



# Whatcom County

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

## Agenda Bill Master Report

File Number: AB2020-254

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|                      |                                 |                      |                                       |                |          |
|----------------------|---------------------------------|----------------------|---------------------------------------|----------------|----------|
| <b>File ID:</b>      | AB2020-254                      | <b>Version:</b>      | 1                                     | <b>Status:</b> | Approved |
| <b>File Created:</b> | 06/12/2020                      | <b>Entered by:</b>   | SBatdorf@co.whatcom.wa.us             |                |          |
| <b>Department:</b>   | Parks and Recreation Department | <b>File Type:</b>    | Resolution Requiring a Public Hearing |                |          |
| <b>Assigned to:</b>  | Council                         | <b>Final Action:</b> | 07/21/2020                            |                |          |
| <b>Agenda Date:</b>  | 07/21/2020                      | <b>Enactment #:</b>  | RES 2020-029                          |                |          |

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Primary Contact Email: sbatdorf@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Resolution authorizing Whatcom County to enter into a twenty-year communication lease agreement with PI Tower Development LLC for an existing tower site located at the Lookout Mountain Forest Reserve

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This proposed lease agreement with PI Tower Development LLC includes consideration for both Whatcom and Skagit Counties to utilize the tower via a rate fee structure and will be available for both public safety and commercial purposes.

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### HISTORY OF LEGISLATIVE FILE

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| <b>Date:</b> | <b>Acting Body:</b> | <b>Action:</b>   | <b>Sent To:</b> |
|--------------|---------------------|--|-----------------|
| 07/07/2020   | Council             | INTRODUCED FOR PUBLIC HEARING  | Council         |
|              |                     | Aye: 6 Browne, Buchanan, Byrd, Donovan, Frazey, and Elenbaas           |                 |
|              |                     | Nay: 0   |                 |
|              |                     | Absent: 1 Kershner   |                 |
| 07/21/2020   | Council             | APPROVED   |                 |
|              |                     | Aye: 7 Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner |                 |
|              |                     | Nay: 0   |                 |
|              |                     | Absent: 0  |                 |

**Attachments:** Memorandum, Resolution, Communications Tower Lease Agreement

**RESOLUTION NO. 2020-029**

**AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO A TWENTY-YEAR  
COMMUNICATION TOWER LEASE AGREEMENT WITH  
PI TOWER DEVELOPMENT LLC**

**WHEREAS**, in January 2014, the State of Washington through the Department of Natural Resources conveyed to Whatcom County, land which contained three (3) Commercial Communication Tower Lease sites with existing established towers; and

**WHEREAS**, Whatcom County Code 1.10.410 requires Council to determine if a lease may be awarded by private negotiation with interested parties; and

**WHEREAS**, the tower lease sites are located on Lookout Mountain and are remote and do not impede or impact public recreation or any other County purpose; and

**WHEREAS**, the established communication towers are a substantial company expenditure and commitment and long-term leases are necessary in this industry; and

**WHEREAS**, one of the sites is vacant and PI Tower Development LLC has requested to lease the vacant site to erect a new tower; and

**WHEREAS**, PI Tower Development LLC has requested a 20-year lease agreement; and

**WHEREAS**, the new communication tower lease contains updated lease provisions from the prior leases, including lease rate increases, an annual three (3) % increase, road maintenance fees and five-year rate reviews; and

**WHEREAS**, the communication tower lease shall be by private negotiation with the PI Tower Development LLC

1           **NOW, THEREFORE, BE IT RESOLVED** that the communication tower lease  
2 proposed by Parks & Recreation Department be awarded through private  
3 negotiation with interested parties.  
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5           **BE IT FURTHER RESOLVED,** that the Council approves the proposed tower  
6 lease with PI Tower Development LLC.  
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9           **ADOPTED** this 21<sup>st</sup> day of July, 2020.

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13 ATTEST

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17 Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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27 Barry Buchanan, Council Chair

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APPROVED AS TO FORM:

Civil Deputy Prosecutor