

**TOWN OF YARROW POINT
PLANNING COMMISSION SPECIAL MEETING MINUTES
November 26, 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 7:06 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 Elana Zana – Attorney Representative
Guests:	Elana Zana – Ogden Murphy Wallace Attorney Dan Knudson – Resident Cheryl Pietromonaco – Resident Homa Shirazi - Resident

APPEARANCES:

None.

MINUTES:

October 15, 2018 Regular Meeting

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

VOTE: 4 For, 0 Against. Motion carried.

STAFF REPORTS:

Town Planner Mona Green reported on the following items:

- The Town Council accepted the lowest bid and approved the Playground project that will begin construction in 2019.

- Ms. Green stated that the Town will be updating its Shoreline Master Plan and provided a draft Public Participation Plan and schedule to the Planning Commission to review.

Mayor Cahill thanked the Park Board for their efforts in designing the Town's playground.

Commissioner Hirsch asked Mayor Cahill why the USPS mail is being delivered later than usual. Mayor Cahill stated that he does not have an answer why at this time. Staff will look into it.

Mayor Cahill reported that a speed limit radar sign was recently installed on the shoulder of 92nd Ave NE heading northbound. A second one will be installed at a later date heading southbound on 92nd Ave NE. Statistics can be gathered from the device. Mayor Cahill stated that the sign was approved in the 2018 budget.

REGULAR BUSINESS:

PCAB 18-11 Review draft code amendments pertaining to Communications Facilities and Franchise Requirements, *for Discussion*

Town Planner Green introduced Attorney Elana Zana from the Town's Attorney firm of Ogden Murphy Wallace who has expertise in telecommunications. Ms. Zana gave an overview of draft code language composed by the Attorney's legal firm. Ms. Zana provided handouts of photos to the Commissioners showing samples of existing small cell sites placed on poles in other jurisdictions.

Ms. Zana explained that cellular technology is constantly evolving including the necessary equipment to support it.

Ms. Zana discussed pole standards relating to aesthetics.

A jurisdiction is limited to 60 days to approve or deny a small cell facility on an existing PSE pole and the jurisdiction has 90 days to approve or deny a new pole.

Ms. Zana gave examples of different small cell sites and stated the Town's code needs to adhere to a wide range of design standards.

Ms. Zana discussed the review process the Town must take when for a new small cell site is proposed.

Ms. Zana reviewed the design standards for different types of small cell sites.

Commissioner Hirsch stated that there could be health ramifications from small cell sites however, the FCC has authority over health matters.

Ms. Zana responded to Commissioner Hirsch's comment stating that the jurisdiction cannot regulate health effects related to cell sites.

Mayor Cahill stated that the Town Council approved funding to join a lawsuit to appeal the FCC order that takes away the rights of jurisdiction to regulate the installation of small cell sites.

Ms. Zana recommends that the Town Planner review applications for small cell sites due to the limited windows of review time.

Ms. Zana explained a benefit of having a new pole could allow for new Town light standards.

The Planning Commission discussed the process of review for cell site applications.

The Planning Commission discussed non-compliance issues relating to cell sites and code enforcement against it.

Ms. Green stated that there are many private roads in the Town to consider in the Town's code regarding small cell sites.

Ms. Zana replied to Ms. Green stating that private roads will need to be taken into account when drafting the Town's new wireless code.

Public Comment opened at 8:09 PM:

Cheryl Pietromonaco, resident at 3445 92nd Ave NE, questioned code enforcement regarding installation of cell sites on private roads. Ms. Pietromonaco suggested looking into fiber optics as an alternative to the placement cell sites.

Dan Knudson, resident at 9207 NE 38th St. asked if there could be blackout periods where there can be no installations of cell sites and testing requirements.

Ms. Zana replied to Mr. Knudson sharing that holidays do not count against the 60-day review time and that some jurisdictions require a certification from an RF engineer.

Homa Shirazi, resident at 8911 NE 33rd St, does not understand why additional cell sites would be installed if there are some existing ones already in the town.

Ms. Zana replied to Ms. Shirazi sharing that the Town cannot regulate the technology standards.

Cheryl Pietromonaco, resident at 3445 92nd Ave NE, shared thoughts and reports providing detrimental health risks relating to RF emissions from cell sites and radio transmitted devices.

Public comment closed at 8:45 PM

Commission Chair Pelligrini recommended the Planning Commission review the design standards in the FCC regulations for cell sites.

The Commission discussed having a third-party RF emissions engineer review RF emissions on an annual basis, at the carrier's expense, following installation.

The Commission requested that the Town Attorney write a smaller equipment requirement design into the Town's wireless code.

Mayor Cahill stated that the Town has been in communication with other local jurisdictions regarding the issue of the new FCC order.

The Commission requested that the Attorney specify that the Town is completely residential in the Town's wireless code.

The Commission and Attorney discussed the timeline of approval and potential future amendment of the wireless code after it is approved.


The Commission will continue reviewing the draft wireless code and forward their comments to the Town Planner by a date in early December.

ADJOURNMENT:

MOTION: Commissioner Hirsch moved to adjourn the meeting at 9:11pm. Commissioner Hellings seconded the motion.

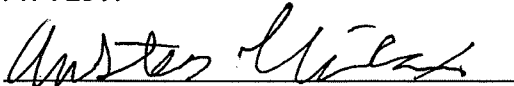
VOTE: 4 For, 0 Against. Motion carried.

APPROVED:



Carl Hellings, Substitute Chairperson

ATTEST:



Austen Wilcox, Deputy Clerk