

Whatcom County Council Planning and Development Committee

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Final

Tuesday, October 11, 2022

1:30 PM

Hybrid Meeting

HYBRID MEETING - ADJOURNS BY 2:25 P.M. (PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL 360.778.5010)

COUNCILMEMBERS

Todd Donovan

Ben Elenbaas

Kaylee Galloway

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Ben Elenbaas called the meeting to order at 1:30 p.m. in a hybrid meeting.

Roll Call

Present: 3 - Todd Donovan, Ben Elenbaas, and Kaylee Galloway

Absent: None

Also Present: Barry Buchanan, Tyler Byrd, Carol Frazey, and Kathy Kershner

Announcements

Special Presentation

1. [AB2022-550](#) Report from the Planning Department
Mark Personius, Planning and Development Services Department Director, reported and answered a question about the Buildable Lands Report and whether the cities are making the densities that are supposed to be achieved.

This agenda item was REPORTED.

Committee Discussion

1. [AB2022-533](#) Discussion relating to Personal Wireless Service Facility code amendments
Matt Aamot, Planning and Development Services Department, presented.

Royce Buckingham, Prosecuting Attorney's Office, answered what his concerns are with the Planning Commission's recommendations, and what the point is of how long they set time periods if these things are permitted anyway if they do not act within 60 days.

Aamot answered a question about the definition of a small wireless facility that it "not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent" and whether there is a finite amount at which a change would not be automatically approved.

Galloway stated she would like to honor the recommendations of the Planning Commission especially if those recommendations were grounded in public input, and she would like to involve the public. She asked whether there is a way to keep some of the Planning Commission language but make it less required by having it say "may" instead of "shall."

Satpal Sidhu, County Executive, asked how this would impact the request from Point Roberts to install wireless technology.

Donovan asked whether they should be concerned about the notice requirements for wireless facilities, and whether some facilities may be very tall and visible from a distance.

Sidhu stated there has been no discussion about 4G, 5G, and 6G and health impacts. He asked whether the County regulations would be following the Federal Communications Commission (FCC) guidance.

Councilmembers and staff considered some of the Planning Commission's recommendations.

Donovan moved that they accept the Planning Commission's recommendation for notice of application in Whatcom County Code 22.05.070 (Exhibit E) as follows:

WCC 22.05.070 Notice of Application

For sites within urban growth areas: Application notice shall be sent to all property owners within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor, except that for personal wireless service facilities, notice shall be sent to all property owners within 1,000' of the external boundaries of the subject property as shown by the records of the county assessor;

The motion carried by the following vote:

Aye: 3 - Donovan, Galloway, and Elenbaas

Nay: 0

Galloway moved that they replace "require" with "may" in the memo.

Councilmembers and staff discussed where this language could be updated in Exhibit E and the motion that was voted on was as follows:

To replace "shall" with "may" in Whatcom County Code 22.05.070 (3)(i) so that it reads:

(i) Notices relating to personal wireless service facilities ~~shall~~may state the federal preemption of local regulation of radio frequency emissions.

The motion carried by the following vote:

Aye: 3 - Donovan, Galloway, and Elenbaas
Nay: 0

Councilmembers and staff discussed the Planning Commission's recommendation that "Type 1" applications for Permitted Personal Wireless Service Facilities require notice of application pursuant to WCC 22.05.070.

Donovan moved to accept staff's recommendation to remove the check mark in the 22.05.020 (1) Project permit processing table for Type I Applications, "Permitted Personal Wireless Service Facilities" under the "Notice of Application Required" column in Exhibit E.

The motion carried by the following vote:
Aye: 3 - Donovan, Galloway, and Elenbaas
Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 2:25 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 10/17/2022

Dana Brown-Davis, Council Clerk

Ben Elenbaas, Committee Chair

Kristi Felbinger, Minutes Transcription

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