

**TOWN OF YARROW POINT
PLANNING COMMISSION MEETING MINUTES
October 15, 2018**

The following is a condensation of the proceedings and is not a verbatim transcript.

CALL TO ORDER:

Amy Pellegrini, Planning Commission Chair called the meeting to order at 7:01 p.m.

PRESENT:

Chairperson: Amy Pellegrini

Commissioners: Trevor Dash
Chuck Hirsch
Carl Hellings
Jennifer Whittier

Staff: Bonnie Ritter – Town Clerk-Treasurer
Austen Wilcox – Town Deputy Clerk
Mona Green – Town Planner
Emily Minor – Town Associate Attorney

Guests: Dicker Cahill – Mayor
Daniel Kenny – Attorney, Ogden Murphy Wallace
Councilmember Lagerholm
Chuck Porter – Resident
John Black - Resident
Marilyn Black – Resident
Dennis Buchanan – Resident
Haleh Clapp – Resident
Dan Knudson – Resident
Jennifer Crowell – Resident

APPEARANCES:

Dennis Buchanan, resident at address 4015 95th Ave NE, stated his interests regarding the future discussion topic of tree regulations on private property.

Deputy Clerk Austen Wilcox read a letter sent by resident Terry Lien at address 9030 NE 42nd St. regarding setbacks and their relation to new home construction.

MINUTES:

June 18, 2018 Regular Meeting

MOTION: Commissioner Dash moved to approve the minutes of the June 18, 2018 Regular Meeting as amended. Commissioner Hellings seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

STAFF REPORTS:

Town Planner Mona Green welcomed newly hired Clerk-Treasurer Bonnie Ritter.

Ms. Green gave a recap of the October Council meeting:

- Town Engineer is working on a CIP update
- Playground project has been rebid; Bids are due October 18
- Building activity has slowed down

Mayor Cahill reported on the following items:

- The Town's playground construction timeline provided in the project scope has been extended from 90 to 180 days for building construction.
- The Emergency preparedness program is being budgeted for
- Mayor Cahill gave an overview of the neighborhood preparedness program.

REGULAR BUSINESS:

PCAB 18-10 Continuation of Wireless Discussion Regarding Zoning Code Changes, *for Discussion*

Town Planner Mona Green gave an overview of the ongoing discussion for wireless code changes for cell sites. Ms. Green stated that some carriers have requested information on cell site placements in the Town.

Daniel Kenny an Attorney from the Town's legal firm, Ogden Murphy Wallace, gave a presentation on small sites.

- Wireless carriers are moving away from towers (macro) to smaller (micro) cellular sites. What is needed for cell technology is changing and jurisdictions do not have codes for the types of requests coming in.
- The FCC just passed a ruling regulating how jurisdictions can deal with new cell technology which will become effective 90 days after October 15, 2018. The Town now has the opportunity to review its code regarding cell towers and adjust it to protect the Town's interests while conforming under federal law.
- Mr. Kenny handed out a pamphlet to the Planning Commission prepared by his firm outlining components of cell sites.
- There is a high demand among providers for 5G network infrastructure
- Mr. Kenny compared macro versus micro cell sites and answered questions about the two different types.

- There can be small cell towers mounted on fixtures such as signs.
- Mr. Kenny provided specifics on the connectivity of small cells and outlined questions that can be asked by the jurisdiction when applications for them are received.
- Mr. Kenny gave an overview of the type of existing cell pole currently installed in the Town.
- Mr. Kenny compared and contrasted different types of cell equipment.
- There are some class action lawsuits against the new regulations and if the Town wanted to partake in them, it could.
- Mr. Kenny stated that jurisdictions are not able to regulate matters regarding perceived health impacts of wireless facilities but may develop codes regarding aesthetic impacts.

The Town's attorney will draft a zoning code amendment to meet the Town's interests that also complies with federal law for the Council to review prior to the new FCC regulations taking effect in 2019.

The Planning Commission discussed macro and micro cell sites.

The Planning Commission discussed control the Town has regarding health effects related to cell sites. The Town Attorney responded that applications for cell sites must conform to FCC code concerning health effects, but the Town does not have the authority to regulate beyond those regulations.

Open public appearance:

Chuck Porter, resident at address 4615 92nd Ave NE, requested input on height and radial distance restrictions for antenna placements between dwellings.

Mr. Kenny responded to Mr. Porter explaining that assuming the restrictions are below the FCC threshold, there would not be a restriction assuming the antenna is located within the ROW.

Town Councilmember Stephan Lagerholm and resident at address 9039 NE 33rd St shared information regarding micro and macro cell site penetrations.

Councilmember Lagerholm requested information relating to costs associated with undergrounding.

Mr. Kenny responded to Councilmember Lagerholm stating that there are provisions regulating undergrounding.

Councilmember Lagerholm requested clarification regarding cell site placement in Town ROW.

Mr. Kenny responded to Councilmember Lagerholm stating that under the new federal regulations, the Town will be limited in its regulations within the ROW.

Haleh Clapp, resident at address 4427 91st Ave NE, stated that increased cell sites will negatively affect the aesthetics of the Town.

John Black, resident 9210 NE 37nd St, asked to verify that cell sites cannot be prevented from entering the Town. Mr. Black referenced health concerns regarding cell site placements.

Mr. Kenny addressed Mr. Black's question regarding the prevention of cell sites stating that his presumption is correct and cell towers cannot be prevented in the Town.

Mr. Kenny responded to Mr. Black's concerns regarding health and stated that there is information he can provide.

Jennifer Crowell, resident at address 3624 92nd Ave NE, discussed information on the frequency use of cell sites and the signal penetrations they broadcast. Ms. Crowell stated that it will be difficult to gather public awareness of the zoning code change during the holiday season. Ms. Crowell asked how cell sites in the town can be regulated.

Mr. Kenny responded to Ms. Crowell stating that preferred locations of cell tower placements could be researched. Yarrow Point is a unique community due to being completely residential.

Mr. Kenny explained that jurisdictions cannot fight cell carriers however private citizens can appeal them.

Chuck Porter, resident at address 4615 92nd Ave NE, asked if code could be written to require conduit to power these new wireless facilities be carried underground.

Mr. Kenny responded to Mr. Porter stating that the undergrounding of conduit depends on the type of equipment the particular carrier plans to install.

Mr. Porter stated that the town needs to have a plan in place for ROW restoration from the installation of cell site facilities.

Dan Knudson resident at address 9207 NE 38th referenced Mr. Kenny's comments regarding class action lawsuits against cell sites and asked how the Town would decide to engage. Mr. Knudson suggested a process for resident involvement regarding the financial support to engage in a class action lawsuit.

Mayor Cahill responded to Mr. Knudson stating that the Council could review the possibility to engage in a class action lawsuit against cell sites.

Mr. Kenny responded that there is information regarding the engagement for the class action lawsuits for residents to access.

Haleh Clapp, resident at address 4427 91st Ave NE, asked if there is a way to expedite undergrounding.

Mayor Cahill recommended to Ms. Clapp that she attend the next Council meeting to discuss the matter of undergrounding to the Council.

Mayor Cahill stated that he will discuss the topics at tonight's meeting with the Mayors of other local jurisdictions.

Marilyn Black, resident at address 9210 NE 37th Pl, thanked everyone for attending tonight's meeting. Ms. Black stated that there is a lot of resident concern regarding health effects relating to cell sites. Ms. Black asked how much the Town receives from cell sites.

Mayor Cahill responded to Ms. Black's question stating the Town receives approximately \$70k a year for the property rental of the cell sites.

Chairperson Pellegrini recapped the importance to review these topics and thanked the public for attending and sharing their input.

Commissioner Dash requested town staff to send the Planning Commissioner the FCC order.

The Planning Commission discussed having a joint meeting with Council to discuss the cell site topics further.

ADJOURNMENT:

MOTION: Commissioner Dash moved to adjourn the meeting at 9:06 pm. Commissioner Hirsch seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

APPROVED:



Amy Pellegrini, Chair

ATTEST:



Austen Wilcox, Deputy Clerk

