

**TOWN OF YARROW POINT
PLANNING COMMISSION SPECIAL MEETING MINUTES
January 7, 2019**

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 – Recused

Commissioners: Trevor Dash
Chuck Hirsch
Carl Hellings
Jennifer Whittier

Staff: Austen Wilcox – Town Deputy Clerk
Mona Green – Town Planner
Scott Missall – Town Attorney
Emily Miner – Town Associate Attorney

Guests: Dicker Cahill – Mayor
Andy Valaas – Councilmember
Elizabeth Freeman – Resident
Charles Porter – Resident

APPEARANCES:

None

MINUTES:

Postponed for review until next regular meeting.

STAFF REPORTS:

REGULAR BUSINESS:

Planning Commission Chairperson Pellegrini recused herself from the meeting and public hearing.

PCAB 19-01 An Ordinance of the Town of Yarrow Point Amending Yarrow Point Municipal Code Chapter 17.30 in its Entirety with Regard to Communications Facilities and Small Wireless Facility Deployments, and Establishing an Effective Date

Public Hearing Opened at 7:05 PM

Town Planner Mona Green discussed the need to revise the Town's small cellular code due to a pending FCC Order restricting a jurisdiction's ability to regulate the incoming applications for small cell site facilities. By amending the Town's code, the Town has prepared itself for a stronger foothold should a small cell site application be submitted. Ms. Green shared aspects and entities involved that have helped review the code including public dissemination.

Town Associate Attorney Emily Miner stated there are some additional typos and corrections of the draft code that will be addressed prior to Council review.

Commissioner Hirsch stated a new wireless code in place will strengthen the Town's ground should an application for a small cell site be submitted.

Commissioner Hellings discussed the timeline of events the Planning Commission took to review the code and discussed the limitation of power the Town has for regulating the incoming of new small cell sites.

Chuck Porter resident at address 4615 92nd Ave NE asked if the ordinances can be amended after they are passed if errors are found. Town Planner Green responded sharing that the ordinances can be amended after they are passed. Mr. Porter asked to have the ordinances compared to the current small cell site code. Town Attorney Miner responded sharing examples of the differences.

Commissioner Hirsch requested that a 6-month moratorium be in the code to be used in instances where a second carrier wished to excavate a street that was previously dug up to reduce the frequency of street closures.

Elizabeth Freeman resident at 4652 95th Ave NE questioned the notification process used for the public awareness for the wireless code changes and requested information for the reasoning behind the need for code revisions. The Town posted the notices for meetings via the Town's resident mass email list, Town website, media platform "Nextdoor", mailbox pagodas and in the Seattle Times. Commissioner Hellings responded that the Town was required to reinforce its wireless code due to an FCC Ordinance limiting the power a jurisdiction has to enforce its small cell site code. The Town cannot prevent small cell sites from entering into the Town. Ms. Freeman stated negatives around radiation. Commissioner Hellings stated that the Town has joined a lawsuit with other jurisdictions who are currently fighting the FCC order mandate. Ms. Freeman referenced an article in opposition of 5G network and shared an example of how City of Bellevue has dealt with a wireless issue in the past. Ms. Freeman asked about a current right of way use project in the Town that could be relating to 5G installation. Mayor Cahill clarified the nature of the project on NE 40th St relates to a Comcast permit to bore new conduit underground.

Public Hearing closed at 7:34 PM

Commissioner Hirsch reiterated that there are no pending applications at this time for a small cell site that the Town has received.

Planner Green stated that the Ordinances were widely circulated and reviewed.

The Planning Commission will request two Council members to attend the Public Hearing on January 7, 2019.

ADJOURNMENT:

MOTION: Commissioner Dash moved to adjourn the meeting at 8:40pm. Commissioner Jennifer seconded the motion.

VOTE: 4 For, 0 Against. Motion carried.

APPROVED:



Amy Pellegrini, Chair

ATTEST:



Austen Wilcox, Deputy Clerk

