



## TOWN OF BEAUX ARTS VILLAGE

### PLANNING COMMISSION

#### MINUTES

February 13, 2020  
Moloney

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

**Excused:** Commissioner James McCarthy

**Staff:** Deputy Clerk Angela Kulp

**Guests:** Eileen Keiffer, Madrona Law Group

Chairperson Moloney called the meeting to order at 7:08pm.

**MINUTES:** Chairperson Moloney moved to approve the January 16, 2020 minutes as written. Commissioner Laws seconded. Vote: 3 For, 0 Against. Motion carried.

**COUNCIL UPDATE:** There was no update from the Council to report.

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

Chairperson Moloney led the commissioners in a Q&A discussion on the two 5G ordinances with Ms. Eileen Keiffer of the Madrona Law Group, who prepared the code language and is extremely knowledgeable about 5G. The Small Wireless Facilities Master Ordinance 13.25 is for franchise agreements, and the other Small Wireless Facilities Deployment Ordinance 18.10 is for design standards in the Town's ROW; both meet the limitations created by the FCC's regulations. All the commissioners raised additional points during the discussion, including Commissioner Tegeler's concerns about ROW locations and verbiage using the word "reasonable" as a nebulous term, and Chairperson Moloney's concern about plant sizes used for restoration on bond requirements.

Ms. Keiffer answered all questions with clarifications and expertise. She noted with the 9<sup>th</sup> Circuit Court of Appeals hearing arguments now on small cell wireless, it's important to get something on the books now and we can change codes later with tweaks as needed. She confirmed the Town Engineer will lay out conditions and document previous or existing conditions prior to work performed through a new permit process and agreed to add a sentence to clarify the documentation needed. She noted safe harbor fees are low, but it will be important to keep receipts for any discrepancies that need to be proven. During a question about aesthetics, Ms. Keiffer confirmed all aesthetic requirements are addressed in the drafted Small Wireless Facilities Deployment Code 18.20, noting concerns can't be eliminated but will be minimized.

Commissioners thanked Ms. Keiffer for her time and expertise, agreeing to proceed with a public hearing at their next meeting expected in March.

**NEW BUSINESS: Short-term rentals, e.g. Airbnb**

Chairperson Moloney who has Planning experience and some time to focus on research, shared her preliminary findings on short-term rentals with the Commission. She noted she had talked to residents impacted by recent activity that brought the initial complaint to the Council. She shared residents had experienced frustrations with a specific rental property for several years and were relieved to hear about the focus on short-term rentals. However, she shared their bigger concerns were about absentee negligent landlords, and issues over limited street parking. Some residents wanted to know if leases could have required wording, or minimum time frames on renting, with some wanting a 30-day minimum for short-term rentals, and others wanting six months minimum. Discussion ensued about potential regulations, impact to WABA's private beach, requiring insurance or permits, and what the legal recourse is on how we can incentivize property owners in a positive way while still maintaining flexibility over private property rights. Chairperson Moloney also shared an article she found helpful and encouraged the commissioners to digest it for future discussions, about short-term rental regulations: <https://hostcompliance.com/resources-gallery/a-practical-guide-to-effectively-regulating-short-term-rentals-on-the-local-government-level>. She will look at these types of regulations in single family residential neighborhoods in surrounding jurisdictions and share what she's learned as this discussion continues.

**Adjourn:** Commissioner Laws moved to adjourn the meeting. Chairperson Moloney seconded. Meeting adjourned at 8:31pm. Vote: 3 For, 0 Against. Motion carried.

**Next Meeting:** The next regular Planning Commission meeting should include a public hearing on the 5G ordinances and be posted as soon as confirmed.

Respectfully submitted,  
Angela Kulp, Deputy Clerk