

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
August 10, 2020
6:00 p.m.

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

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, Greg Sutton, and Braulio Escobar.

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:01 p.m.
2. **Unfinished Business.**
 - A. **Final Work Session Review of Municipal Code Amendments Related To Car Camping.** Tokos reviewed his memorandum. Berman noted that the one stall separation requirements was for a single row of cars. He asked if lots with parallel parking lines had to skip every other one on one side. Tokos explained that the vehicles would need to be one space apart and could not be head on to each other. Berman thought this wasn't obvious and they needed to add language to say vehicles needed to be a determined minimum amount of feet apart in all directions.

Tokos reviewed the screening requirements next. Branigan asked if a porta potty or restrooms in a church had to be available 24 hours a day. Tokos explained that the statute stated the facilities be available at all hours and meant facilities would be looking at providing porta potty units. Branigan asked if this should be spelled out in the language. Tokos thought they could do this. Franklin also thought the words "at all times" should be included. Tokos would add this.

Hanselman expressed concerns about the length of stay and if campers could remain in the same spot 24 hours a day. Tokos reported that length of stay was one area without language. The context at the last meeting was for landlord tenant laws which put a host in a landlord position and meant they would have to evict someone who's been there a very long time. Tokos reported he reached out to Benton County and they indicated they talked about it and chose to drop it. They talked to their legal counsel who said landlord tenant laws didn't apply. Without any overriding target or reasoning it would be arbitrary to set the number of particular days, and they chose to leave it up to the host. Tokos reported that the City Attorney was doing his own research on the matter. The plan was to bring forward the results of that research and language, if they could craft it, at the public hearing. Hanselman asked if camping was limited to night camping between the hours of 6 p.m. and 6 a.m. Tokos reported there was nothing in the statute that required campers to leave the premises for a certain amount of time.

Escobar asked if the rules covered camping on a public street. Tokos confirmed this was not a part of the amendments. Escobar felt there would be more people parking on public streets as the COVID pandemic went on. Tokos said the objective for the amendments was to create an environment on publicly owned lots where there would be access to facilities as opposed to overnight parking on the streets. Hardy asked how much of the homeless population would be assisted with this program. She felt it was poorly conceived and was a band aid for a problem that needed a deeper solution. Tokos didn't doubt there needed to be a deeper solution and didn't want to speculate on how many people would benefit from this type of framework. At the end of the day it was going to take a host who's willing to do it. The City Council needed to put language in place and the language

would be there for when someone wanted to offer camping. The Commission was in general agreement to schedule a public hearing for the amendments.

Berman noted the notices that were mailed don't make it clear that the city was allowing participation in hearings and wanted to see future notices have stronger wording to convey this. He was concerned for people who could only show up in person at City Hall instead of calling in or participating by video. Berman thought that notices should give different ways for the public to participate. Tokos reported they could accommodate a couple of people at City Hall to provide testimony in person as long as there were no more than 10 people at a time in the room. Participants would have to have a mask on, have their temperature taken, and social distance.

3. New Business.

A. Review of League of Oregon Cities Model Ordinance and Design Guidelines for Small Wireless Facilities.

Tokos explained that the current work session meeting was an introduction to the process and there would be many other work sessions and public hearings that would happen on the subject. He acknowledged the League of Oregon Cities FAQ's that was provided to the Commission before the meeting that showed how 5G would be implemented. Tokos acknowledged public testimony submitted by Mona Linstromberg, Eva Bortnick, and Susan Greenough that had been shared with the Commission.

Tokos reviewed his PowerPoint presentation which included the existing city requirements (inside and outside the rights-of-way); areas where communication facilities were permitted; the Federal nexus; which facilities are eligible; substantial changes (FCC rulings); small wireless facilities and their definitions; and a shot clock of the timeframe.

Berman asked if companies were allowed to place small wireless facilities on private properties not on the right-of-way (ROW). Tokos didn't know of anything that precluded putting towers on private properties. He explained that it would be more convenient for companies interested in starting a franchise to get spacing by shooting down a right-of-way alignment where they could put these on poles at specific distances. When dealing with private properties your ability for spacing with a large number of different players would be more difficult than having a franchise with a municipality. Berman was concerned if facilities were put on private properties the city wouldn't have any say in things other than the standards for height. Tokos explained there would be some incidental permits for these but not a lot.

Tokos reviewed the reasons to update the city code. Berman asked if the wireless was implemented in Nye Beach, would the Nye Beach Banner program affect operations. Tokos didn't think that banners would interfere with operations but there might be spacing issues. Berman was concerned that once the towers were up it would limit the city's ability to have municipal promotions or projects. Tokos thought there were other jurisdictions dealing with this and it could be looked into.

East asked what the minimum distance for spacing was. Tokos thought that there might be information on the FAQ's that gave a general sense of this, but he would look into it. He thought it might be based on what was being deployed. East questioned if multiple carriers would have to have their own systems or if they would piggyback off of multiple carriers. Tokos would get answers on this but explained that if the carriers wanted to deploy the city would have to allow them. East asked who set light standards and standards for high wind areas. Tokos said there were standards on wind loads and something the city could do. The code update would mean a coordination with Central Lincoln PUD who had poles in the ROW so they knew what the poles loads were for structural elements. Hanselman asked who owned the poles. Tokos described the areas that had city owned poles. Central Lincoln PUD owned most of the street lights.

Escobar asked how Wi-Fi would be implemented in areas where utilities were underground. Tokos explained they might have to put extensions on light posts unless the posts were tall enough to meet the needs. Sutton asked if they could place poles as needed. Tokos confirmed they could but there could be parameters added to address this. Sutton asked if the city could require them to place new poles with street lights. Tokos reported that they could bring some options forward on new pole placements. He thought they could begin to frame the

language as a package of code amendments and breakdown the 5G small wireless separate from the tower issues as two pieces.

Eva Bortnick addressed the Commission. She wanted the Commission to remember that this matter was about putting radiation into the air. She felt that 5G was a disaster and would be dismantled eventually because it would become clear it was such a disaster. Bortnick stated that the technology hadn't been tested for any biological safety. She said a Federal judge determined that she had an electrical sensitivity disability and she was protected by the American's With Disabilities Act. Bortnick reported that she had to live in a car and tent for 20 years to find a place to exist without wireless. There was a lawsuit that had just been filed against the FCC for not reviewing their guidelines in light of the new technologies. Bortnick wanted everyone to stop talking about towers as if they were a building and talk about them as being radio towers. She asked the Commission to look at this in the bigger picture. There needed to be a refuge for the people with her disability.

B. Updated Planning Commission Work Program. No discussion was heard.

Adjourn. The meeting adjourned at 6:59 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherri Marineau". The signature is written in black ink and is positioned above a horizontal line.

Sherri Marineau,
Executive Assistant