



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

November 21, 2019  
McCarthy

**Present:** Chairperson James McCarthy, Commissioners Kim Moloney, Jeremy Laws, Steve Tegeler

**Excused:** None

**Staff:** Deputy Clerk Angela Kulp

Chairperson McCarthy called the meeting to order at 7:09pm.

**MINUTES:** Chairperson McCarthy moved to approve the October 17, 2019 minutes as written. Commissioner Laws seconded. Vote: 4 For, 0 Against. Motion carried.

**COUNCIL UPDATE:** Deputy Clerk Kulp shared the Council's 5G update from their October meeting that was in the November newsletter as follows:

*Continued discussions of regulations governing 5G wireless facilities. On the advice of the Town Attorney, the regulations proposed by the Planning Commission will be divided into two ordinances: a Master Ordinance establishing the process for obtaining permission for a 5G installation and a Design Ordinance establishing the rules for placement, appearance, etc. that will protect the character of Beaux Arts Village. Council discussions will continue for at least one more month, after which the regulations will be vetted through the Planning Commission for a final public hearing and their recommendation.*

Deputy Clerk Kulp did not have a Council update from their November meeting but will reach out to the Clerk-Treasurer to find out the timing on this required public hearing, as it may impact the timing of the next Planning Commission meeting. She also shared a recent article she found on 5G from Gig Harbor:

<https://www.seattletimes.com/business/technology/gig-harbor-other-cities-feel-steamrolled-by-fcc-rules-on-accepting-5g-cellular-technology/>

**OLD BUSINESS:** There was no old business to discuss.

#### **NEW BUSINESS: 5G Technology Analysis**

Commissioner Moloney shared her drafted responses addressing the Mayor's concerns. The commissioners discussed the responses, and agreed the drafted responses were appropriate. Commissioner Laws moved to send these responses onto the Mayor and Council as written to complete the Mayor's request. Commissioner Moloney seconded. Vote: 4 For, 0 Against. Motion carried.

Commissioner Moloney noted with so many jurisdictions across the country filing 5G lawsuits as 5G is tested, that seeing results from the courts may be helpful. She noted issues seem to be more challenging over private property than for public property. She shared that timing of 5G here may even be delayed because lawsuits are costing providers so much time and money, on top of installing so much expensive infrastructure. She also mentioned while the court process is slow, the information coming out of the courts seems to be changing what providers are doing, and referenced a recent San Francisco ruling as evidence that may help direct preferred pole locations. Commissioners agreed considering this new information shows the climate on 5G is changing. The commissioners decided going on offense to have providers react to our codes would be preferable to us needing to react to their proposals, and therefore concur on getting 5G legislation passed as soon as possible.

Commissioners discussed all they've learned this year about 5G, and whether any new feedback is available to pass onto the Council in addition to the mayoral responses. Although the Planning Commission's timing of the public hearing is not yet known for the Council's legislation, the commissioners agreed the Town Arborist should be consulted to weigh in on any tree impacts to any 5G legislation, and the Town Engineer/Planner should be consulted to weigh in on any zoning impacts to 5G legislation. Deputy Clerk Kulp mentioned that meandering lanes through our ROW means that sometimes private property is adjacent to our paved roads, and sometimes there is generous ROW between a paved road and private property, which should be considered with 5G pole placement. Commissioner Tegeler remarked that no pole should be erected for 5G that would impact any current tree root structures. The commissioners agreed on these points and requested these drafted minutes be shared with the Council along with the mayoral responses, in hopes this feedback will be considered for the 5G ordinance before a public hearing is held.

**Adjourn:** Commissioner Moloney moved to adjourn the meeting. Commissioner Laws seconded. Meeting adjourned at 7:51pm. Vote: 4 For, 0 Against. Motion carried.

**Next Meeting:** The next regular Planning Commission meeting will be held January 16, 2020 at 7:00pm at Commissioner Laws' home.

Respectfully submitted,  
Angela Kulp, Deputy Clerk