering materials. That was supposed to happen, will happen. Now I understand there're no guarantees. I get it. But at least you'll get something from a licensed engineer who hopefully will satisfy the County that is something's going to break off at 20 feet from the top of the tower, that's what's supposed to happen and that the tower won't collapse. But that's something engineering – sorry?

Commissioner Hutchison: I have one last question.

Mr. Duchen: Sure.

Commissioner Hutchison: Part of the omitted – the redlined language – on the antenna siting criteria – it was section 14 on page 17 of my printout in D, I believe. It said something about – no it's lower even. Frequency Interference – excuse me – on page 17. It required, at some point that there was a certificate that would be – an interference certification. And on page 20 is where this language is all moved to now. And I didn't see – I mean, there was talk about interference but I didn't see any certificate requirement. I was just curious if you could fill in any blanks.

Mr. Duchen: Sure. Again, that's within the province to the FCC. So it's going to be up to the carrier to make sure their signal does not interfere with your public safety communications or with another carrier's frequencies. You could ask them for the certificate; however, the problem is you don't have jurisdiction on that.

Commissioner Hutchison: Okay.

Mr. Duchen: Again, I'm not trying to deliver *bad* news but I'm trying to be realistic with you as to – even if you got the certificate, that's a matter between – you'd have to take that to the FCC.

Commissioner Hutchison: Okay, so that's handled elsewhere.

Mr. Duchen: Yes, it is.

Commissioner Hutchison: Okay, perfect. Thank you.

Mr. Duchen: You're welcome.

Chair Raschko: You done? Commissioner Candler?

Vice Chair Candler: I mean, it seems to me that the review is to make sure that these applicants meet these regulations, but there's no basis for denying an application that does. I mean, if health and safety isn't a reason it sounds like there's no basis for denial. Am I understanding that correctly?

Mr. Duchen: Actually there are certain ways you could still deny these, and one of the reasons you can do a denial, and Jenn alluded to this earlier, is from an aesthetic perspective. The FCC said – they had four criteria and then the ninth circuit dialed that back – the Ninth Circuit Court of Appeals – to two criteria. The aesthetics have got to be reasonable and they've got to publish them and you've got to publish your aesthetic requirements in advance so the providers will know what they need to adhere to. So if somebody comes in and they want to put something that's wildly different aesthetically in a residential neighborhood, for example, you could deny their application saying their application's unreasonable. So you do still have the ability to deny. It's not as broad as we'd like it to be, but there are ways you can deny an application.

Vice Chair Candler: You said two. Aesthetic and what was the other?

Mr. Duchen: Well, an incomplete application, for example. If someone just isn't compliant and they're not giving you all you need to make a decision, and you've told them their application's incomplete and they still don't get you what you need, then you deny the application.

Vice Chair Candler: So absent an incomplete application, you can deny based on aesthetics but not health and safety? Is that accurate?

Mr. Duchen: That's correct. I'm sorry, but health. Now if there's a safety concern like the towers – and I'm not being – I'm being serious when I say this –

Vice Chair Candler: Sure. I understand.

Mr. Duchen: If somebody puts up a tower and it's going to fall on a residential – in a residential neighborhood, you could deny that for safety concerns. But you cannot deny it based on the *health* concerns.

Vice Chair Candler: So like an improperly engineered tower that's made out of aluminum foil on the bottom or whatever.

Mr. Duchen: Right. Exactly. If they put it too close to a house, if the fall zone is such that it would hit a structure, then you deny – then you could deny that application. That'd be legitimate.

Vice Chair Candler: But if it puts out whatever RF, as long as it's within the FCC guidelines we cannot deny the permit.

Mr. Duchen: You cannot. And I'm sorry to tell you that, but I'm trying to alert everybody on the Commission to the fact that you may get these requests from your residents. And that's the current state of the federal law.

Vice Chair Candler: Thank you.

Mr. Duchen: You're welcome.

Chair Raschko: Commissioner Mitchell and then Commissioner Woodmansee.

Commissioner Mitchell: When we're talking about providers or the possibility, especially when we were discussing there could be one small setup and then, you know, 200 feet down the way another, another, another. I'm trying to imagine what this could look like in the future. I mean, we could be wrapped up with 1000 providers in a, you know, three-city area or something. Just asking off the top of your head. Is there a limit to how many providers can put things up in a certain area?

Mr. Duchen: The real limit to that is they're going to want to space their facilities far enough apart so they don't have frequency interference problems. Is there a limit in terms of how many sites they need? The answer's no. There're about five main providers in this country right now – Verizon Wireless, AT&T Wireless, T-Mobile, \_\_\_\_, Crown Castle are the ones that – they're kind of like the five that come to mind. There're some others, but there're five main ones. So what you could have are multiple locations for those five providers spread throughout different places in the county. But there's been a lot of concern about – in other jurisdictions they don't want – you know, what's this all going to look like if you've got a bunch of poles going up all over the place? And unfortunately, with the current technology at 50 feet you can't get two companies on the same pole, so you're going to have multiple poles. Or the other thing is, they can go on existing poles, so it's not like they have to have a new pole every time. If you can go on a streetlight that's tall enough, I've seen where they're going to replace the streetlight – so it's still a streetlight but they've got a cannister at the top of that with their antenna. It's in a shroud. So it's not that you're going to have all these poles but you are going to have these antennas on existing structures or new structures in the right-of-way.

Commissioner Mitchell: Yeah, that's what it was looking like.

Mr. Duchen: Yeah. And you know what? And I'm not going to doctor it up. It could be unsightly and so that's why you want to have these stealth requirements – so you can control to the best of your ability what these are going to look like, not just on a couple sites but as these become more – as they have more and more sites.

Commissioner Mitchell: Thank you.

Chair Raschko: Joe?

Mr. Duchen: You're welcome.

Commissioner Woodmansee: My question is related to RF also. If you have a parallel system – so the FCC has an RF limit of x and I don't even know how they measure it but let's say it's 10, which means probably nothing, but... If there's a parallel system, are they measured cumulatively or is each one could have whatever the FCC limit is if they're overlapping?

Mr. Duchen: That's a great question. And I'm not an RF engineer. I'm an attorney by background. I'll tell you what we did. I don't know the answer to that question. What we've done is try and style these regs such that the *cumulative* impact doesn't exceed the threshold standard. Now I'm going to have to get hold of an RF engineer, and we work with RF engineers on a number of projects. Let me see if I can get you an answer to that question.

Commissioner Woodmansee: Yeah, because you could have a provider saying they're not allowing me the FCC allowance if you're limiting them because there's another provider in the area. At the same time, you could exceed the FCC maximum if you have maximum providers in the same area.

Mr. Duchen: Right.

Chair Raschko: Are there any other questions?

(silence)

Chair Raschko: Okay. Well, thank you both very much. Do you have anything else to add?

Ms. Rogers: No. We'll try to get that information to you as soon as possible that we had mentioned – you know, extra links, extra reading material, and address those questions in the next Planning Commission meeting. Are there any other site examples maybe – anything else that would be helpful for you to understand the code updates? Anything else you'd like me to include?

Commissioner Mitchell: The only thing I can think of at this point is as you trip across the different things, the variety of examples on what they can look like.

Ms. Rogers: Okay. Yes, I can do that.

Commissioner Mitchell: Anybody that's travelled in a third world country, when they started putting up satellite dishes that's what things start looking like! You know, with everything else. That's why it's interesting with what could be done with the stealth things. But just, you know, you could put facades over certain things or disguise it like a palm tree or a pine tree or something like that, but understanding the different things and what they could look like. And so that naturally leads to the thing – to the question – then the County would not have any say-so whatsoever on what they would look like. Is that correct?

Mr. Duchen: In terms of the possible stealth facilities?

Commissioner Mitchell: Repeat that, please.

Mr. Duchen: The answer is – to make sure I got your question. The County does have a say on the design – on what these are going to look like.

Commissioner Mitchell: Okay.

Mr. Duchen: And the best thing to do is to work with the companies and have the companies come in and have them show you their designs – and it's going to vary from company to company – and see if you can reach agreement with each provider in advance as to what these are going to look like, rather than just have him show up and filing five applications and saying we want to

put up five small cells on five sites. The more you can do in advance with these companies so you know what to expect, the better. Does that answer your question?

Commissioner Mitchell: Yeah, thank you.

Ms. Ruether: I'm from a planning – from a planning standpoint we can put design regulations. That's within our jurisdiction's, you know, allowable breach. So we can say you have to have a cover or a color or – so those are code changes we could make, correct?

Mr. Duchon: That is correct. And we've worked with other Cities where we've actually worked on the design standards with them, and they draft them, they vet them. The providers in this one case I'm thinking of commented on the design standards so they'd be workable and yet it would be – it'd be not only workable for the City but that the providers could actually do what they're being asked to do. And, yes, you have the – in fact, jurisdictions a while back were supposed to have design standards on the books in cities and counties. Now the reality is there's no penalty if you didn't do it, but now that this is becoming more and more of a real thing in terms of 5G and people wanting sites, I'd encourage the County to come up with your own design standards and then vet them with the providers. And it doesn't have to be down to the rigid or – it's more like what color; are these metal or wood poles; what are they going to look like; are they going to match what's in the area – things like that.

Chair Raschko: Okay. Does that complete our –

Vice Chair Candler: Is the County looking at doing some design standards, and will those be given to us soon?

Ms. Rogers: I'll have to talk with the staff and with Jason in legal as well to see what our forms are going to look like and what that process will be.

Vice Chair Candler: But do you think that will happen before we're –

Ms. Rogers: Well, I think that would be in our Forms. Hal, is that –

Mr. Hart: Yeah.

Ms. Rogers: Yeah, so the Forms part comes after the code updates generally. So I can confirm kind of what that'll look like, but if you have a specific question about it that you want to make sure something's in there, I can certainly check on that.

Vice Chair Candler: So your proposal is that the design standards not be in the code, they just be on a form?

Ms. Rogers: Well, we have design standards that are written in the code right now so they're in there about, you know, stealthing and paint and the colors, but specific examples – right? – will be in the form where they apply for their changes.

Vice Chair Candler: Okay, so your form will just *reflect* what's in the code.

Ms. Rogers: Right.

Vice Chair Candler: Okay.

Ms. Rogers: Hal, the other good example of what that – something else that is like that?

Mr. Duchen: Sure. I can send you some design standards. We worked with Indianapolis and we worked with a smaller community from North Dakota. So sure, I'm glad to work with you on that. One thing you may want to think about: This is why in the language we put together for the code revisions we did not go into – we talked about stealthing and minimizing the visual impact of these. We did not go into the specific design standards because what we found is you may be better off if you adopt the design standards outside of the code so that way when – it's a fluid process, and if you want to change your design standards, you have – before you have them adopted by the Planning Commission and by the Commission. And then if you want to change them you don't have to go through the ordinance process, for example. So that's another way to do it. Jenn, it's up to you and Jason how you'd like to do it.

Ms. Rogers: Okay. Thank you, Bob.

Mr. Duchen: That's another alternative. You bet!

Commissioner Woodmansee: One more.

Chair Raschko: Go ahead, Joe.

Commissioner Woodmansee: And maybe we would already do this, but it seems to me like this is a permit that should require a pre-application process because of the timelines that are involved that that would enable the provider and the County to try to get on the same page before the timeline starts.

Mr. Hart: So for the macro towers we do do pre-development meetings, so if someone says, Hey, we're interested in doing one, we have a pre-development process that's in place. I'm not sure what we're going to do when we get lots of 5G towers coming in all over the place. Maybe we have for an area you're going to say, Let's do a pre-development if you're putting five of these in, where you cover all of those. But I would just say to everybody present, I was just reading some T-Mobile stuff and T-Mobile's shooting for 92.5% coverage of all interstate miles. So, you know, each of those big carriers, they're going to try and be on the interstate.

Commissioner Mitchell: All of them?

Mr. Hart: Yeah, probably.

Mr. Duchen: And Commissioner, if I could respond: That's a great idea. The pre-application meeting is a great way to get everybody on the same page. But one thing you *don't* want to do – and I'm saying this as the *County* should not be doing – you don't want to make the pre-application process so arduous that in fact the provider can say, Well, they're just trying to slow down the running of the shot clocks. Because the FCC actually did have that discussion in some of their language. So pre-application meetings are great; it's just we need to do it in such a way where someone can't say, Hey, this is just a way for somebody to slow-roll us on our application.

Commissioner Woodmansee: Well, I was thinking it'd be more of a, you know, big picture thing where, you know, if there's an obvious, glaring thing that it could be pointed out at the pre-application.



Mr. Duchen: I agree. I think it's a great idea. Otherwise, they're going to file and then you're going to say, Well, I only got 10 days to say yes or no on a small wireless facility. Why not get that all out in discussions and formally in pre – I'm all for that. I think that will save a lot of time and problems on the back end. The more you can get done in the pre-application phase the better.

Commissioner Woodmansee: It seems like it would help us stay within the guidelines of the permitting process if there was just some stuff ahead. I mean, normally I wouldn't necessarily want to require a pre-application meeting \_\_\_\_\_, but in this case I think it might be a benefit.

Chair Raschko: Okay. Thank you, Joe. Is there anything else?

(silence)

Chair Raschko: Okay, I want to thank you. Thank you both very much for your help. This is a lot more interesting than I had imagined.

(laughter)

Chair Raschko: A little deeper subject than I thought and I appreciate all the work you put into it, and I look forward to our next session.

Mr. Duchen: You're welcome. Thanks to all of you who are taking the time to carefully consider this matter, because it's so much better on the front end if you can get these things squared away. Thanks, everybody. Thank you, Jenn, as well, and Jason.

Ms. Rogers: Thanks, Bob.

Mr. Duchen: You bet!

Chair Raschko: Okay, thank you. So we'll turn now to the Director's Update. Director Hart, please.

Mr. Hart: Great.

Ms. Rogers: So let's wait a minute until the PowerPoint pops up here. Just a moment.

Mr. Hart: Oh, great. Thank you, Commissioners. Great discussion, because it's a lot to think about as we move forward so we really appreciate your input.

The first thing I just want to bring up to date here is we're still working on the tour. I already mentioned that; we talked about that. But we're trying to make sure that we are adopting the Shoreline Master Program by around August 12<sup>th</sup>. That date seems to be holding right now. Working with our attorney's office and our natural resource team to do that. We will be going to training on – and I mentioned this already – we'll be going to training on Growth Management, and as we train we're going to bring it back to all of you. So I want you to know that anything that we learn about timing and changes to Growth Management – and we did talk about it this spring, but there were more changes this year to the Growth Management Act than probably in the previous 20. And so we will be going back over there. Maybe in Director's dialog I'll take one on at a time just saying, Hey, here's something that changed and we're going to have to deal with it soon. And those changes are happening all the time.

Next one, next slide is just a few growth notes. So I'm taking Sarah around and saying, Sarah, I'm going to put the County hat on you and these are the kind of projects – and this project here we're just showing is the – I've mentioned it to you before. It's the 16,000-square foot hangar. But we're going to see a lot more hangars and there's more work out there. So the kinds of things that you're going to see, hopefully we can – we'll give you a map where all these things are coming. But there's more growth coming, and I think there's about 15 spots for growth that I know of right now that are out there. But this is a general aviation hangar and we have – we looked to – found out about a whole bunch more coming in by the Heritage Museum site, so going beyond the Heritage Museum. So if you drive out where the Heritage Museum is and just keep driving out to the end, that's all going to be hangars going out that direction. So there's a great demand for it.

And it kind of got me thinking about things that you want to use your comprehensive plan for. So when you're going out there, think about the next 20 years and think about the fact that we're getting pushed from the region and from the state to accommodate different kinds of growth. Well, what's Hal talking about? The first thing that came across my desk this morning was: Hey, we have a utilities corridor and we want to put more stuff in our utilities corridor. So when you're doing your Comprehensive Plan and you're thinking about Skagit County, what do you want them – if you think right now everywhere there's a utility corridor, they want to put more stuff there because there's going to be millions of more people here. And as more people come on, sometimes they're going to want to go off that utility corridor. And guess what? They're going to want to put a *new* utility corridor in. Now we know that's really difficult in these days. But when I was up in Whatcom County, for at least three times in the seven years people were talking about new utility corridors. Eastern Washington the same thing. Utility corridors can be gas. They can be oil. They can be gasoline. They can be overhead power lines. It can be a lot of things, or it can be *all* those things. And so corridors are going to be real important as a future thing for us to be thinking about in terms of everything else that's going on around our county. So that's why Hal always talks about what's going on in Seattle. And as they are increasing in population and business and everything else, they're looking at doing other things through our county to take power, water, gas, whatever through. And so we just got a request for one of those to – again – to take an existing corridor and put more stuff on it and/or adjust the things they have on a corridor where their location is. So they may be moving it. If they had a location that's a quarter-mile wide, they might be moving it from one side to the other side. So who's impacted? Well, obviously landowners would be impacted. *Skagit County* landowners would be impacted by those corridor decisions. So think about your Comprehensive Plan. What do you want it to say in its Utilities Element about corridors?

What I learned in Whatcom County was their executive director at the – or their executive at the time – his name was Pete Kremen – he was transactional. By that I mean he says, "Gosh darn it!" – and those weren't the words he would use! – if these guys are coming through, what do the residents of our county get for the burden of putting all these additional corridor items through our county? And so, you know, one easy one would be, Okay, on that utility corridor I want to have a trail – right? Something that *they're* responsible for maintaining or maybe we jointly would maintain ourselves. But he was always transactional. So I don't know what that transaction is. That's going to be up to the community to tell us through the Comprehensive Plan.

The other one – there's another one – is siting regional facilities. Okay? Another thing to think about as the area grows. So think about airports. There's discussion at the state about locating another regional airport. Where does *that* go? How do we want to respond to something like that? To me, the obvious response is Bellingham! You know, you go where there is an existing infrastructure possibly – and I'm talking beyond Paine Field. But they're looking. And it's important for us all to recognize that they are looking and that they will throw sites out that will include our

county. So we need good Comprehensive Plan policies that say, Hey, where should these things go? That we can say – so our pushback is, Hey, all right, we don't want to lose farm ground. We don't want it to be in the floodplain. You know, we have lots of strong reasons but let's make sure that we're looking through our Comprehensive Plan knowing that these regional facilities may be coming our way and that maybe more appropriate locations for those would be where the infrastructure has already been invested in. I mean, there's a number of strategies you could use but I'm just starting to kind of warm you up for why it's important to have a strong Comprehensive Plan and good policies on utilities.

All right. Thanks so much.

Chair Raschko: Anything else? Are there any questions for the Director?

Commissioner Mitchell: I've got a question. The first thing that came to mind when you were talking about the utility corridors and things like that: Is that on our comprehensive map? The big – the Skagit maps? You know, the overlays?

Mr. Hart: Typically we do layers of maps and so it would be on – in the utility layer I think there would be a map.

Commissioner Mitchell: Yeah, okay. Thank you.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay, thank you very much. We'll turn now to Planning Commissioner Comments and Announcements. We'll start with Joe.

Commissioner Woodmansee: I don't have anything.

Commissioner Amy Hughes: Nothing.

Chair Raschko: Vince?

Commissioner Henley: No.

Commissioner Hutchison: I'd like to welcome Sarah.

Ms. Ruether: Thank you!

Commissioner Hutchison: Congratulations. You've got big boots to step into. I'm excited to hear that you love parking. My husband's a trucker so my heart's there – truck parking in safe places for people from out of the area needing parking. So maybe we can grab lunch one day and chat about your ideas. But welcome.

Ms. Ruether: Thank you.

Commissioner Knutzen: Okay, just a warm welcome to Skagit County government and Skagit Valley/Skagit County. Those of us that have been fortunate to live here a long time love it here

and I hope you come to appreciate the valley the way many of us do – *all* of us, probably. That's why we live here.

Chair Raschko: Okay, thank you. I'd like to echo the welcome and I hope we work all together very well and go forward in a good manner. So with that, we will call the meeting adjourned. Thank you (gavel) and good night.