

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

SPECIAL MEETING  
Draft Wireless Communication Master Plan and Ordinance  
**April 15, 2014**

**I. ROLL CALL**

Mike Satre, Commissioner; called the Special Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:01 pm.

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

**Commissioners absent:**

**A quorum was present**

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

**II. REGULAR AGENDA**

TXT2009-00007: Planning Commission recommendation to the Assembly of Draft Wireless Telecommunication Ordinance and Master Plan.

Applicant: City and Borough of Juneau  
Location: Borough-wide

Chairman Satre reminded the public in the audience that there will be another Ordinance put out for review by the public once again. The public will be fully involved in the process before the Commission makes any recommendations to the Assembly, said Chairman Satre.

**PUBLIC COMMENT**

Resident Margo Waring thanked the Commission members for the enormous amount of time and study they have given to the subject. She said had comments about policy issues, the first which was public notice. She said we do not need to measure public notice in postage or how far away from the issue the residents reside. We live in a digital age, said Ms. Waring. There are other ways to notify people, such as by email. It can result in more people being appropriately noticed than they have in the past.

Larger setbacks should be required around schools, playgrounds and similar places, said Ms. Waring.

View shed is a thorny issue, said Ms. Waring. She said the Comprehensive Plan does not really identify very many view sheds that the community would also recognize as view sheds. She said that she would like to see more thought given to what the community's concept of a view shed is. Ms. Waring added that she would like to see no towers in flight paths, not only because of the lighting involved but because of the additional hazards.

Ms. Waring said she would like to see as much thought given as possible to Juneau's sensitive areas, such as to the wetlands and the Mendenhall Game Refuge, because those are very special areas to the community and to the wildlife as well. The separation from Rural Reserve lands from Industrial would be a good idea, said Ms. Waring, from the standpoint of considering where to place additional wireless facilities.

Douglas Island resident Douglas Mertz said he and others have worked very hard to determine what areas are critical for bird movement and migration. The Mendenhall Wetlands are a clearly defined area, which would be vulnerable if towers were put up in that area, as well as flight corridors for migratory birds between the Wetlands, Fritz Cove, Auke Bay and Auke Lake, said Mr. Mertz.

Mr. Mertz said that proper public notice is important so that those potentially affected by an issue could be informed. The other aspect of public notice is that it is important that the information provided to the public be accurate. Although notice was provided for the Spun Island development the actual project was not at all what was initially described, he said, which is what caused a great deal of outrage. Mr. Mertz said he felt some form of email notification may bolster the public notice process. He added that there have been problems getting notices out through neighborhood associations. Mr. Mertz said it should be mandatory that the associations are notified of public announcements so they can help get the word out.

If a project changes in some substantial way, it should be re-noticed, said Mr. Mertz. Mr. Mertz, who works as a mediator, said that he recommends community mediation as a way of discussing a contentious application prior to action by the elected bodies.

Mr. Mertz also urged that unused and obsolete towers get taken down, and that there be a level of financial liability for that possibility when they are erected.

Fritz Cove Resident Jon Lyman said if he understands the proposed Draft Ordinance correctly, then the already high tower on Spun Island could rise another 40 feet in height should another carrier decide to collocate using that tower. Mr. Lyman said that he thinks something needs to be done for the fifty-plus towers that are grandfathered in Juneau. If those current sites were to collocate then they need some sort of review so they meet the current standards, said Mr. Lyman. He said if he upgrades the electrical service in his house, then he has to upgrade his entire house to current standards. He said the same process should be applied to wireless facilities.

Kimberly Allen, an attorney for AT&T, said they appreciate the comprehensive and detailed approach to regulation. She said that AT&T has recognized the importance to the community of the facilities to harmonize with the community. She said the goal of AT&T is to meet the exploding demand for wireless service in the country. Since 2007, the demand has risen 3,700 %, she said. Citizens are coming to rely on voice and data, use and more and more they are leaving their land lines, she said.

AT&T is committed to being a good neighbor in the community, in terms of removal of towers no longer needed, said Ms. Allen.

Ms. Lawfer asked Ms. Allen about AT&T's opinion about balloons.

Ms. Allen said they are seeing a trend in code from balloon testing to photo simulations. In their opinion this is more relevant, and provides a better picture than does balloon testing, said Ms. Allen. Also, in consideration of balloon testing in Juneau, she added, it requires three consecutive days of clear weather.

Mr. Voelckers asked if Ms. Allen had any idea of how tower heights are evolving. The high towers are used to fill the network, with the lower towers used for in-fill, she said, working in tandem with the higher towers for coverage.

Douglas Island resident Sue Ann Randall said she does have issues about proper notice. She said the City had no trouble sending her the property tax bill, with follow-up documentation. This would have been a good way to notify residents about the Sphun Island cell tower, she said. The scenic view sheds are what refresh us, said Ms. Randall.

The property appraisals for the Sphun Island Tower were all performed on the homes on Sphun Island, said Ms. Randall. It stated the light on the tower may be a problem for those living further away, she said. Ms. Randall said she felt balloon testing was more valuable than a photo simulation. She said the photo simulation on the Sphun Island Tower was in a different place than where the actual tower is located.

Ms. Randall asked the community to proceed cautiously, while building in safeguards for the community. She said certainly we want business and new jobs available in Juneau. The City needs to be cautious about the business and the industry that it lets into Juneau, she said, so the residents are not taken advantage of, and everything they love about this community has been taken away.

North Douglas Resident Gene Randall said the common recommendations from each of the carriers is to keep the process as simple as possible, to minimize expense to the applicant and to construction of the towers. Mr. Randall read a portion of the letter from AT&T which stated the proposed submittal for the cell towers are extremely burdensome for applicants and staff. Juneau's submittal requirements should focus on facilitating a meaningful and efficient process, said Mr. Randall. He said he does not agree the process should be simplified. The agencies writing to Juneau are motivated by earning money, he pointed out.

Governing bodies such as the Planning Commission and the Juneau Borough Assembly exist in Juneau to represent the public interests, said Mr. Randall, not the corporate interests. Get the plan right, said Mr. Randall; do not make it simple, but make it thorough and comprehensive.

Douglas Island resident Mary Irvine said her concerns are focused on lighted cell towers. Ms. Irvine said there was no reason why any driver should have to squint against a red cell phone tower light. She said homes also view these lights, which are aimed too low. She suggested that baffled metal louvers should be placed on the Spuhn Island Light tower, to mitigate its effect on residents. She proposed that the CDD staff do more modeling of the North Douglas view shed.

Regarding public notice, Ms. Irvine said as far as the impact of the light can be calculated, that is how far the notice should go. She said there are thousands of existing ordinances around the country which address lighting of cell towers.

#### FALL ZONES

There needs to be a report every two years that the structure is sound, said Mr. Satre.

Mr. Miller said at the last meeting they felt from two years to five years was a more reasonable time frame. Mr. Miller said that ice falling from those structures in the winter could be of significant impact. In a general commercial area the setback is ten feet, said Mr. Miller, which could very easily not be far enough back to protect someone from getting hit with falling ice.

Mr. Voelckers said he thinks the issues of abandonment and fall zones should be discussed separately.

Ms. Lawfer said the entire DAS section in the ordinance is duplicative to other areas of the ordinance. Otherwise, it could be included with the other portion of the ordinance regarding structure.

Mr. Miller wanted to know if abandonment was a common problem in other parts of the country.

He was told they have not been an issue in Juneau. Mr. Hart said there have been certain types of towers that have been abandoned throughout the country which are road-side signs that are also towers. Those towers can be 100 feet tall. Those tower-signs do become abandoned from time to timewhich becomes an eye sore to the community.

Mr. Watson said there are both public and privately held lands. The issue of who deals with the tower on private land can become a problem. Mr. Watson said he has seen many towers being advertised for lease on the internet.

Ms. Lawfer said she wondered if cell towers paid a higher price in terms of assessed valuation.

Mr. Goddard said he thought they probably did.

Ms. Lawfer said then she thought they would be anxious to let it be known they were abandoned to lessen taxes.

Mr. Haight said the purpose of the fall zone is also for falling debris, and that the fall zone paragraph does not address falling debris. It also does not address setbacks, said Mr. Haight.

The setbacks would be the setbacks already existing in the zoning code, said Mr. Goddard.

The fall zone is required to be submitted initially with the other materials, said Mr. Satre. Any facility is going to have to live within a required setback like anything else, and it will be known at the submission of materials what other decisions need to be made at that time, said Mr. Satre.

Mr. Jackson said he felt strongly about the structural report. Juneau is a place of strong weather, and he said he did not think the five year inspection was overly burdensome.

Setbacks from schools or school properties have been raised by the public a few times, said Mr. Haight.

Ms. Lawfer said she would hate to pick and choose between what schools would have band width and which schools would not.

Mr. Haight said this is a safety issue.

Mr. Watson said the tallest tower in Juneau sits next to the federal building, next to two schools. Camouflage towers do not flex like trees do, said Mr. Watson.

Mr. Voelckers said he thought strong fall zone language where all neighboring buildings would be protected would be the best way to go. Otherwise, the list of schools could move to numerous other facilities such as day cares, public offices, etc.

Mr. Satre said regarding wireless facilities in school districts, a Conditional Use Permit would be required once the maximum height of the zoning district was reached.

#### PUBLIC NOTICE

Mr. Satre mentioned there are currently no new amendments in the Draft Ordinance regarding public notice.

Mr. Voelckers said most of the public testimony received regarding public notice has been tied to lighting.

Ms. Grewe said the issue of public notice always comes up. Means of communication is changing rapidly. She said it would be good to always be thinking of innovative ways to communicate. She said the Commission should not judge notices based upon income or who can receive email, perhaps alienating the elderly population or those who cannot afford to have email in their homes.

Mr. Satre said that reliance on neighborhood associations to spread the word about issues was a good point that had been brought up this evening.

Ms. Lawfer said that individuals could sign up for a public email list for the City similar to how one does for the state. She said they would not be able to discriminate on what kind of notices they did or did not receive. Ms. Lawfer did say she does not think the method would need to be codified.

Mr. Haight said it would be good to retain what form of public notice the City has for this period of time, since it is a period of transition, but to move into some form of digital communication in the future. Mr. Haight said often the neighborhood associations have great skills communicating with the neighbors. The Director should be allowed some discretion to determine how far the postings should be dispersed, said Mr. Haight.

Mr. Watson said he liked the idea of increased involvement of the neighborhood associations in getting the notices out to their membership. He said he also liked the idea of people signing up for electronic notification from the City.

Mr. Jackson said he recalled at the last meeting leaving the discretion up to the Director to notify the public.

Ms. Grewe said they do need to be considering alternative means of communication regarding public notices. She said perhaps each neighborhood could have a text number which could be contacted for updates.

Mr. Peters said one of the things which stands out to him is the 500-foot notice requirement. If the City moved from a 500 foot radius for notification to a half mile, they move from notifying an average of nine people to 446 people. Even in terms of this regular form of communication, Mr. Peters said he thought this was worthy of note. He added that he also liked the idea of neighborhood associations as a means of communication with their citizens. While he loved the technological ideas, the question comes down to who in the city is going to manage that project and keep databases updated.

Mr. Satre said this is an issue which needs to be addressed far outside of just the wireless ordinance, for all notification purposes for every application.

Mr. Satre asked Mr. Palmer for a timeline for a draft Ordinance coming out of the Law Department.

Mr. Palmer said he thinks the Law Department can have a draft Ordinance out by next Friday (April 25).

Mr. Satre said perhaps a special meeting could take place May 6, to review the draft Ordinance from the Law Department.

Mr. Voelckers, Jackson and Miller had conflicts for the May, 6 date.

Mr. Miller said he would really appreciate it if when they return for a new meeting they do not have another big packet of paper to look at, other than the new Ordinance.

Mr. Satre added that they wanted the public comment on the issue incorporated into their binder so they knew the testimony and were ready to go forward.

Mr. Miller said he felt it was two more meetings of work.

Speaking to Mr. Palmer, Mr. Satre said he felt Mr. Miller's comment was on point; they want the new Draft Ordinance from Law, they want the public comment expressed in reaction to that ordinance being published on the web, and that's it.

Mr. Satre said if there are any outstanding questions from the Department of Law they would take them up after the conclusion of their regular meeting next Tuesday (April 22, 2014).

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

**IV. ADJOURNMENT**

9:11 p.m.