



Executive Summary

Issue Title: Wireless Communication Facility Code Update
Meeting Date: February 27, 2019
Time Required: 15 minutes
Attendees: Jim Bolger, Dave Ward, Darren Gurnee, Lisa Nickel

Action requested at this meeting: No action required. The Department is providing a status report regarding the code update process.

Schedule:

- Board of County Commissioners briefing to confirm the workplan and process update (10/24/2018 and 1/7/2019)
- Planning Commission study sessions:
 - Session 1 (12/18/2018): Workplan, introduction to small wireless facilities, Federal Communications Commission (FCC) regulatory history review
 - Session 2 (1/8/2019): Review preliminary draft code
 - Session 3 (1/22/2019): Staff report, preliminary industry stakeholder feedback and staff response, draft code for planning commission review
- Planning Commission open house and public hearing (February 19, 2019)
- Planning Commission public comment period (January 8 through February 26, 2019)
- Planning Commission deliberation and recommendation (March 2019)
- Board of County Commissioner study sessions, hearing, deliberation (March - April 2019)

Project Website (continuously updated)

- <https://www.kitsapgov.com/dcd/Pages/Code-Updates.aspx>
- Provides project introduction, meeting schedule, meeting materials, online comment form, comments received spreadsheet
- Links to video recording of Planning Commission work study sessions

Federal Communication Commission ruling 18-133 9/26/2018

The new rules (effective January 14, 2019):

- shorten the County's deadlines to review and issue wireless facility permits (all departments). Exceeding the new permit review times defaults to an approved permit status or guarantees a 30-day appeal to the applicant.
- affect the County's ability to permit and condition wireless facilities on public and private land.
- remove the County's ability to deny wireless installations on public land and structures.
- The Prosecuting Attorney's office and Departments of Community Development, Public Works, Parks, and Information Services are working together to comply with the effective date.
- Multiple jurisdictions have appealed the ruling (i.e., Bremerton, Port Orchard, Poulsbo, Seattle). The ninth circuit is considering a motion to stay.