

**PLANNING COMMISSION**  
City and Borough of Juneau  
**Michael Satre, Chairman**

COMMITTEE OF THE WHOLE  
Wireless Telecommunications Master Plan and Ordinance  
**March 11, 2014**

**I. ROLL CALL**

Mike Satre, Chairman, called the Committee of the Whole (COW) meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 6:00 pm.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman;  
Karen Lawfer, Ben Haight, Bill Peters, Paul Voelckers, Dan Miller,  
Gordon Jackson, Dennis Watson

**Commissioners absent:** Nicole Grewe

**A quorum was present**

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager;  
Eric Feldt, Planner II

**II. REGULAR AGENDA**

TXT2009-00007: Continued discussion of Draft Wireless Telecommunications  
Master Plan.

Applicant: City and Borough of Juneau

Location: Borough-wide

Chairman Satre explained that the intent of the COW is to give the Commission the opportunity to present questions after having the opportunity to read through the Wireless Telecommunications Master Plan briefly introduced at the last meeting.

Mr. Goddard told the Commission they are on schedule according to the work plan. Since the Master Plan has been extant for years, there are many previous versions, said Mr. Goddard. The version sent to the Commission was the most recent version of the Plan at the time. There is now a March 7, version of the Master Plan, returned by the contractors, CityScape which includes a significant amount of modeling for the new towers.

Mr. Feldt went through the Plan and edited it to reflect the changes as much as possible, said Mr. Goddard. This is currently called the “red line version”, to distinguish it from the other versions, said Mr. Goddard. CityScape tried to incorporate as many of the edits as possible, said Mr. Goddard. Since changes to the Master Plan are being incorporated on an ongoing basis, they decided to keep the version for the Commission it was given at the last meeting on March 28, and post the revised version on the web site.

While there are no significant changes, said Mr. Goddard, he wanted to make the Commission aware that the staff would be using the revised maps whenever possible. Mr. Goddard said to save time, if it was amenable to the Commission, they could submit edits to staff for changes, rather than making them points of discussion for the COW meeting.

Chairman Satre and the Commission agreed to deal with the minutia in their edits for the staff, and to continue with discussion relevant to the meeting.

Mr. Goddard explained that the policy and vision are reflected in the Master Plan, with the ordinance that accompanies it reflecting the implementation of the policy.

The staff would like guidance on how the Commission wishes to process the information. He said he did not know if the staff needed to be the center “spoke” for the conversations the Commission would be having amongst itself.

Mr. Satre said to some extent the staff would need to take that role. The Commission wants this to be an open, transparent process, and the goal of this meeting was to assist the Commission in identifying issues with the Plan. He said speaking for himself, it was difficult to deal with the Master Plan while still waiting for the ordinance, because they almost needed to be reviewed side by side.

Mr. Feldt outlined for the Commission the meetings and public hearings scheduled for the planning and review of the Wireless Telecommunications Master Plan and Ordinance, culminating at the May 19, 2014, Regular Assembly meeting, in which the Assembly is scheduled for a vote on the joint documents.

Tuesday, March 11, 2014 6pm	Assembly Chambers	<u>Planning Commission: Committee of the Whole</u> Further discussion of the Master Plan (No Action Taken) Open to public but no public testimony provided
Thursday, March 20, 2014 6- 8pm	Assembly Chambers	<u>Public Meeting:</u> Discuss Draft Master Plan + Draft Ordinance This meeting is open to the general public; questions will be taken. (No action will be taken)

Tuesday, March 25, 2014 5-7 pm	Assembly Chambers	<u>Planning Commission work meeting:</u> Discuss draft Master Plan + draft Ordinance (Discuss public comments)
Thursday, March 27, 2014 6- 8pm	Auke Bay: UAS Glacier View Rm. # 221	<u>Public meeting:</u> Discuss Draft Master Plan + Draft Ordinance This meeting is open to the general public; questions will be taken. (No action will be taken)
Tuesday, April 15, 2014 7pm	Assembly Chambers	Planning Commission: (Special Meeting) Provide recommendation to Assembly on Draft Wireless Telecommunication Master Plan & Ordinance
Monday, April 28, 2014 7pm	Assembly Chambers	<u>Assembly:</u> Introduce Master Plan + Ordinance
Monday, May 5, 2014 7pm	Assembly Chambers	<u>Assembly:</u> Continued Discussion on Master Plan + Ordinance
Monday, May 19, 2014 7pm	Assembly Chambers	<u>Assembly:</u> Vote on Master Plan + Ordinance

Mr. Satre asked if there would be time for staff to incorporate public comment in the five days between the public meeting on March 20, and the Commission meeting on March 25.

Mr. Feldt answered in the affirmative.

Mr. Satre asked if the draft ordinance was still on schedule with the Law department to be presented to the Commission at its March 25, meeting.

Mr. Goddard said the staff planned on having the draft ordinance ready by Friday, March 14, and that it would be made available to Commission members as early as Friday or as late as Monday, and that it would be posted on the web site as soon as it became available.

Mr. Watson requested that staff notify the Commission members by email as soon as it became available on the web site.

Mr. Miller asked if a time had been set for the COW meeting on March, 25.

Mr. Goddard answered the COW meeting is scheduled for 5:00 p.m. – 7:00 p.m. on March, 25.

Mr. Miller inquired about the agenda for the April 15, meeting.

Mr. Miller was told by staff that it was a special meeting to address only the Wireless Telecommunication Master Plan and ordinance.

Mr. Satre said this will be the last chance the Commission had an opportunity to provide individual input on the Master Plan and ordinance prior to the commencement of public comment on March 20. He said hopefully the Commission would not need to be considering changes to the documents at the April 15, meeting.

Mr. Goddard said they could also consider the April 22, agenda, and that it appeared there may be a small permit load at that meeting, giving the Commission time at that meeting to address the Master Plan and ordinance.

Mr. Satre said there would be the place on the agenda for Commissioner comments and questions, if there was information which needed to be exchanged.

Mr. Feldt presented his memo to the Commission, stating that he had six issues to discuss:

1. *Distinguish User of Tower/Antenna Array*

This information will be jointly provided by CityScape and by the Community Development Department assessing its permitting records.

2. *Determine Heights of Unknown Sites in Master Plan*

Most of the unknown sites were rooftop towers or antenna array. A few were towers which the staff has permitting records. CityScape can do some research to pull FCC (Federal Communications Commission) licenses to verify the heights.

3. *Verify Which Sites Are in Which Zoning Districts*

Most of the sites are in the Rural Reserve and Industrial zoning districts. The Industrial Zoning District is the district with the fewest restrictions and criteria for towers. The fewest number of sites are located in the D5, D10, and Waterfront Industrial districts. There is a full list of the sites which total 58 sites, since two of the sites included in the inventory of 60 sites were not actually wireless communication sites. Those two sites are crossed out in the most current Master Plan (red line) version.

4. *The FCC Emission Caps*

This references the Telecommunication Act of 1996 that was a huge overhaul of the regulations which included towers and antenna array. This document is still pertinent and governed by the FCC. It governs a lot of regulations that will be addressed during the review process of the Master Plan and ordinance.

5. *A Congressional Bill Would Be Required To Pursue Any Changes in the Telecommunications Act*

The Act establishes acceptable levels of electromagnetic radio frequency emissions

produced by antenna array and also by cell phones.

6. *Explore Camouflaging Tower Sites*

Common methods of blending towers with their rural or urban surroundings include disguising them as fake trees, incorporating the antenna array inside a large flag pole, or begin with a flag pole, and remove the flag, creating a “slick stick”; hidden within a church steeple, or possibly a light house to fit within the southeast marine environment.

Ms. Lawfer asked how the FCC Emission Caps were monitored. She asked which agency monitored tower emissions from escalating once the tower was erected.

The staff will research the answer to this question.

Mr. Watson mentioned that it was his understanding that cell tower camouflages could be dangerous. He added that he could foresee those who erected cell towers asking for waivers to be signed if camouflages were required.

Mr. Miller said he recalls several cell tower applications in which more than half of the public testimony centered on potential health risks. Mr. Miller asked if this would be the same scenario, in which the public voiced a lot of concern about potential health risks and the Commission could do nothing to address those concerns because they were bound by FCC regulations.

Mr. Satre said he felt it is the duty of the Commission to listen to public testimony. He said it would be beneficial to have the staff provide the federal bounds of what can be accomplished with the Master Plan and the ordinance, and that hopefully that information would help temper some of the comments, and help the public focus on the items that could be addressed.

Mr. Haight said he would like to know the cumulative effect of the co-location of towers. He said the FCC provides regulations on the emissions from a single array, but what would be the cumulative effect of several arrays. He added he would like to know if the FCC controls that. Mr. Haight said he would like to know if the City could control the positioning of towers, to some extent. He added if they could take some action in that manner, and let the public know they are working in that direction, it may help.

Mr. Voelckers said he also had concerns about the public reaction to the FCC regulations, the power levels and the aggregate effect. He said in his last conversation with Mr. Goddard after the last meeting, that Mr. Goddard had recognized that this was a difficult issue that the City is internally wrestling with; that there were legal and jurisdictional issues. Mr. Voelckers said at a minimum they should be provided with the FCC standards, and have them clearly articulated. Mr. Voelckers said he felt the Commission should go a step further than hearing public testimony. He said if it is completely inapplicable to the determinations the Commission

needed to make, that it should be stated bluntly at the outset, or that it be listened to with the ability to possibly monitor what the action was the Commission was going to take. There are some ways to work within FCC guidelines but to still make sure that the powerful emitters are at the perimeter of the town, with lower levels of emission located where the populace was clustered. Mr. Voelckers said he believed this was going to take more study. He said at a minimum they at least needed to see what the levels were, and how they worked geometrically.

Mr. Satre responded that it would be incumbent upon the staff presentations to answer those concerns. He said he was loathe to cut off public testimony, because that is why they appeared, but that hopefully with good presentation of the Plan and ordinance that they could be provided with the right direction.

Mr. Satre added that he found the discussion of the federal statutes enlightening within the Master Plan. He asked if there was more information forthcoming.

Mr. Goddard responded that the CDD staff is working with the Law Department, which was working with CityScape's attorney to address essentially this issue. He said they hope to receive a fact sheet from them. He said with a fact sheet at the public meetings the staff would be able to focus on getting the public testimony in writing so that it is in the record.

Mr. Satre said it would be very helpful to be provided with a simple matrix of what the local government and the federal government can and cannot regulate.

Mr. Watson said some years ago the federal regulations that he works with professionally were converted to layman's language which he found very helpful.

Mr. Voelckers said he would be interested to know if CityScape has had experience and has recommendations on post facto regulation or testing of installed performance.

Mr. Feldt said those concerns were discussed in 2008 during the appeal of a tower. The Law Department did write a memo stating that the determination could not be based just upon emission health concerns, said Mr. Feldt. In the past to ensure that the FCC cap was not exceeded, a radio frequency expert or engineer within the industry submitted a letter stating that the tower emissions would be in compliance with FCC regulations. They also conditioned a permit for post-construction upon finalizing the building permit, said Mr. Feldt. Once the tower was up and running, it was tested for compliance with FCC standards.

Mr. Miller said he did not recall the post-construction condition. He requested that it be made available.

Mr. Feldt said that information was available. He added that in the draft ordinance pre and

post construction conditions are present as a way to ensure the emission standards meet federal code.

Mr. Miller said he understood what the language was in the draft plan. His question was whether it had actually been applied as conditions on any permit, and if so, had the testing actually been implemented, and if so, what were the results.

Ms. Lawfer asked if as a result of this language the CDD was taking on routine monitoring of the tower emissions.

Mr. Goddard said it is actually written in the contract with CityScape that one of their roles is to view the required radio frequency reports that are submitted with the application. Mr. Goddard said theoretically they could add into the ordinance a post-construction review as a condition of approval, and contract with CityScape to perform this job.

Ms. Lawfer asked what safeguards would be in place to assure that the tower emissions would not be escalated in the future without the knowledge of the City. Ms. Lawfer asked what the consequences would be if compliance was not adhered to.

Mr. Feldt said the permit would be withheld for noncompliance. If that did not obtain the desired results, then CBJ could inform the FCC that they did not think it was compliant, and to compare this with FCC regulations.

Mr. Voelckers said the City monitors compliance issues in other areas, such as every year if one owns a building with a backflow preventer it must be tested by a qualified entity and the report must be sent to the City Engineering department to prove continued compliance.

Ms. Lawfer said another issue she felt would be helpful for CityScape to address was how towers would affect property values.

Mr. Feldt said in the past CDD has addressed this issue by requiring the applicant to hire a third party appraiser . He said there is a local appraiser who has performed appraisals for these types of situations in the past.

Mr. Watson said that neighborhood harmony as stated in the document needs to be defined. Policy Three on page six which refers to sensitive environments should be defined.

Mr. Feldt said “sensitive environments” are defined in the Land Use Code.

Mr. Voelckers said it should be clear when FAA regulations require lighting on towers and why it is required.

Mr. Miller asked if there were paint stripe issues tied up with the FAA.

Mr. Haight said that it is covered by regulation; after a certain height stripes are required on the towers.

Ms. Lawfer said if possible she hoped that CityScape could address the issue of co-location. She wanted to know how co-location worked when there were competing businesses; if there would be an issue for two different providers to share the same tower.

Mr. Watson said he would like to know the regulations and procedures followed when tower emissions are stopped for a period of time. He also wanted to know what happened in the case of abandoned towers. Can the tower simply be abandoned and left to stand? He said he did not notice these items addressed in the Mater Plan.

Mr. Satre said that his intent at the March 25, meeting was to address the responses to the questions posed by the Commission this meeting. He said at that time they would walk through the policies and implementing actions of the Master Plan like they did with the Comprehensive Plan.

Mr. Watson said at the end of the document CityScape recommends a ten year review. Mr. Watson said technology in the telecommunications field is changing so rapidly, that he felt it should be reviewed much sooner than that; five years or even sooner.

Mr. Satre encouraged everyone to obtain and review the most recent version of the document from the staff, and encouraged everyone to get questions answered by Mr. Feldt and Mr. Goddard in the interim before the next meeting on March 25, when they would be reviewing and editing the actual Master Plan.

III. **OTHER BUSINESS** - None

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES** - None

V. **ADJOURNMENT**

The meeting was adjourned at 6:51 p.m.