

**CITY OF DALTON GARDENS
REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
THURSDAY, JANUARY 28, 2021 @ 6:00 PM
6360 N 4th Street * Dalton Gardens, ID 83815**

The meeting will be conducted in person and with online access using ZOOM:

❖ *To participate via web conferencing:*

<https://us02web.zoom.us/j/84218570357?pwd=NE5rRkx6OUoyNEJXYk1HcDRpRlBnUT09>

❖ *To participate or listen via telephone dial 1-(253)-215-8782 OR 1-(301)-715-8592,*

❖ *Webinar ID: 842 1857 0357; Password: 822302*

CALL THE MEETING TO ORDER: Chairman Becker

ROLL CALL :

Commissioner Ron Sampert-present
Commissioner Tyler Drechsel-present
Commissioner Caitlin O'Brien- present
Chariman Mike Becker- present
City Attorney Caitlin Kling- present
City Planner Rand Wichman- present
Deputy Clerk Teresa Janzen- present

1. ACTION ITEM: APPROVAL OF MINUTES

Commissioner Dreschel made motion to approve meeting minutes from the regular meeting of the Planning & Zoning Commission on December 10, 2020. Comm Sampert seconded.

Roll Call:

Comm Drechsel- aye
Comm Sampert- aye
Comm O'Brien- aye
Chairman Becker- aye
Motion carries.

2. ACTION ITEM: PUBLIC HEARING ON SMALL CELL ORDINANCE

Chairman Becker clarified each public comment speaker would need to provide their name and address for the record and will be allowed 5 minutes of testimony each. Group Presentation- looked to Staff for procedures on forfeiture of a citizen's individual testimony time for a group presentation.

City Planner: gave Staff recommendation acknowledging that we are lacking City procedures or ordinances for Group presentation, so it is in within the Planning Commission discretion as to how to proceed. Deputy Clerk is having technical difficulties trying to accommodate the public PowerPoint with the Zoom integration. Recommends people be allowed to donate their time to a group presentation, however, that individual does not get to speak in addition to the group presentation. People donating their time need to be physically present or on Zoom and give their

name and address for the record. If need be, continue the group presentation to a date certain and hear from individuals tonight.

The Commission agreed with the City Planner and City Attorney that the 30 minute group presentation should be deferred to a date certain of the next Planning & Zoning meeting so that the presented materials can be made available to the Zoom participants and those physically present. Group materials should be presented to the Clerk's Office 5 working days before the meeting. Individuals that choose to speak tonight are not eligible to speak to at the continuation meeting in February. If individuals forfeiting their speaking time tonight, they also will not be eligible to speak at the continuation meeting.

City Planner gave staff report of small cell and distributed antenna system provisions proposed to being added to the City Code.

Chairman Becker asked the City Attorney to revisit health concerns regarding small cells and distributed antenna systems. The City Attorney stated that we are federally preempted from governing for matters of concern regarding RF emissions. There were several stipulations added to this draft, including a provision requiring an Idaho licensed Professional Engineer to assess whether the small cell facility complies with the RF emissions established by the FCC and be stamped by the Engineer that the facility complies. With this ordinance we are trying to provide rules for both private property and right of way installation of small cell and distributed antenna systems.

PUBLIC COMMENT:

Sue Supp- 7024 N. 16th St- is opposed to the Ordinance. She will be the PowerPoint presenter at the next meeting and will forfeit her time to speak for the group presentation. Group presenters inside the 30 minutes will be Anne Wilder, Paul, and Sue Supp.

Mona Moses- 1295 E Wilbur Ave- is opposed to the Ordinance and is forfeiting her speaking time for the group presentation.

Rhonda Sand- 2711 Silver Beach Road, Coeur d' Alene, ID- forfeiting her time to Anne Wilder and Paul

Anne Wilder- 349 Primrose Lane, Priest River, ID- forfeiting her time for the group presentation.

Abbie Vas Dias- 6439 N Mt Carrol St- opposed to the Ordinance- forfeiting her speaking time for the group presentation.

Tonya Osterson- 1919 N. 9th St, Coeur d' Alene, ID- going to speak at the continuation.

Brooke Baggett Milbourne- 7743 N Mt. Carrol St- going to speak at the continuation.

Carrie Chase- 7512 N. 4th St- forfeiting her time for the group presentation for Paul.

Jim Kimball- 6975 N 16th St- registered professional engineer. Wants to submit written information for the next meeting. Wants to ensure we have good controls in place. The City should require insurance and indemnification from License application. Recommends the

Engineers also certify the standard of care that this will not cause public health hazard, and no hazardous waste that could impact the aquifer.

Mike Chase- 7512 N. 4th- questioned where it is required that providers demonstrate that Dalton Gardens is not already served by wireless communications? Where is the setback from residences? Ordinance 157 requires wind generators be setback 300' from residences but small cells have 1/10th of the setback. Where are the operating limits in the ordinance? Feels the ordinance is sorely lacking in appropriate and necessary regulations to protect Dalton Gardens residents. Where are the provisions for damages? Feels the alternate ordinance that has been given to P&Z better serves the residents of Dalton Gardens. Recommends this ordinance gets scrapped and P&Z should start over. Commissioner Sampert asked Mr. Chase to submit his statements in writing so it can better be processed through. Chairman Becker confirmed that the comments were given too fast for them to process. Mr. Chase said he would send in his written comments.

Paul McGavin- 62 Harrison Ave, Sausalito, California - wrote a bunch of the slides that will be presented in the group presentation. Declares he's a nationwide expert measuring and mitigating microwave radiation. Works with Attorney Andrew Campanelli who has brought more than 700 lawsuits against the telecommunications industry. With our 2.4 square miles Dalton Gardens only needs 1 small cell tower. Towers do not have to be in the residential area.

Nancy Cupp- 6567 Snowberry St- lived in her neighborhood for 25 years and for the past 15 years only gets 1 bar of reception outside. Has had to put a booster in her home in order to make phone calls. Has had both AT&T and Verizon and both have very poor service in her area.

Public Comment is continued to a date certain which is February 25, 2021.

Comm Drechsel cannot reach Central Dispatch from his home on his cell phone as service is so limited. Wondering if the Cell Phone Companies can be propelled to install in that area first to provide that neighborhood with service.

Comm O'Brien agrees that it is hard for her to connect to cell service on 16th Street as well.

Comm O'Brien made a motion to continue the public hearing at the next scheduled meeting on February 25, 2021, understanding that any information that needs to be submitted must be submitted to the City by the close of February 19, 2021. Anything submitted after February 19, 2021 will not be accepted to conform to the Idaho Open Meeting Laws. Comm Drechsel seconded.

Roll Call:

Comm Drechsel- aye

Comm Sampert- aye

Comm O'Brien- aye

Chairman Becker- aye

Motion carries.

3. ACTION ITEM: ADJOURN- Chairman Becker

Comm Sampert made a motion to adjourn. **Comm Drechsel** seconded.

Roll Call:

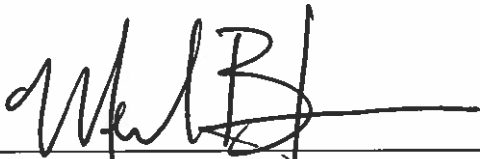
Comm Drechsel- aye

Comm Sampert- aye

Comm O'Brien- aye

Chairman Becker- aye

Motion carries.



Mike Becker, Chairperson



Teresa Janzen, Deputy Clerk