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**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

*Creating Solutions for Our Future*

Joshua Cummings, Director

**MEMORANDUM**

**TO:** Thurston County Planning Commission

**FROM:** Kaitlynn Nelson, Associate Planner

**DATE:** June 29, 2022

**SUBJECT:** Wireless Communication Facilities, Development Code Docket #A-19  
Thurston County Zoning Code Chapters 20.33, 20.03, and 20.54  
Results of Wireless Stakeholder Committee

**Intro**

This memo is intended to provide information to the Planning Commission to aid in necessary discussion in order to provide a recommendation to the Board of County Commissioners. It includes background, the process to date, and several decision points.

**Board of County Commissioner's Direction**

Update the Wireless Communication Facilities standards in Chapter 20.33 of the Thurston County Zoning code and associated chapters to be compliant with federal law.

**Background**

The Wireless Communication code establishes the permitting process for numerous types of wireless facilities in both the public rights-of-way and private property, the criteria for approval, and the design guidelines for each type of facility. An update to the wireless code is required for compliance with the Federal Telecommunications Act and the Federal Communications Commission (FCC), which has adopted multiple orders over the years that impose new and restrictive conditions on local control. Updating the code allows the County to preserve the ability to assert the remaining authority in the review of wireless facilities. The timeline for adoption of the draft code is based not on a calendar deadline, but on the need to fill the gap where the County does not have code in place to request any requirements beyond the determinations made by the FCC.

Staff have worked closely with consultants Ken Fellman and Colleen McCroskey, with Kissinger & Fellman Law Firm, who was hired by the County Prosecuting Attorney's office. Kissinger &

Fellman Law Firm are telecommunication experts and have extensive experience in updating wireless code, as well as actively participating in the ongoing legal updates by the FCC. The draft code is a complete rewrite, with elements of the existing County wireless code considered where applicable, as well as examples of other local codes from cities like Tumwater and Anacortes. This item has been officially docketed since 2014 at the direction of the BoCC.

### **Process to Date**

An update to the County's Wireless Communication Facilities (WCFs) code provisions are underway. This item is #A-19 on the Development Code Docket. Several work sessions were held with the Planning Commission on the code update pertaining to Wireless Communication Facilities, prior to an open public hearing held on June 2<sup>nd</sup>, 2021. Public comments led Planning Commission to make a request to the Board of County Commissioners (BoCC) to establish a Stakeholder Committee in order to receive further input from interested individuals.

The BoCC directed the Planning Commission to determine who to invite to the stakeholder committee. Staff then worked with the committee to discuss concerns and determine suggested changes. The participants included community members Josh Stottlemeyer, Christy White, Dorothy Lyons, and Sam Milham; wireless representatives (and State residents) Kim Allen (Verizon Wireless) and Meridee Pabst (AT&T); and Planning Commissioners Jim Simmons and Kevin Pestinger. Thurston County legal consultants Ken Fellman and Colleen McCroskey were also in attendance to aid staff in answering technical questions. The Stakeholder Committee met on October 19<sup>th</sup>, November 10<sup>th</sup>, and December 8<sup>th</sup> of 2021.

Many items discussed during the stakeholder meetings have the potential to put the County at legal risk. A document was produced by several community member participants, labeled Appendix\_Citizens Wireless Supplemental Information, which was provided to the Planning Commission.

### **Work Session Discussion: Priority Areas**

At the June 15<sup>th</sup> Planning Commission Work Session, Planning Commissioners were provided with draft code language for priority siting areas of WCFs. Commissioners requested combining this language with a table based on an example from Pierce County and incentivizing locations through permit types.

### **Example of Potential Draft Language:**

1. Addition to 20.33.040 Prohibited and Preferred Locations

(B) Preferred Locations. For all WCFs, it is the County's preference that WCFs shall be located in one of the following zones:

Light Industrial (LI), Rural Resource Industrial (RRI), Planned Industrial Park (PI), Neighborhood Convenient (NC), Rural Commercial Center (RCC), Arterial Commercial (AC), Highway Commercial (HC), or Long-Term Forestry (LTF).

If requested by the County, an applicant not able to meet the County’s preference of zone shall provide as much detail as reasonably possible for evaluation by County staff, demonstrating the reasons the applicant must locate a WCF in a non-priority zone.

2. Addition to 20.33.050 Permit Approval

Permitted	WCFs that do not qualify as a substantial change, as defined in TCC 20.03.040.
Administrative Special Use Permit (A)	New or modified WCFs collocating on an existing structure.
	Towers located in Light Industrial (LI), Rural Resource Industrial (RRI), Planned Industrial Park (PI), Neighborhood Convenience (NC), Rural Commercial Center (RCC), Arterial Commercial (AC), Highway Commercial (HC), or Long-Term Forestry (LTF).
Hearing Examiner Special Use Permit (X)	WCFs on a new structure.
	Towers not located in a preferred zone.

**Work Session Discussion: Setbacks**

At the June 15<sup>th</sup> Planning Commission Work Session, Planning Commissioners were provided with further explanation of the proposed setbacks in the draft wireless codes. Commissioners requested time to think of proposed changes to the draft setbacks.