

**CITY OF MILL CREEK
PLANNING COMMISSION MEETING MINUTES
February 21, 2019**

Draft

I. CALL TO ORDER:

Chair Eisner called the meeting to order at 7:00 p.m.

II. ROLL CALL:

Chair Stan Eisner	Staff:
Vice Chair Matthew Nolan	Tom Rogers, Development Services Manager
Commissioner Steven Maloney (absent)	Sherrie Ringstad, Associate Planner
Commissioner Brian Hyatt	Elana Zana, City Attorney
Commissioner Daniel Mills	
Commissioner Jennifer Parker (absent)	Also Present:
Commissioner Dennis Teschlog	Brian Holtzclaw, Council Liaison

III. APPROVAL OF MINUTES

Planning Commission Meeting of January 17, 2019

MOTION: Vice Chair Nolan moved, seconded by Commissioner Teschlog, to approve the January 17, 2019 minutes as presented. The motion was approved unanimously.

IV. WORK SESSION

Small Cell Wireless Facilities – Potential Code Amendments

Associate Planner Sherrie Ringstad noted that the agenda item before the Commission is a continuation of the discussion on wireless communication facilities. She presented a brief background and outline of the proposed amendments and introduced Elana Zana, who is the Attorney that represents the City on wireless communication facility and franchise issues. Ms. Zana will be going over the proposed amendments in detail and responding to the Commissioners' questions. Ms. Ringstad explained that in order to focus the discussion, Ms. Zana would be taking questions following the review of each section.

Elana Zana, Ogden Murphy Wallace, 901 Fifth Avenue, Suite 3500 Seattle, WA 98164

Ms. Zana responded to a request for clarification regarding the fees by explaining that the fees are basically a deposit and the final fee would be based on actual staff time spent on the permit review. The City should come out even.

ARTICLE I. GENERAL

It was suggested that the definition of macro facility be amended to use the term personal wireless service rather than the phrase cellular telephone to be consistent with the wording used in describing the small wireless facility.

F. “Macro facility” means a large wireless communication facility that provides radio frequency coverage for a ~~cellular telephone~~ **personal wireless service** network. Generally, macro cell antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro cell facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and may be capable of hosting multiple wireless service providers.

ARTICLE II. MACRO FACILITIES

The Commission discussed the application requirements and following a brief discussion suggested that A.7 and A.8 be strengthened with regard to the type of documentation necessary.

7. Documentation showing that the proposed facility will not cause interference with other wireless communication facilities and telecommunication devices;
8. A ~~statement demonstrating~~ **technical document showing** that the applicant has made a reasonable attempt to find a co-location site acceptable to engineering standards and that no co-location site was practically or economically feasible; and

A typographical error was corrected in 17.29.100 as follows:

17.29.100 Expiration of macro facility permit.

A macro facility permit issued under this chapter must be substantially implemented within three (3) years from the date of final approval or the permit shall expire. The holder of the permit may request one (1) extension to be limited to twelve (12) months, if the applicant cannot construct the ~~small~~ **macro** wireless facility within the original three (3) year period.

ARTICLE III. ELIGIBLE FACILITIES REQUEST

The MCMC reference in Section 17.29.120.A was corrected from 19.25.170 to 17.29.120.

Section 17.29.120.A.1(c) was amended as follows:

- c. Any structure other than a tower that, at the time the relevant application is filed (with jurisdiction) under this section, supports or houses equipment described in subparagraph (i) **(1)(a)** and (ii) **(1)(b)** above that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review

process, even if the structure was not built for the sole or primary purpose of providing that support.

ARTICLE IV. SMALL WIRELESS FACILITIES

The Commission discussed 17.29.190.E.4 under Application Requirements and concerning how this requirement would be documented. It was the general consensus of the Commission that having the applicant just check a box to say they had considered this criteria would not be very effective. Ms. Zana said that for this reason, many cities have chosen to exclude this requirement. Following a lengthy discussion, the Commission decided to leave in number 4 and amend the language to something more restrictive than “has considered.”

It was suggested that MCMC 17.29.250 be amended as follows:

17.29.250 Decorative Poles for small wireless facilities.

The City ~~desires to~~ discourages the use of certain decorative poles for small wireless facilities due to the aesthetic impact to the city’s streetscape. Accordingly, the following types of poles (herein referred to as “Decorative Poles”) as designated in the Standard Specifications and Details are discouraged from use for small wireless facilities: (i) Architectural Lighting Commercial Street Light (LGT-4), (ii) Architectural Lighting Residential Street Light (LGT-5), and (iii) Candela Commercial Housing Street Light (LGT-6).

The last sentence of 17.29.260.A.2(c) was modified as follows:

“The applicant may propose a side mounted canister antenna, so long as the inside edge of the antenna is no more than six (6) inches from the surface of the ~~wooden~~ pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the pole.”

Ms. Zana noted that another work session will be scheduled for March and staff will bring back the proposed Code with amendments based on the Commission’s input as well as input received from the individual carriers and PUD. A public hearing is likely to be scheduled for April.

VI. FOR THE GOOD OF THE ORDER

Development Services Manager Tom Rogers reported that the City Council considered the Code Enforcement amendments recommended by the Planning Commission at their meeting on Tuesday. Following a good discussion, the Council suggested a minor amendment regarding the definition of junk vehicle. They decided to keep the criterion of expired tabs on the list of what constitutes a junk vehicle. The vehicle would need to meet at least three of the criteria, so a vehicle couldn’t be classified as a junk vehicle just for having expired tabs, which addresses staff’s initial concern.

VII. ADJOURNMENT

MOTION: Vice Chair Nolan moved, seconded by Commissioner Hyatt, to adjourn the meeting at 8:30 p.m. The motion was approved unanimously.

Submitted by:

Sherrie Ringstad, Associate Planner