

NEWBERG PLANNING COMMISSION MINUTES

September 12, 2019

PUBLIC LIBRARY (503 E HANCOCK STREET)

Chair PC Edwards called meeting to order at 7:00pm

ROLL CALL

Members Present: Robert Ficker
Kriss Wright
Allyn Edwards
Sharon Capri
Jason Dale
Colin Bolek, Student Planner

Members Absent: John Wuitschick, excused
Jeffrey Musall

Staff Present: Cheryl Caines, Senior Planner
Keshia Owens, Assistant Planner
Sue Ryan, City Recorder

PUBLIC COMMENTS:

None

CONSENT CALENDAR:

1. Approval of the August 8, 2019 & August 22, 2019 Planning Commission meeting minutes

MOTION: PC Wright and PC Capri moved to approve the August 8, 2019 & August 22, 2019 Planning Commission Meeting Minutes, Motion carried 5/0

QUASI-JUDICIAL PUBLIC HEARING

1. Type III Comprehensive Plan Map Amendment & Zoning Map Amendment
File No. CPMA19-0001 / ZMA19-0001 Resolution 2019-08

CALL TO ORDER:

Chair PC Edwards called hearing to order at 7:04pm

CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION:

None

Legal Public Hearing Announcement read by Student PC Bolek

STAFF REPORT:

AP Keshia Owens commented on missing item from the applicant requested reschedule hearing xxx

ACTION BY THE PLANNING COMMISSION:

MOTION: PC Dale and PC Ficker moved to reschedule Planning Commission hearing for Order No. 2019-08, File No. CPMA19-0001/ZMA19-0001 to October 10, 2019 at 7:00pm, Motion carried 5/0

WORKSHOP:

1. Small Cell Facilities Code

SP Caines presented background on the Federal Communications Commission (FCC) ruling in September 2018 regarding the regulation of small cell facilities. The Newberg Municipal Code does not include standards for such facilities. Therefore, the City Council adopted a resolution (2018-3514) on December 6, 2018 initiating a code amendment to add standards for small cell facilities.

SP Caines provided information on what is a small cell facility, the purpose they serve, and showed examples. She stated that the PC would be developing regulations for these facilities on private property. However because the facilities rely on access to power and fiber, most of the facilities will likely be located in the public right-of-way. She explained that the Public Works Engineering Services Division has drafted standards to address placement in the right-of-way. These standards are being reviewed by the City Attorney but will be taken through the process concurrently with the private property regulations.

Chair PC Edwards had a technical question on whether the need was due to bandwidth. SP Caines replied she was unsure of the technical reasons for the need and was only aware of the increased demand on the existing facilities.

PC Ficker had question on fiber and whether it was readily available throughout the city. SP Caines responded that fiber is available from various carriers. Discussion ensued about the various companies providing fiber service. PC Wright commented on fiber optic maps she found on-line.

SP Caines continued with presentation on regulations and explained what local jurisdictions can or cannot regulate based on the FCC ruling. The three main areas that can be regulated include height, aesthetics, and location. She noted that the standards cannot prohibit or essentially prohibit small cell facilities. The standards must be reasonable, technically feasible, objective, and clearly defined. She explained the FCC regulations related to height and current code related to height limitations by zone, including the airport overlay.

PC Dale commented on the airport height restrictions and noted that these restrictions will greatly limit the ability to place these structures near the airport, especially at a height of 50 feet. PC Wright asked about the new Riverfront area and these facilities preventing planes from landing on the Willamette River. PC Dale responded that due to the way in which these planes land and take off on rivers, these facilities would have limited impact.

PC Capri had question about health concerns, SP Caines responded that local authority is limited in regulating for health concerns.

PC Ficker had question on timeline of adopting standards. SP Caines commented on deadline from FCC was January 2019 when these rules went into effect. She noted that the city has not had any requests to install such facilities because they are most likely to be in more dense areas like major cities. However, the goal was to have standards in place before the end of 2019.

Chair PC Edwards recognized the citizen sitting in the audience and asked if she had any comment on the topic. Amber Pucci, citizen had comments on radiation and other health concerns from 5G technology. She has been searching for information on the topic and stated that a study was published by the federal government citing instances of tumors in lab rats from such radiation. There is nothing that states the new 5G technology is not safe but there is also nothing that states

that it is safe. In addition, she asked if there should not be areas where one can be away from technology. She asked that the commissioners be thoughtful in their decision for creating standards.

SP Caines continued with the discussion on standards. PC Dale asked why are the city would regulate aesthetics on private property. SP Caines responded this can be a concern of citizens. PC Dale commented that looking at the examples, he is not sure he would even notice these facilities.

PC Capri voiced concerns on the number of facilities. Student PC Bolek asked about the standards for facilities in the right-of-way. SP Caines replied that these standards prioritized streets for location. For example, the standards prioritize placement on collector and arterial streets before local streets. Most residential areas are served by local streets. In addition, the facilities will likely be located in areas of higher demand and density (commercial or mixed use areas).

Student PC Bolek had question on power usage and cost impacts to the City. SP Caines responded that she did not know of the impacts but could find out more information.

Chair PC Edwards directed the discussion back to the standards. PC Ficker commented that these standards could be changed if needed to address new concerns. Chair PC Edwards summarized the aesthetic standards to be incorporated include shrouding wires, requiring facilities be inside pole or concealed, and blend with color or architectural features.

Student PC Bolek asked about when the right of way standards would be available. SP Caines replied that those could be shared with the Commission. Chair PC Edwards asked if staff could supply a map showing potential locations based on existing cell towers and separation distances of 1,000 feet between facilities. That may give the Commissioners some idea of how many facilities are likely to be installed.

Concerns on wooden poles were discussed and the Commission determined no regulations were needed banning the use of wooden poles.

ITEMS FROM STAFF:

SP Caines updated Councilors on Council activities, grant applications, and upcoming code amendments.

ITEMS FROM COMMISSIONERS:

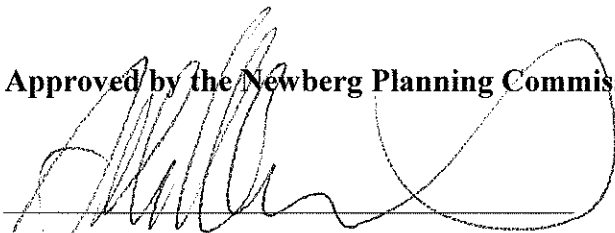
Next Planning Commission meeting October 10, 2019

Chair PC Edwards commented on training schedule with City attorney, Planning Commissioners are to watch for updates via email.

ADJOURNMENT:

Chair PC Edwards adjourned meeting at 8:21pm

Approved by the Newberg Planning Commission this October 10, 2019,



PC Allyn Edwards, Planning Commission Chair



Bobbie Morgan, Office Assistant II