



Heritage Commission

Heritage Impacts of Proposed Code Amendments on Wireless Communications

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Title

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Recommended Action

Committee Recommendation:

Move to provide agreed-on public comment from the Olympia Heritage Commission to the Olympia Planning Commission.

Report

Issue:

To discuss heritage issues related to AT&T's proposed changes to Olympia Municipal Code on wireless communications, and agree on a Heritage Commission recommendation to be provided as public comment to the Olympia Planning Commission.

Presenter(s):

Holly Davies, Chair, Olympia Heritage Commission

Background and Analysis:

AT&T has submitted a proposal to the City of Olympia to amend Olympia's Antennas and Wireless Communications Facilities ordinance. Attachment 1 is the text of the ordinance with the proposed changes identified in red. The proposal is tentatively scheduled for consideration by the Olympia Planning Commission (OPC) on June 16, 2014; there is a high likelihood that the date of this public hearing will be postponed until a later meeting of the OPC.

The Olympia Heritage Commission (OHC) will review and discuss the proposal with respect to its potential impact on the City's historic environment. The discussion will result in agreement on how the OHC wishes to respond to the proposal with public comment to the OPC.

Background:

The regulation of Wireless Communication Facilities (WCF) has increasingly shifted from local control and permitting towards more exemptions from the State Environmental Policy Act (SEPA), with

greater control at the Federal level. Examples of recent changes to Federal and Washington State law have been to shorten the time allowed for local government to review permits, and to revise definitions that expand the ability to site or upgrade WCF on existing structures. The 2014 State Legislature passed a law to make it easier to site micro-cell facilities.

At the same time, some protections exist for nationally-designated historic districts and individual properties. The Nationwide Programmatic Agreement (PA) for the Collocation of Wireless Antennas was signed by the Federal Communications Commission (FCC), the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation in 2001. This PA applies to properties that are on or are eligible for the National Register of Historic Places (NRHP). Under Section 106 of the National Historic Preservation Act of 1966, Federal undertakings must include review of potential effects to NRHP or NRHP-eligible properties. FCC's involvement with WCF regulation brings collocation of WCFs to this Federal level of review.

The Section 106 review process is managed at the state level by the State Historic Preservation Officer. In Washington State, this office is known as the Department of Archaeology and Historic Preservation (DAHP).

In Olympia, local protections for NRHP historic districts and individual properties on a local, state, or national register are addressed in current Olympia Municipal Code (OMC) 18.44.090, including Table 44.01, and 18.44.100 (see Attachment 1). The City of Olympia has three NRHP historic districts which have protections under current OMC and the Federal PA: Downtown, Capitol Campus, and South Capitol Neighborhood. The two locally-designated historic districts - North Rogers Street and Olympia Avenue - are not regulated under current Olympia Municipal Code or the Federal PA.

Proposed Changes to OMC Chapter 18.44:

One proposed change would directly affect local heritage regulation. The main change requested would allow concealed wireless facilities on any publicly-owned property including schools, parks and property located within historic districts as permitted uses (not conditional uses or ones requiring a hearing examiner). The wording of this change in OMC 18.44.090, "Permitted Wireless Communication Facilities by Zoning District", is as follows:

C. Concealed, attached WCFs on City-and/or other publicly owned property: Any concealed, attached WCF proposed to be located on a City-and/or publicly-owned property is permitted (P) in any zone or overlay district, so long as the relevant support structure is not listed on the local, state and/or Federal historic registers.

As described, this provision applies to publicly-owned property only. Only individual properties listed on a local, state, or Federal register are exempted from this permitted development.

OHC Discussion:

The OHC's discussion of the proposal at the May 28, 2014 meeting will be led by Chair Holly Davies. In addition, the following people have been invited to the meeting to be available to answer questions:

- Steve Friddle, Principal Planner, Community Planning & Development, City of Olympia - Mr. Friddle is the member of staff tasked with overseeing and coordinating the City's process for the proposed code amendments.
- Kristen Larson and Carol Tagayun, Attorneys for AT&T - Ms. Larson and her colleagues have met with City staff and the Olympia Coalition of Neighborhood Associations (CNA) during the initial and current stages of the proposed code amendment process.
- Members of the Olympia CNA - The CNA has been actively involved in early and current discussions of the proposal with the City and AT&T to provide a neighborhood voice in reviewing site proposals and addressing the proposed code amendments. Some members of the CNA who have been involved in these discussions are members of the OHC.

As requested by OHC members to provide comparison, Attachment 2 is extracts from related municipal code from another Washington State jurisdiction (Yakima, passed on April 15, 2014).