

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers by Video Conference
March 22, 2021

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Jim Hanselman, Braulio Escobar, Gary East, and Bill Branigan.

City Staff Present by Video Conference: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:05 p.m. On roll call, Commissioners Hardy, Hanselman, Branigan, Berman, Escobar, East, and Patrick were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work and Regular Session Meeting Minutes of March 8, 2021.**

MOTION was made by Commissioner Berman, seconded by Commissioner East to approve the Planning Commission Work and Regular Session Meeting Minutes of March 8, 2021 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.** None were heard.

5. **Public Hearings.** At 7:07 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File 5-Z-20.**

Tokos reviewed the staff memorandum and reminded that these amendments applied to small wireless outside of public rights-of-ways and cell towers. He reported that a number of citizens presented concerns to the City Council and Planning Commission the year before on the matter. In June of 2020, the LOC released a Small Wireless Facilities Model Ordinance and Design Guidelines. The Commission held a work session on August 10, 2020 to consider the LOC Model Ordinance and recent Federal Communication Commission rulings and elected to prepare updates to the Newport Municipal Code in two parts, with the first component being focused on establishing a permitting process for small wireless facilities in public rights-of-way, and the second being amendments to land use regulations that apply to wireless infrastructure outside of rights-of-way. Following a favorable Planning Commission recommendation, the City Council approved Ordinance No. 2176 addressing the deployment of small wireless facilities within rights of-way. This was accompanied by a set of design guidelines that the City Council approved with Resolution No. 3909. The second component was before the Commission at this hearing.

Tokos reviewed the standards and draft amendments to NMC Chapters 10.10, 10.15, 14.01, 14.03, and 14.10. Berman asked if providers would have to document that they couldn't collocate on a tower within

2,000 feet. Tokos confirmed this was correct. Berman asked if there could be multiple towers. Tokos explained that they would have to show that every tower within 2,000 feet wasn't available for a collocate. Berman didn't think this was stated clearly in the draft and wanted it to say "tower by tower" or "facility by facility" for the documentation, rather than they write a statement that just said they couldn't use any of the towers. Tokos would add something to require them to document each of the facilities instead of giving just a blanket statement.

Hanselman asked if the changes concerning freestanding communication facilities exceeding the maximum building height meant that providers could purposefully build a taller tower to get better reception, as long as they put a six foot fence around it. Tokos explained they couldn't because they already had the exiting height limits for towers. This was more about figuring out how high they should be before they were mandated to have security fencing.

Hearing closed at 7:20 p.m.

MOTION was made by Commissioner Berman, seconded by Commissioner East to give a favorable recommendation to the City Council for File 5-Z-20 with Berman's addition to require providers document each of the communication facilities they could not collocate on, instead of providing a blanket statement. The motion carried unanimously in a voice vote.

6. **New Business.** None were heard.

7. **Unfinished Business.** None were heard.

8. **Director Comments.** Tokos noted the City Council street vacation hearing would be held on April 5th. The applicant was following through with the conditions the Commission required, and they had reached out to the County. Berman asked if the Commission's concerns had been presented to the City Attorney. Tokos hadn't done this yet, but would do so.

Berman asked who tracked the fees for the applications that needed to be reviewed annually. Tokos explained that this was reviewed every year by the Budget Committee and included with the fee schedule. The fee schedule received a CPI adjustment by his office and landed in the comprehensive fees schedule, which was adopted by Council resolution annually.

Tokos reminded that the joint Commission and City Council meeting would be held on Monday, May 3rd. Berman noted that he could only attend virtually.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:26 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant