

**CITY OF UNALASKA, ALASKA
PLANNING COMMISSION & PLATTING BOARD
REGULAR MEETING
THURSDAY, March 16, 2017, 6:00 P.M.
UNALASKA CITY HALL COUNCIL CHAMBERS
MINUTES**

CALL TO ORDER: Chair Earnshaw called the meeting to order at 6:01 PM.

ROLL CALL

Commissioners Physically Present

Billie Jo Gehring

Vicki Williams

Jessica Earnshaw

Travis Swangel

Lottie Roll

Staff Present

Bil Homka, Planning Director

Thomas Roufos, Associate Planner

REVISIONS TO THE AGENDA: Chair Jessica Earnshaw asked if there were any revisions to the Agenda, there were none.

APPEARANCE REQUESTS: Cindy Coughlin, Becky Windt Pearson, and Lori Westwood, Alaska Wireless/AWN/GCI representatives (Resolutions 2017-05 and 2017-06); Rufina Shaishnikoff, Unalaska Resident.

ANNOUNCEMENTS: Chair Jessica Earnshaw asked if there were any announcements.

Chair Earnshaw had one announcement, that the Raiders boys' basketball team was due to play the following day, but did not know their opponent.

Planning Director Homka reminded commissioners to fill out their POFD, and that if they have not they are being fined \$10 on a daily basis. Commissioner Gehring mentioned that she was out of town and would file as soon as possible.

Chair Earnshaw then asked if there were any further announcements. Hearing none, Chair Earnshaw moved to the Public Hearing.

PUBLIC HEARING

1. **RESOLUTION 2017-05:** A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CELLULAR TOWER ON A PORTION OF ATS 1273, LOCATED APPROXIMATELY AT 2530 CAPTAINS BAY ROAD, ACROSS FROM THE FUEL TANKS.
2. **RESOLUTION 2017-06:** A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CELLULAR TOWER ON A PORTION OF LOT 7 SHAISHNIKOFF SUBDIVISION C, LOCATED AT 376 STEWARD ROAD.

Chair Earnshaw opened the Public Hearing for Resolution 2017-05 and asked if any member of the public would like to testify.

Ms. Wendt Pearson Spoke to open the AWN/GCI presentation of both tower sites, introducing herself as the AWN/GCI in-house land use counsel and permitting and compliance lead. She also introduced Cindy Coughlin, Site Acquisition Specialist working on the Unalaska build, and Lori Westwood, RF Engineer for the build, and outlined their collective presentation starting with the site on Captain's Bay Road at OSI.

Ms. Coughlin began by introducing the site and explaining that it was chosen by generating a site search ring which held a number of possible sites for the best possible signal propagation based on the requirements of the Radio Frequency (RF) engineers. The sites were then chosen within those rings to ensure that there was direct line of sight to the Haystack Hill. The sites were narrowed down to one by access, power availability, and time considerations.

Ms. Coughlin proceeded to show pictures of each site and explained the four possible sites which were identified, each having strengths and weaknesses. Site One was considered to be the best because it was directly in sight to Haystack, it had a stable foundation, provided the best access, and was out of the way of operations, so as not to disrupt the flow of work at OSI. Site Two was on top of a building on the OSI property, but the building was too small to support a tower, nor was there a line of sight to Haystack and did not provide the desired coverage. Site Three was on the back of the property, but did not have a line of sight to Haystack. Site Four was discounted as it was an existing cell tower that was in a location that would make construction costly "impossible", as well as preventing easy access, effective power tie-in, and was situated on BIA lands, making the leasing process extend well past their deadlines.

Ms. Coughlin then provided details as to the location of site one in relation to parking, the road, and how it is situated on the property. She explained that while unnecessary, the tower was situated to conform to setbacks around Captain's Bay Road and the bank of the land where it enters the water of the bay.

Ms. Westwood explained the coverage map, indicating the signal strength of the tower.

Ms. Wendt Pearson explained that the tower would not be out of place with the surrounding industrial area, and summarized the reasons for siting it at the location. She then went on to explain that it would be in compliance with the zoning of the area as well as the Unalaska Comprehensive Plan 2020 as well as state and federal laws. She also mentioned that it would be fenced in and would only be visited for sporadic maintenance.

Chair Earnshaw asked if there was any other discussion for Resolution 2017-05, and hearing none, opened the Public Hearing for [Resolution 2017-06](#) and asked if any member of the public would like to testify.

Ms. Wendt Pearson began explaining the process for the siting of the tower on the MAC Enterprises Lot. She noted that the inclusion of a site fall radius was unusual, but was done to show that the surrounding residential properties would be safe. Ms. Wendt Pearson explained further that the tower was sited on a high hill and allowed for a lower overall height because of its location. She then turned it over to Ms. Coughlin.

Ms. Coughlin began by explaining the site selection process was conducted in the same fashion as the sites on the OSI property. She began by explaining that the Island Services property was too low to provide coverage to the valley, as was the site at Kelty Field. Furthermore the site at Kelty Field did not have a good line of sight. She then went on to explain that the TelAlaska tower adjacent to the city water tower was structurally insufficient to handle the larger and heavier 4G LTE equipment. Ms. Coughlin also stated that other locations on the property did not provide the desired coverage for the valley, and the line of sight to Haystack was blocked.

Ms. Westwood then spoke to the ability of the tower to generate good coverage across the entire valley, explaining the map provided.

Ms. Wendt Pearson then explained the closest residences to the base of the proposed tower, noting that they were 160 and 210 feet away respectively. She explained that tower collapses were incredibly rare, but also that

when they did happen it was because they were guyed towers rather than self-supporting lattice towers. She explained that even if the tower did fail, it would not even reach the dive shop on the same property.

Ms. Wendt Pearson went on to summarize that the tower would not be out of the scope of the General Commercial zoning of the lot, and its compliance with the Unalaska Comprehensive Plan 2020 as well as state and federal laws. She summarized the reasons for siting the tower at the MAC Enterprises location and also mentioned that it would be fenced in and would only be visited for sporadic maintenance, and therefore was not generating any more of an intensive use than the existing surrounding area.

Chair Earnshaw thanked the AWN/GCI staff for their presentation and then asked if any other members of the public wanted to speak any further to the resolution.

Ms. Rufina Shaishnikoff introduced herself as the owner of 12 residential lots in the Shaishnikoff Subdivision C, property adjacent to the tower site. She purchased the property approximately 40 years ago, and just last year paid off the 30 year loan. She has been developing the property is expecting the property to be highly residential and have up to 50 children in the area.

Ms. Shaishnikoff also indicated that it was one of the windiest locations on the island because the wind funnels down Beaver Inlet, across the hills and to that hill. She stated that on a calm summer day in town, you could barely stand on top of the hill [at the top of Yatchmeneff Drive]. She indicated that the tower would create a lot of noise with the wind.

She went on to discuss the tower blocking the view of the lots from the valley, and its impact on the value of the lots in her subdivision.

Ms. Shaishnikoff further objected on the dangers of electromagnetic frequencies, and their ability to disrupt the body. She stated that she would not be able to live on those lots due to a history of cancer. Ms. Shaishnikoff then reiterated that it would be a highly residential area with children and again stated that she would never be able to live there. She stated that she had hopes of building a healthy, green home built of solid wood, but would not be able to if the project is approved.

Ms. Shaishnikoff stated that she could not imagine any other residents would want a tower blocking their view of the valley. She stated her intent to sell lots over the next year, but is worried that the tower could prevent people from buying lots. She again indicated that it was a highly residential area, not commercial as indicated, with 12 big lots with plenty of room for children.

For the reasons stated, she objects to the tower and would like AWN/GCI to find another location.

As a point of order, Secretary Homka asked Mr. Roufos to clarify the zoning of the properties. Mr. Roufos indicated that the property that the tower would be on was General Commercial, while the surrounding lots were Single-Family/Duplex, not High Density Residential as indicated by Ms. Shaishnikoff.

Chair Earnshaw then asked if the resolution needed to be corrected, Mr. Roufos indicated that it was correct, and further explained that it was a point of order to clarify that Ms. Shaishnikoff's lots were Single-Family/Duplex.

Chair Earnshaw then closed the public hearing, and having missed the minutes, opened the minutes for discussion.

MINUTES: Chair Earnshaw asked if there were any revisions to the minutes from February 16, 2017 meeting.

Hearing none, Chair Earnshaw asked for a motion to approve the minutes. Commissioner Gehring motioned to approve the minutes; Commissioner Swangel seconded it and the motion passed 5-0.

OLD BUSINESS

No Items

NEW BUSINESS

3. **RESOLUTION 2017-05:** A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CELLULAR TOWER ON A PORTION OF ATS 1273, LOCATED APPROXIMATELY AT 2530 CAPTAINS BAY ROAD, ACROSS FROM THE FUEL TANKS.

Chair Earnshaw asked for a staff report on both Resolution 2017-05.

Mr. Roufos opened the staff report describing the location of the proposed tower. He then went on to describe the tower met the tests of code, first indicating that it was in line with the comprehensive plan, as it furthered the growth and sustainability of the development needs of residents, facilities, and businesses. He stated that it is necessary to maintain compatibility with the lower 48 and compliance with FCC regulations.

Mr. Roufos went on to explain that the second test of code as the tower would not be out of place with an industrial area, as it would not create any additional intensity of use by increasing traffic or maintenance, as well as the tower would be expected to not be required to be lit by the FAA. The tower would also be fenced in, allowing for safe use and security. Mr. Roufos indicated that it will not have a negative impact substantially greater than that of the surrounding highly industrial property. The tower is expected to have a very low impact. He then explained that there was a condition for OSI to notify the city in writing of their intent to sub-lease to AWN, and that the property have a certificate from the state fire marshal's office in order to ensure site safety.

Mr. Roufos stated that Staff recommended that the tower be approved based on its passing of the 3 tests of code.

Chair Earnshaw asked if there were questions for staff. None were voiced. Chair Earnshaw asked for a vote, but was notified that the AWN staff had signed up to speak on the issue. The AWN staff had nothing further to add. Rufina Shaishnikoff was allowed to ask a question.

Ms. Shaishnikoff stated that she was a resident on the other side of the OSI property, and wanted to know how far the microwave or electromagnetic frequency from the tower would extend down the bay, and if it was constant or only when a phone was being used.

Chair Earnshaw turned the question to AWN/GCI, Ms. Westwood indicated that the antennas would always be on. She also stated that the towers were capable of reaching 10 miles, barring terrain, interference or degradation in service. Becky Windt Pearson spoke to the regulatory environment, that the FCC had strict requirements for the signal strength and frequencies that the antennas were allowed to extend. AWN/GCI does not deviate from those restrictions. Ms. Wendt Pearson indicated that the signal strength emanating from the cell phone handset may be stronger than that experience when standing next to a cell tower.

Mr. Swangel questioned if the signal was stronger between the towers or the general signal the antenna puts out. Ms. Westwood indicated that the signal is different between the towers vs. the wave that talks to the headset. It is a microwave between towers, and that was not her area of expertise. She stated that the cellular radio wave degrades with distance, and would be 20 feet taller than the minim height for FCC regulations for safe exposure.

Commissioner Williams asked if a boat's radio would interfere with communications.

Ms. Wendt Pearson indicated that there was the possibility of a boat overstepping on the signal but, ships were legally required to turn off their marine radio within five miles of port.

Commissioner Williams asked if there was a need to have AWN/GCI come to the island to repair the signal in the event that it happened again, but Ms. Westwood indicated that as soon as the marine radio is turned off, or when

the ship leaves, the cellular signal is restored because it is no longer broadcasting on the same frequencies.

Commissioner Williams stated that Dutch Harbor is a fishing community and the fishermen will claim that they cannot afford to turn their radios off just for the sake of the cellular service because they need to communicate with and monitor other ships. Ms. Westwood reiterated that it was a legal requirement that the fishing vessels vacate the radio frequencies or risk losing their broadcast license.

Out of order, Mr. Jim Paulin, a reporter for the Dutch Harbor Fisherman, asked what the name of those kinds of radios are, but Ms. Westwood was unable to answer specifically, noting that they were any kind of cellular repeater, or cellular amplifier, but did not have any specific brand names prepared.

Ms. Shaishnikoff asked once again for confirmation that she would be safe from any radio frequencies.

Ms. Wendt Pearson reiterated that the distance between the antenna and the ground, as mounted on the tower, was greater than the distance set by the FCC for safe human exposure, and that the exposure from handheld cellular devices was more than that from standing at the foot of the tower.

Chair Earnshaw asked for other questions and Commissioner Gehring asked if other towers would be needed for other parts of town. Ms. Westwood indicated that existing antennas were being updated with different antenna types to support the new coverage.

Commissioner Roll asked about the noise that was mentioned earlier, if it was actual noise from the wind on the tower and generator noise, or radio frequency noise.

Ms. Wendt Pearson reiterated that the towers did not have generators but had batteries, which would be handled in accordance with federal law. This battery back-up is a requirement to maintain emergency communications during a power failure. She also stated that there would be no noise from the antennas themselves, but she was not qualified to speak to the noise the wind may generate, if any, nor could Ms. Westwood.

Commissioner Roll then asked about wind loads, citing the APL crane collapse.

Ms. Wendt Pearson explained that the tower is designed to withstand 130 mile per hour winds, and 80 mile per hour winds when coated with a quarter inch of ice on all sides. She further stated that these were the base requirements and that the tower should be capable of withstanding more, as a buffer is usually built in.

Commissioner Swangel asked about ice shearing off the tower and falling on structures or people, citing the ice falling off the tower on Haystack. Ms. Wendt Pearson stated that it is something that will be monitored and addressed as necessary.

Commissioner Gehring noted that many individuals attempted to put up wind turbines, but many had been toppled by wind storms. Chair Earnshaw also noted that at the McDaniel's have three wind turbines, and all three are fine.

Chair Earnshaw asked for any further commissioner discussion, hearing none, she asked for a motion to approve Resolution 2017-05. Commissioner Swangel motioned, Commissioner Gehring Seconded. The motion passed 5-0.

4. **RESOLUTION 2017-06: A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A CELLULAR TOWER ON A PORTION OF LOT 7 SHAISHNIKOFF SUBDIVISION C, LOCATED AT 376 STEWARD ROAD.**

Chair Earnshaw asked for a staff report on both Resolution 2017-06.

Mr. Roufos opened the staff report describing the location of the proposed tower. The property is a General Commercial property surrounded by Single-Family/Duplex

He then went on to describe the tower met the three tests of code, first indicating that it was in line with the comprehensive plan. He indicated that the system was also necessary to work with new upgrades to Public Safety's system. He stated that it is necessary to maintain compatibility with the lower 48 and compliance with FCC regulations. He stated that it furthered the growth and sustainability of the development needs of residents, facilities, and businesses, and therefore passed the first test.

Mr. Roufos went on to explain that the second test of code as the tower would not be out of the ordinary on the General Commercial lot, nor was it any more intrusive to the surrounding neighborhood than the existing General Commercial lot. Furthermore, it would not create any additional intensity of use by increasing traffic or parking requirements, as well as the tower would be expected to not be required to be lit by the FAA. The sole difference to the area would be the new existence of the tower. The tower would also be fenced in, allowing for safe use and security, as well as shielding some of the lower part of the 65-foot tower from view. He stated that based on the existing use of the property that the tower is proposed to sit on, and it not being any more intense of a use, it passes the second test of code.

Mr. Roufos indicated that it will not have a negative impact substantially greater than that of the surrounding properties. He stated the tower was to be governed by FAA and FCC regulations, meaning that as long as the tower is operating, it will be within safe limits of exposure. All use is internal to the shed on the property even when being maintained, as well as a battery back-up so that it does not create generator noise. The tower is expected to have a very low impact. He then explained that there was a condition that the tower acquires a certificate from the state fire marshal's office in order to ensure site safety.

Mr. Roufos stated that Staff recommended that the tower be approved based on its passing of the 3 tests of code.

Chair Earnshaw then asked if commissioners had questions for staff, hearing none, she invited AWN/GCI and Ms. Shaishnikoff to speak as they had signed up with the secretary beforehand.

Ms. Wendt Pearson spoke to the biggest challenge that the residential area has the most demand, and that the demand needs more towers to meet that demand. She explained that AWN/GCI looks for non-residential areas near residential areas so as to provide the best signal. It is necessary to site them in such a way to provide maximum coverage for emergency and personal phone use. She went on to explain that this tower is shorter than average, and because of its location is capable of covering the entire valley, rather than it needing to install multiple towers at lower elevations, or an extremely tall one at lower elevation. She reiterated that the tower is capable of withstanding 130 mile per hour winds, will be fenced in, and will adhere to FCC guidelines.

Chair Earnshaw asked for questions from Commissioners.

Commissioner Williams indicated that she had concerns for the ability to sell the lots with the tower adjoining given the residential nature and higher tax rate of residential properties, then asked why other sites couldn't be chosen, citing multiple other general commercial properties in the valley that are not so close to residential and retaining the potential future tax revenue of Ms. Shaishnikoff's lots.

In response, Secretary Homka asked a follow-up question to Ms. Shaishnikoff, asking if she has any development plans given that she has owned the property for 30 years. Secretary Homka indicated that it would be more logical to improve the telecommunications capability rather than turn the tower down due to speculative development. With regard to the question about the other sites he passed the question to AWN/GCI noting that they did show that they investigated at least four sites.

Ms. Wendt Pearson went on to explain that Ms. Coughlin had searched four other sites in the valley and explained that they were unsuitable due primarily to the lack of line of sight back to Haystack Hill.

Commissioner Swangel sought to clarify whether the tower that exists on the property of the City Water tank had line of sight to Haystack, and if so, why it wasn't chosen.

Ms. Wendt Pearson reiterated that the tower was incapable of sustaining the weight of the new antennas and stated that the tower was not owned by AWN/GCI so they were unable to create a new one. She stated that there were other options available on the property, but they were blocked by the water tank.

Commissioner Gehring asked why the city could not re-zone a piece of property somewhere else, citing concern for the site being a General Commercial site within a residential surrounding area.

Ms. Wendt Pearson stated that to do so would potentially run afoul of spot zoning restrictions. Furthermore, she indicated that AWN/GCI is not a property owner, and would need a land owner to come forward offering to do so. If this was done over time, it would be possible, but there is a time constraint.

Commissioner Gehring noted that this needed to happen, and that we needed to weigh the benefit of the tower against the potential value of the property.

Commissioner Roll asked how much the phone rates would change.

Ms. Wendt Pearson stated that the rates should not change.

Commissioner Swangel noted that it was limited speed 4G LTE, and what that actually meant.

Ms. Wendt Pearson explained that until a sub-sea cable is laid, the speed would continue to be limited by the primary satellite uplink.

Mr. Swangel then asked about the timeline for the system to come live.

Ms. Wendt Pearson stated that the service should be live in June, depending on the construction season.

Chair Earnshaw thanked the AWN/GCI staff for their presentation and went on to make two comments, the first being that the service is long overdue, and secondly that she understood that no-one would want to have a tower in their back yard, but land is limited and sometimes a house would need to be set in that situation for the greater good of the community.

Ms. Wendt Pearson agreed with Chair Earnshaw's assessment and added that this service should help to bring young professionals to the island, noting that it is in high demand, and it was capable of bringing value to the surrounding properties by virtue of the service provided.

Commissioner Gehring asked how tall the fence would be, as well as safety measures for children and hoodlums.

Ms. Wendt Pearson stated that the fence would be 8 feet, and that there were no climbing pegs on the tower, making it very difficult to climb.

Commissioner Swangel asked for information about the light on the top of the tower and if the FAA had ruled on it.

Ms. Wendt Pearson stated that they were still waiting for the Determination of No Hazard from the FAA, but they are not expecting the FAA to require it, because the tower is shorter than average.

Commissioner Roll asked about the tower at Captain's Bay, if it was up and away from a tsunami, indicating that it might be a requirement that the tower be 100 feet above and 100 feet back from the shoreline.

AWN/GCI did not research the potential for a tsunami, and were unprepared for the question. They turned the question over to staff.

Mr. Roufos indicated that yes, the tower was in a potential tsunami zone, given its height off the road, but so was the rest of the property.

Commissioner Swangel then asked if the OSI tower failed or was otherwise damaged, if there was still service through the rest of the system.

Ms. Wendt Pearson stated that the rest of the system would work.

Commissioner Gehring asked for a clarification as to where the Shaishnikoff Subdivision was.

Mr. Roufos showed the lots visually, and mentioned that the 12 lots surround Yatchmeneff Drive.

Ms. Shaishnikoff stood to explain that the tower was only 20 feet from the road, and the other houses, stating that her house alone was 40 feet. She stated that the tower was maybe 50 feet from the walls of houses. She also stated that she had two houses that were about road level, but the tower would be right in the line of view of the big windows that would be overlooking the valley and the town, and she doesn't expect Jimmer's lot to remain commercial, and may become residential in the future. She further stated that towers do generate noise in the wind, much like any tall structure, and that it would create a wind tunnel. Ms. Shaishnikoff stated that perhaps AWN/GCI could afford to allow the AWN staff to remain on the island to search for another property because they were not properly informed that it was a residential area, and not a commercial area, but a residential area with a commercial lot in the middle. She stated that she didn't think that the AWN/GCI staff looked all that hard for the lot, and to get a map and a straight line and have them search again. She also stated that she had to sell the lots, citing her age.

Chair Earnshaw then asked if there were any other questions from the commissioners.

Secretary Homka went back to the tsunami question and clarified that we do not have flood plain insurance, nor did we have tsunami regulations. He also went back to the question about spot zoning a different property, he indicated that the property was zoned general commercial, and this use is called out specifically as a conditional use in code. He further explained that conditional uses exist for the purpose of avoiding spot zoning properties because the need was unforeseen when the zoning code was established.

Chair Earnshaw thanked Secretary Homka for his clarifications and asked if there was any other comment.

Commissioner Roll stated that she was born and raised here, and that she was on the board for the construction of the Clinic and that it had to be 100 feet above and inland from the water.

Mr. Roufos asked if the clinic was sited where it is due to it's being an essential facility.

Commissioner Roll stated that city hall moved, why else do we think?

Mr. Roufos noted that city hall and the clinic were moved because they were considered essential buildings in the event of a catastrophe. The tower out in Captain's Bay was not considered an essential structure for emergency management like Public Safety or the Clinic are, and therefore was not subject to the same restrictions.

Commissioner Swangel also noted that if there was a tsunami, there would be no power.

Chair Earnshaw asked if there was anything else.

Commissioner Williams stated that she knew of people who lived near towers in Anchorage having their television and radio reception interfered with by the signal from the antennas. She stated that she would like a guarantee that if people do move up to those properties belonging to Ms. Shaishnikoff that they would have no such interference.

Ms. Wendt Pearson turned the question to Ms. Westwood, who stated that now that televisions rely on a digital signal; they are no longer on the same wavelengths as that of cellular communications.

Chair Earnshaw then thanked the AWN/GCI Staff for answering the questions and closed discussion.

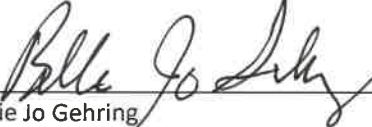
Chair Earnshaw asked for any further commissioner discussion, hearing none, she asked for a motion to approve Resolution 2017-06. Commissioner Swangel motioned, Commissioner Gehring Seconded. The motion passed 4-1 with Commissioner Roll dissenting.

WORKSESSION

No Items

ADJOURNMENT: Chair Earnshaw adjourned the meeting at 7:26 PM.

PASSED AND APPROVED THIS 20th DAY OF APRIL, 2017 BY THE CTY OF UNALASKA PLANNING COMMISSION.



Billie Jo Gehring
Acting Commission Chair

4/27/17

Date



Bil Homka, AICP
Secretary of the Commission

4/27/17

Date

Prepared by Thomas Roufos, Associate Planner

