

From: [Kaitlynn Nelson](#)
To: [Polly Stoker](#)
Subject: FW: Comments to Planning Commission - Wireless Committee
Date: Tuesday, August 17, 2021 2:00:52 PM

Hi Polly,

Please forward this comment on to the Planning Commission prior to the meeting tomorrow.

Best,
Kait

From: Josh <toodeep_one@yahoo.com>
Sent: Tuesday, August 17, 2021 10:30 AM
To: Kaitlynn Nelson <kaitlynn.nelson@co.thurston.wa.us>; Jennifer Davis <jennifer.davis@co.thurston.wa.us>
Cc: Christy White <wc6517@scattercreek.com>
Subject: Comments to Planning Commission - Wireless Committee

Hello Planning Commissioners & Staff,

I want to clarify my position on the wireless code as my stance and desired outcomes for the county code have evolved as I learned more about the regulations, laws, and current case law on the subject and what has worked or not in other communities. I realize some of the things I have advocated for through this process may not be permissible under current laws.

My goal, if place on the wireless committee is to produce a code that will enforce current FCC, Federal, and State laws and rules regarding wireless, use of the right of way, applicable environmental requirements, building codes, ADA, etc. while at the same time protecting property values and allowing the necessary wireless infrastructure to meet actual demand as efficiently as possible, without unfairly impacting a particular neighborhood or individual or giving away the counties right to self determination and management. I wish to give the citizens a voice when a tower or antenna is being considered in their neighborhood or front yard. I wish to insure towers and antennas are being constructed and placed safely with inspections and verifications, just like the building code, and all aspects of their impact are considered whether it's property values, sight lines, sidewalk access, aesthetics, gaps in coverage, or adequate fall zone.

However, all of this has to be done within the law. My other goal is to insure that a code is not produced with rules that are contrary to prevailing judicial interpretations or based on things that are not allowed to be considered, that will end up being challenged by citizens or the wireless industry and our code thrown out or ordered modified by a judge. That would be counter productive and a waste of everyone's time. It is my assumption the county will continue to rely on Mr. Fellman for wireless legal advice, and if he is opposed to any particular aspect of the code developed it's probably not going to end up in the final code whether it's the committees recommendation or not. Therefore my hope is the committee will be able to work closely with Mr. Fellman to develop a code that is the best possible outcome within the law. I am confident that there are significant area's of improvement and alternative approaches which will satisfy Mr. Fellman and better serve the community than the current draft.

I have lived in Thurston County for 22 years, I own a successful well known small business, I am active in the community including being a long time board member in good standing of both Experience Olympia (the Thurston County Visitor and Convention Bureau), and a new board member of on the Bountiful Byway. I am extremely detail oriented and at the same time can see the big picture. I know how to compromise, work with others, and consider what is best for all those impacted setting my own desires

aside to produce the best possible outcome. I am coming from a desire to produce the best results for the citizens of the county, not for myself. I feel that the hundred plus hours I have spent in the last few months learning about the current wireless rules, laws, case law, and legal interpretations will be extremely valuable to the committee and I would consider it an honor to participate and lend my expertise.

Due to a previously planned trip to the North Cascade Wilderness I will not be able to share these comments in person.

Thank you again for your consideration and creation of this wireless committee.

--Josh Stottlemyer
Olympia, WA - Unincorporated Thurston County



August 18, 2021

Jim Simmons, Chair
Thurston County Planning Commission
Thurston County Courthouse Complex
Building #1, Room 152
2000 Lakeridge Drive SW
Olympia, WA 98502

Via email to – Jennifer.Davis@co.thurston.wa.us

Re: Wireless Code Stakeholder Group Formation
August 18, 2021 – Agenda Item #4

Dear Chair Simmons and Commissioners:

On behalf of New Cingular Wireless PCS, LLC (“AT&T”), I write regarding the Planning Commission’s formation of a Wireless Code Stakeholder Group.

AT&T supports Thurston County’s efforts to update its wireless code and standards to address advancements in technology and for greater consistency with federal law, and to date, AT&T has provided comments on the County’s proposed draft code. I have also volunteered to join the proposed stakeholder group to offer AT&T’s input.

AT&T urges the Commission to form a balanced stakeholder group, with participation of community members, wireless providers, and County staff and its consultant. Industry participation is critical to understanding the technical limitations of wireless facilities, which are important when considering proposed development regulations.

As one example, the 2018 Federal Communications Commission Order¹ provides that aesthetic regulations for small wireless facilities apply to the extent they are reasonable, technically feasible, and published in advance.² Each small wireless facility standard

¹ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018), *vacated in part, City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 594 U.S. ___, (June 28, 2021)(No. 20-1354)(“FCC Order”).

² FCC Order at ¶¶ 86-87.

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must be technically feasible for all carriers. If not technically feasible, small wireless standards have the effect of prohibiting wireless service in violation of federal law.³

To be useful to the Planning Commission, a wireless code stakeholder group's recommendation must be informed by the wireless industry's technical input. Further, each carrier's technical needs are different, so representatives from multiple carriers are needed to give a comprehensive assessment of a draft code's technical feasibility. AT&T asks that the Commission form a stakeholder group with a reasonable likelihood of producing a workable code.

We appreciate the County's consideration of AT&T's comments and for all the efforts by the County's leaders and staff to establish policies for the wireless industry, including AT&T, and the people living, working, and visiting in Thurston County.

Sincerely,



Meridee Pabst
meridee.pabst@wirelesspolicy.com

cc: Kaitlynn Nelson, Associate Planner
Jennifer Davis, Community Planning Manager

³ *City of Portland v. United States*, 969 F.3d at 1042.

Andrew Boughan

From: Helen Wheatley <donotreply@wordpress.com>
Sent: Tuesday, August 17, 2021 3:07 PM
To: Andrew Boughan
Subject: [] Comment on the Up Castle Land Use & Rezone Amendment

Name: Helen Wheatley

Email: h.wheatley100@gmail.com

Comment: I am writing in opposition to the proposed Land Use & Rezone Amendment (Docket Item CP-19)

The Up Castle property is a good example of why our County has devoted considerable effort to regulating the sale of farm land. Despite a clear policy of rural farmland protection, to which we have now added the goals of the Thurston Climate Mitigation Plan, we still lose thousands of acres of farmland every year. Mitigation of the loss of good cropland is becoming an increasingly difficult proposition. As it becomes more and more rare, every reasonable opportunity must be taken to preserve agricultural land.

Working contrary to this urgent imperative, we have an unfortunate history in Thurston County, of ignoring the letter and the spirit of SEPA (Chapter 43.21C RCW), by failing to perform an adequate SEPA environmental analysis (e.g., checklists) for Nonproject Actions such as this comprehensive plan amendment. CP-19 requires a SEPA checklist that is based on the proposed future action, which is well known, and on its potential impact throughout the county in regard to similar land use rezonings.

At issue here, is the conversion of more of our County's quality farmland into a warehouse & distribution/logistics center of up to 500,000 square feet.

We are well aware of the immense pressure on our rural resource lands in recent years to be converted, not only to rural residential use as the population grows, but to this kind of use based on land price and geographical concerns that are entirely unrelated to our County's rural resources.

SEPA is very clear that there are ways to recover the costs of performing the necessary work to create a SEPA checklist that provides information based on the planned use rather than a long list of answers of "unknown" or "n/a." There is no grounds to try to achieve false economies by waiting until later (until after the Commissioners make their decision, or until the project application) to do environmental analysis.

The whole point of the SEPA determination process is to provide the best possible information in a timely manner, upon which to base a decision. We must have thorough environmental analysis of this Nonproject Action, where the intended project is very well known and therefore subject to evaluation:

"at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems." (Thurston County Code 17.09.020)

Also see Thurston County Code 17.09.050, Part Four: Environmental Impact Statement (EIS), Additional Timing Considerations:

"Whenever practicable the DNS or draft EIS for the proposal may accompany the county's staff recommendation to any appropriate advisory body, such as the planning commission. The DNS or final EIS for the proposal shall be considered by the final decision maker, such as the board of county commissioners, prior to final action."

I believe that, if it were conducted according to the letter and intent of the law to provide full information to the decision-making body, the environmental analysis would result in a Determination of Significance for this proposed Nonproject Action.

Our County Commissioners must have full information before them, including an EIS if necessary (and I contend that an adequate SEPA checklist would result in a Determination of Significance), in order to achieve the optimum policy outcome with their decision. There is no doubt: the requested amendment would end in an irrevocable qualitative loss, and a net loss, of farmland.

Time: August 17, 2021 at 10:06 pm

IP Address: 73.221.17.138

Contact Form URL: <https://thurstoncomments.org/comment-on-the-up-castle-land-use-rezone-amendment/>

Sent by an unverified visitor to your site.