



White Salmon City Council Meeting

A G E N D A

November 18, 2020 – 6:00 PM

Via Zoom Teleconference

Meeting ID: 828 3435 3497 Passcode: 199278

Call in Numbers:

669-900-6833 929-205-6099 301-715-8592

346-248-7799 253-215-8782 312-626-6799

We ask that the audience call in instead of videoing in or turn off your camera, so video does not show during the meeting to prevent disruption. Thank you.

Call to Order/Roll Call and Presentation of the Flag

Public Comment

Public comment will not be taken during the teleconference. Public comment submitted by email to Jan Brending at janb@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, November 18 will be read during the city council meeting and forwarded to all city council members. Please include in the subject line "Public Comment – November 18 Council Meeting." ***Please indicate in your comments whether you live in or outside of the city limits of White Salmon.***

Changes to the Agenda

Presentations

1. Native American Heritage Month Presentation - Colin Fogarty, Executive Director – Confluence

Business Items

2. 2021 Proposed Budget (Note: Line item budget is provided in "Supporting Documents" section.
 - a. Presentation
 - b. Public Hearing
Written comments may be submitted to janb@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, November 18 noting in the subject line "Public Hearing – 2021 Proposed Budget." All written comments will be read during the public hearing. In addition, any individual who wishes to testify via the teleconference will be allowed to do so. You must register with the city (by contacting Jan Brending at janb@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, November 18) that you desire to testify via teleconference and provide your name and/or phone number as it will appear during the Zoom teleconference.
 - c. Discussion
3. 2021 Property Tax Levy, Resolution 2020-11-510 and Ordinance 2020-11-1067
 - a. Presentation and Discussion
 - b. Action
4. Ordinance 2020-11-1068, Amending WSMC 17.78, Wireless Telecommunications Towers and Facilities and Setting Effective Date
 - a. Presentation and Discussion
 - b. Action
5. Acceptance of Water Line Easement Dedication, West Klickitat Community Housing
 - a. Presentation and Discussion
 - b. Action

Consent Agenda

6. Approval of Meeting Minutes - November 4, 2020 (Minutes will be added online by Monday, November 16, 2020)
7. Approval of Vouchers
8. Public Safety Testing Subscriber Agreement

Department Head and Council Member Reports

Executive Session (if needed)

Adjournment

File Attachments for Item:

2. 2021 Proposed Budget (Note: Line item budget is provided in "Supporting Documents" section)

- a. Presentation
- b. Public Hearing
- c. Discussion



AGENDA MEMO

Needs Legal Review: No
Meeting Date: November 18, 2020
Agenda Item: Proposed 2021 Budget
Presentation: Marla Keethler, Mayor and Jan Brending, Clerk Treasurer

Action Required

No official action is required at this time relating to the adopting of the proposed 2021 budget.

Proposed Motion Options

None.

Explanation of Issue

Attached is the 2021 Budget Narrative and the 2021 Budget Summary. The line item detail is provided in the "Supporting Documents" section online.

A public hearing is scheduled on November 18 with a final public hearing to be held on December 2, 2020 with proposed action on the budget at that meeting.

The budget is balanced and ending cash balances meet the city's financial policy requirements. The budget demonstrates the need for a 1% increase (as allowed by law) in property taxes.

I received comments from one council member and will be making a change to the budget

Recommendation of Staff/Committee

No recommendation at this time.



CITY OF WHITE SALMON
PROPOSED BUDGET

FISCAL YEAR 2021
AS OF NOVEMBER 13, 2020





Mayor's Message for the 2021 Budget

To: City of White Salmon City Council and Citizens of White Salmon

It is with great honor and privilege that I submit the 2021 budget. Writing this message from an empty City Hall, where the calendar on my desk still sits on March 2020, only heightens my awareness that we look ahead to next year carrying with us many of the uncertainties and curveballs that 2020 threw our way. Public safety required us to alter work and lifestyle choices, becoming more distant from each other. That newfound art of staying apart, however, in some ways pulled certain priorities more into focus:

- the need for a responsive and accessible city government;
- increased communication tools to connect with residents;
- better prioritizing the wellbeing of our residents;
- and effectively engaging with and supporting our business owners.

I believe this proposed budget emphasizes those needs, and many others. I would like to express my respect and gratitude to my Department Heads: City Administrator Pat Munyan, Clerk/Treasurer Jan Brending, Public Works Manager Russ Avery, Police Chief Mike Hepner, and Fire Chief Bill Hunsaker. Each of them heeded the call to approach 2021 in a fiscally conservative manner, so that we could integrate the priorities of the current council in a way that is considerate and intentional.

The proposed budget is established based on projected revenues for 2021 consistent with economic forecasts for the nation and Washington State, along with knowledge of local dynamics. Expenditure projections are made based on anticipated costs as associated with general operations and maintenance, and new projects and priorities for the upcoming year

The most significant proposal in this budget is the addition of a Land Use Planner. It is my fervent belief that intentional planning is what will set White Salmon on the right course to achieve long-term resiliency as a small-town that is affordable for residents, appealing to tourists, welcoming of entrepreneurs, and supportive of right-sized economic development.

Central to achieving each of these tenets is how we approach development and the best use of our land. We can no longer continue on a path of investing in strategies and planning documents without committed stewardship that ensures implementation of those visions and goals. There is no better example of this failure than what happened to the Washington Street Trailer Court development this past year. Many of the policies and goals in the 2012 Comprehensive Plan that could have protected the homes of many of our neighbors' families were never realized in a timely manner. While we made progress in belatedly aligning a new Mobile Home Zone ordinance with those 2012 policies, it doesn't change the fact that 20 families were forced to relocate in the midst of a pandemic.

The effects of years without intentional - and consistent - focus on land-use planning are being felt most on the issue of affordable housing. As author Connor Dougherty opined in his book *Golden Gates*, "zoning says a lot about who we are and who we are becoming. At least at the local level, zoning is democracy, and democracy is zoning." We will realize a completed Comprehensive Plan this upcoming year that aims to shape the next 20 years. Making sure that shape comes to life with equity in mind will require more follow through and strategic action than we have relied upon in the past. There are many pieces to solve the puzzle of truly achieving long-term affordable housing, but I do believe this is an important part.

Another proposal I would like to call attention to is the request to add a social services position within the budget for our police department. Chief Mike Hepner has passionately and faithfully pushed for such a position for the last three years, if not longer. Mental health struggles in our community have been a heartbreaking issue that our officers have seen firsthand, and with a keen awareness that the best support for the individual in need is often professional support of another kind. To continue turning a blind eye to this pressing issue is a policy failure, and that lies with those of us elected to represent the public's interests. Having a belief in the intrinsic worth of all human beings, even when they are at their most fragile, should serve as a guidepost for how to make public safety centered on the public's actual needs.



Many of the themes in this budget call to mind the aims of the Diversity Resolution adopted by the council in 2019, and in ways large and small bring them to the forefront of how we approach the operation of the city. We continue to recognize that dignity and equal rights of all people are the foundation of freedom, justice, and peace. From affordable housing to equity in city programs and community-focused public safety, I believe this budget thoughtfully aims to move these efforts forward in ways that are appropriate for our community's needs. Transformative change does not happen overnight, let alone in one year, and so just as I humbly accept the charge of running the city responsibly and with purpose, I also graciously ask to be held accountable and challenged to see issues from a lens other than my own.

A handwritten signature in blue ink that reads "Marla Keethler".

Mayor Marla Keethler



White Salmon City Council

Mayor Marla Keethler

Council Position Member #1 Ashley Post

Council Member Position #2 David Lindley

Council Member Position #3 Jason Hartmann

Council Member Position #4 Jim Ransier

Council Member Position #5 Joe Turkiewicz

White Salmon Department Heads

City Administrator Patrick Munyan, Jr.

Clerk Treasurer Jan Brending

Police Chief Mike Hepner

Fire Chief/Building Official Bill Hunsaker

Operations Manager Russ Avery

White Salmon City Committees

Personnel and Finance Committee

Jason Hartmann, Chair
David Lindley
Scott Clements

Community Development Committee

Jim Ransier, Chair
Joe Turkiewicz

City Operations Committee

Jason Hartmann, Chair
Ashley Post

Tree Board

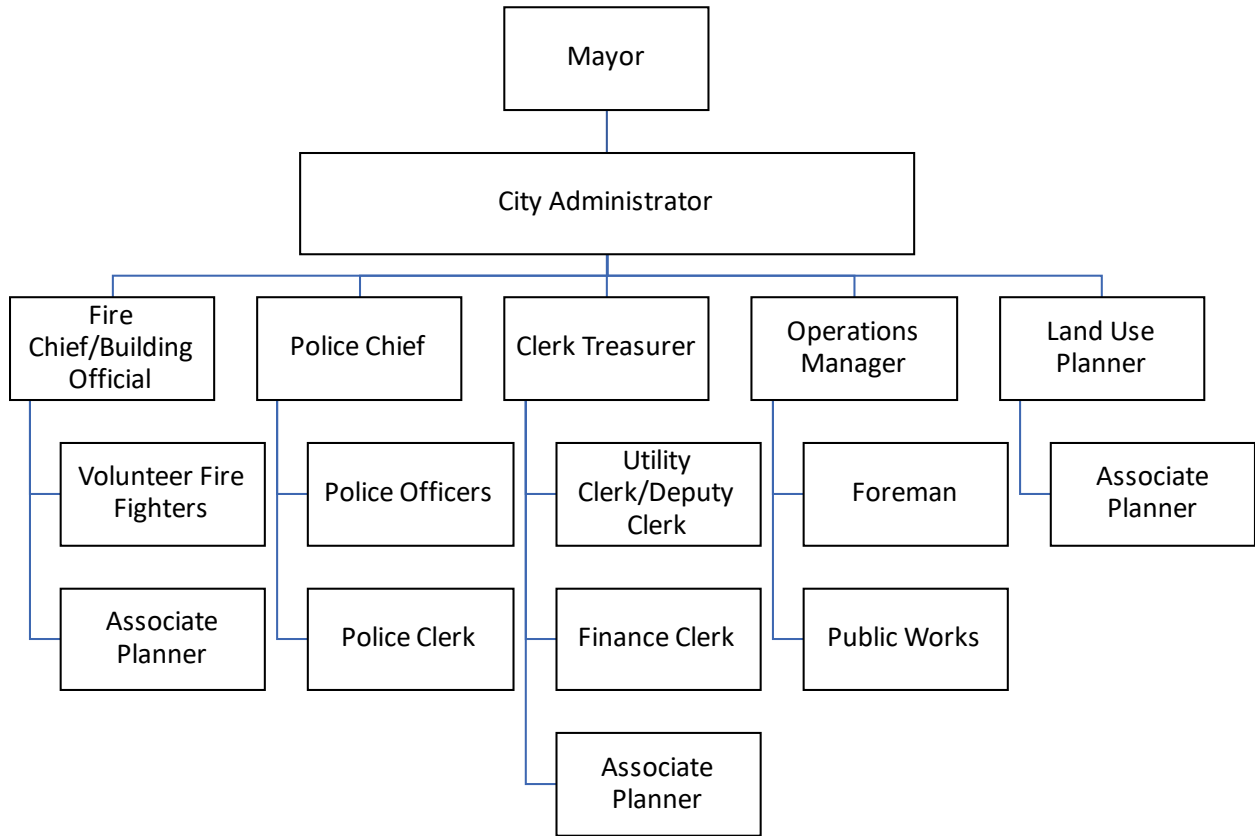
Ashley Post, Chair
Karen Black Jenkins
David Lindley
Becky Williams

School Liaison

Jason Hartmann



City Organization Chart





Accounting Policies and Fund Structure

The City of White Salmon was incorporated on June 3, 1907 and operates under the laws of the state of Washington applicable to a class three, non-charter code city with a Mayor-Council form of government. The city is a generalpurpose local government and provides public safety, fire prevention, street improvement, parks and recreation, water, wastewater collection, and general administrative services.

The city reports financial activity in accordance with the *Cash Basis Budgeting, Accounting and Reporting System* (BARS) Manual prescribed by the State Auditor's Office under the authority of Washington State law, Chapter 43.09 RCW. This manual prescribes a financial reporting framework that differs from generally accepted accounting principles (GAAP) in the following manner:

- Financial transactions are recognized on a cash basis of accounting as described below.
- Component units are required to be disclosed, but are not included in the financial statements.
- Government-wide statements, as defined in GAAP, are not presented.
- All funds are presented, rather than a focus on major funds.
- The *Schedule of Liabilities* is required to be presented with the financial statements as supplementary information.
- Supplementary information required by GAAP is not presented.
- Ending balances are not presented using the classifications defined in GAAP.

Financial transactions of the government are reported in individual funds. The following fund types are used:

GOVERNMENTAL FUND TYPES

General Fund (001 Current Expense)

This fund is the primary operating fund of the government. It accounts for all financial resources except those required or elected to be accounted for in another fund.

101 Street Fund

This fund is the operating fund for the management of the city's streets.

107 Pool Fund

This fund was the operating fund for the management the city's pool. This fund will be closed in 2020 with funds transferred to the Current Expense Fund (originating fund for sources of monies).

Special Revenue Funds

These funds account for specific revenue sources that are restricted or committed to expenditures for specified purposes of the government.

These funds are as follows:

110 Fire Reserve Fund – This fund is used for the purchase of equipment and other capital items associated with and used in the fire department.

112 General Reserve Fund – This fund is used for emergency purposes as determined and approved by the city council. Monies held in this fund are not to be used for recurring costs, general operating costs or planned capital items. The funds may be used for interfund loans provided that the interest rate is a minimum of two percentage points above the Local Government Investment Pool earning rate and the loan must not exceed a payback period of five years, however it is recommended to not exceed 3 years.

121 Police Vehicle Reserve Fund – This fund is used for the purchase of vehicles and equipment for use in the police department.

307 New Pool Construction Fund – This fund was established to hold moneys collected by donations, grants, loans or bonds for the construction of a new pool. The monies currently held in this



fund are donations. It is the intent of the city, through an Intergovernmental Agreement, to turn the funds over to the White Salmon Valley Pool Metropolitan Park District for construction of a new pool.

Debt Service Funds

These funds account for the financial resources that are restricted, committed, or assigned to expenditures for principal, interest and related costs on general obligation long-term debt. This does not include debt associated with proprietary or enterprise fund activities, i.e. water and wastewater.

200 – Unlimited GO Bond Fund – This fund was used for the repayment of bonds issued for improvements made to the fire hall/public works shop. The bonds have been repaid and the fund will be closed in 2020 with funds transferred to Current Expense.

Capital Projects Funds

These funds account for financial resources which are restricted, committed, or assigned for the acquisition or construction of capital facilities or other capital assets.

108 Municipal Capital Improvement Fund – This fund is used for capital improvements to the city as designated by the city council.

PROPRIETARY (ENTERPRISE) FUND TYPES

These funds account for operations that provide goods or services to the general public and are supported primarily through user charges.

401 Water – This fund is the operating fund for the city’s water system. All operations and maintenance costs are provided for in this fund. Separate “managerial” funds have been established for capital improvements and debt as provided below.

408 Water Reserve Fund – This fund is used for keeping track of revenues and expenditures for large capital projects.

412 Water Rights Acquisitions Fund - The monies in this fund are used to repay principal and interest related to the debt for acquiring water rights.

412 Water Bond Redemption Fund - This fund is used for repayment of principal and interest related to bonds issued for debt to fund water capital improvements. The city is repaying three bonds from this fund: USDA Tohomish Street, USDA Jewett Blvd., and Berkadia – 1981 Water/Sewer Bonds.

415 Water Bond Reserve Fund – Bond documents require the city to have a water bond reserve fund that establishes a certain level of funding. The purpose of this funds is to have monies available in the case that revenues from the water department are not enough to cover bond payments due.

418 Water Short Lived Asset Reserve Fund – Bond documents require the city to have a water short lived asset reserve fund and those documents establish a certain threshold for monies to be transferred from the water fund. The city may also transfer additional funds to be used for the purchase of short-lived assets when it determines is necessary. For example, the city is currently replacing existing water meters with radio read water meters and has been transferring additional funds each year to cover the costs of these meters. Transfers for this fund have been increased in 2020 to meet the requirements of the city’s new USDA Rural Development loan.

420 USDA Rural Development Jewett Water – This fund is established per requirements of USDA Rural Development to cover the revenues and expenditures associated with the Jewett Water Main Improvements capital project. Future principal and interest payments for the debt incurred for this project will be repaid through the 412 Water Bond Redemption Fund.

402 Wastewater Fund – This fund is the operating fund for the city’s wastewater system. The city contracts with the City of Bingen for the treatment of wastewater. The costs associated with that contract are included in this fund. Separate “managerial” funds have been established for capital improvements and debt as provided below.



409 Wastewater Reserve Fund - This fund is used for keeping track of revenues and expenditures for large capital projects.

414 Wastewater Redemption Fund - This fund is used for repayment of principal and interest related to bonds issued for debt to fund wastewater capital improvements. The city is repaying one bonds from this fund: Berkadia – 1981 Water/Sewer Bonds.

417 Treatment Plant Reserve Fund – This fund holds monies as required by an intergovernmental agreement with the City of Bingen to be used for capital improvements to the City of Bingen wastewater treatment plant or, as agreed upon by the two cities, main transmission lines that transmit wastewater from the City of White Salmon to the City of Bingen.

FIDUCIARY FUND TYPES

Fiduciary funds account for assets held by the government in a trustee capacity or as an agent on behalf of others.

601 Remittances – These funds are sent to the City of White Salmon from West District Court. The funds belong to the State of Washington and Klickitat County and are the result of charges and fines assessed by West District related to City of White Salmon cases. The funds are transmitted to the State of Washington and Klickitat County in total each month. In addition, the city collects state fees associated with building permits. These fees are also transmitted to the city on a monthly basis.



Financial Policies

The City of White Salmon adopted financial policies in 2012 via Resolution 2012-07-349. These policies are summarized below.

General Budget Policies

The general budget policies provide overall direction to the formulation and management of the city's budget. These policies also provide direction on fund balances. The policy requires that all operating funds (Current Expense, Street, Water and Wastewater) have a minimum ending fund balance (beginning fund balance) of 10% of its operating expenditures (by fund). In addition, capital improvement funds are required to have a minimum of 15% ending fund balance (beginning fund balance) as related to the originating operating fund.

Revenue Policies

The revenue policies provide direction to the city in maintaining a diversified mix of revenues in order to maintain needed services during periods of declining economic activity and factors to consider when the city's taxes or charges for services are increased, extended, changed or reduced.

Operating Policies

The operating policies provide that ongoing resources should be equal to or exceed ongoing expenditures. One-time funds, transfers and non-recurring receipts may be applied to reserves or to fund one-time expenditures. They are not to be used for funding ongoing programs.

Purchasing and Expenditure Control

The purchasing and expenditure control policies provide that expenditures should be related to a public purpose and are reasonable in the amount and nature.

Contract Management

The contract management policies provide direction as to when and how contracts should be issued. In addition, the city adopted a Procurement Policy via Resolution 2012-07-348.

General Ledger Accounts

The general ledger accounts policy provides for a petty cash fund and how that fund is restored periodically. In addition, the policy provides for how new revenue and expenditure accounts are authorized.

Debt Policy

Debt policy is established through the city's adopted financial policies. These policies address a variety of debt that is available to the city including revenue bonds, local improvement district (LID) debt, short-term debt and interim financing, lines of credit, bond anticipation notes, and limitation of indebtedness.

Investment

The investment policy provides direction as how to manage the city's total cash and investments.

Intergovernmental Revenues and Relations Policies

The financial policies provide direction related to the receipt of grants from other governmental agencies.

Accounting, Auditing, and Financial Reporting Policies

These policies provide that the city will maintain its accounting records in accordance with state and federal laws and regulations.

Fixed Assets

The financial policies provide direction to the definition of fixed assets and capitalization of those assets.

Financial Planning Policies

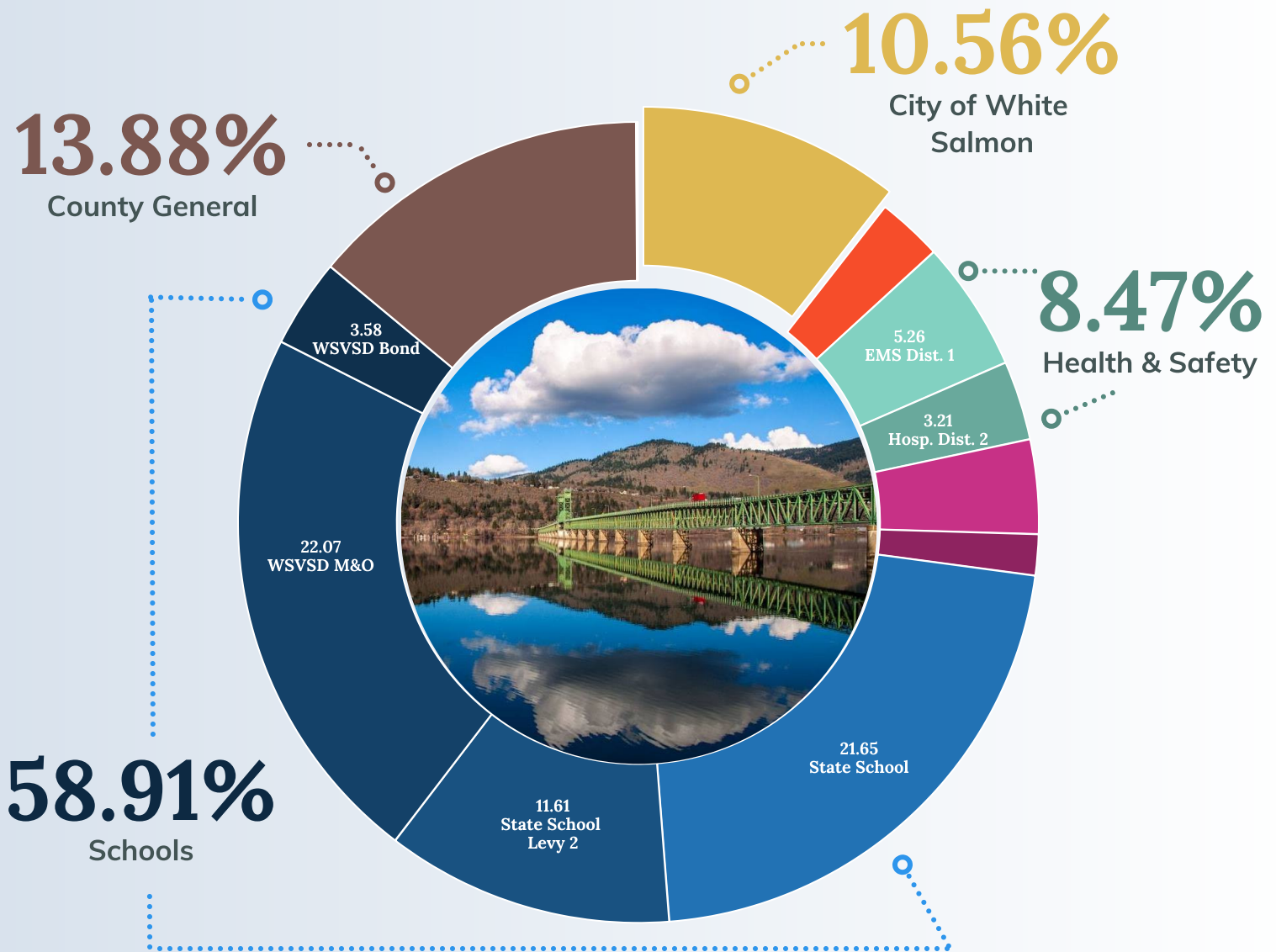
The policies provide direction in developing a financial forecast that estimates resources and expenditures for both operational and capital funds.

Overhead Cost Allocation

The policies provide direction on how overhead cost allocation is calculated



2020 Property Taxes



WS Valley Metro Park District: 2.65%

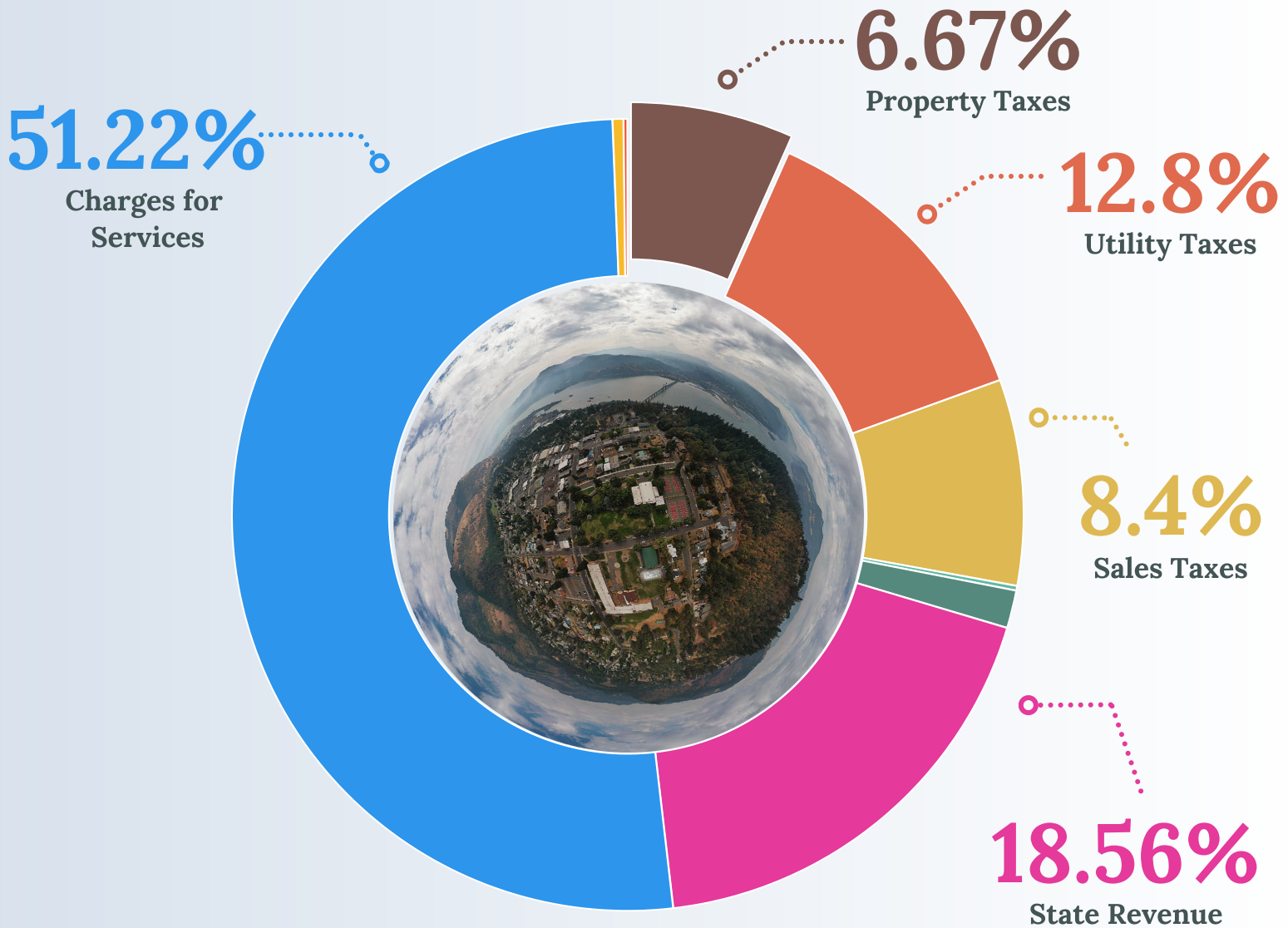
Library District #1: 3.80%

Port District #3: 1.65%

Cemetery District #1: 0.08%



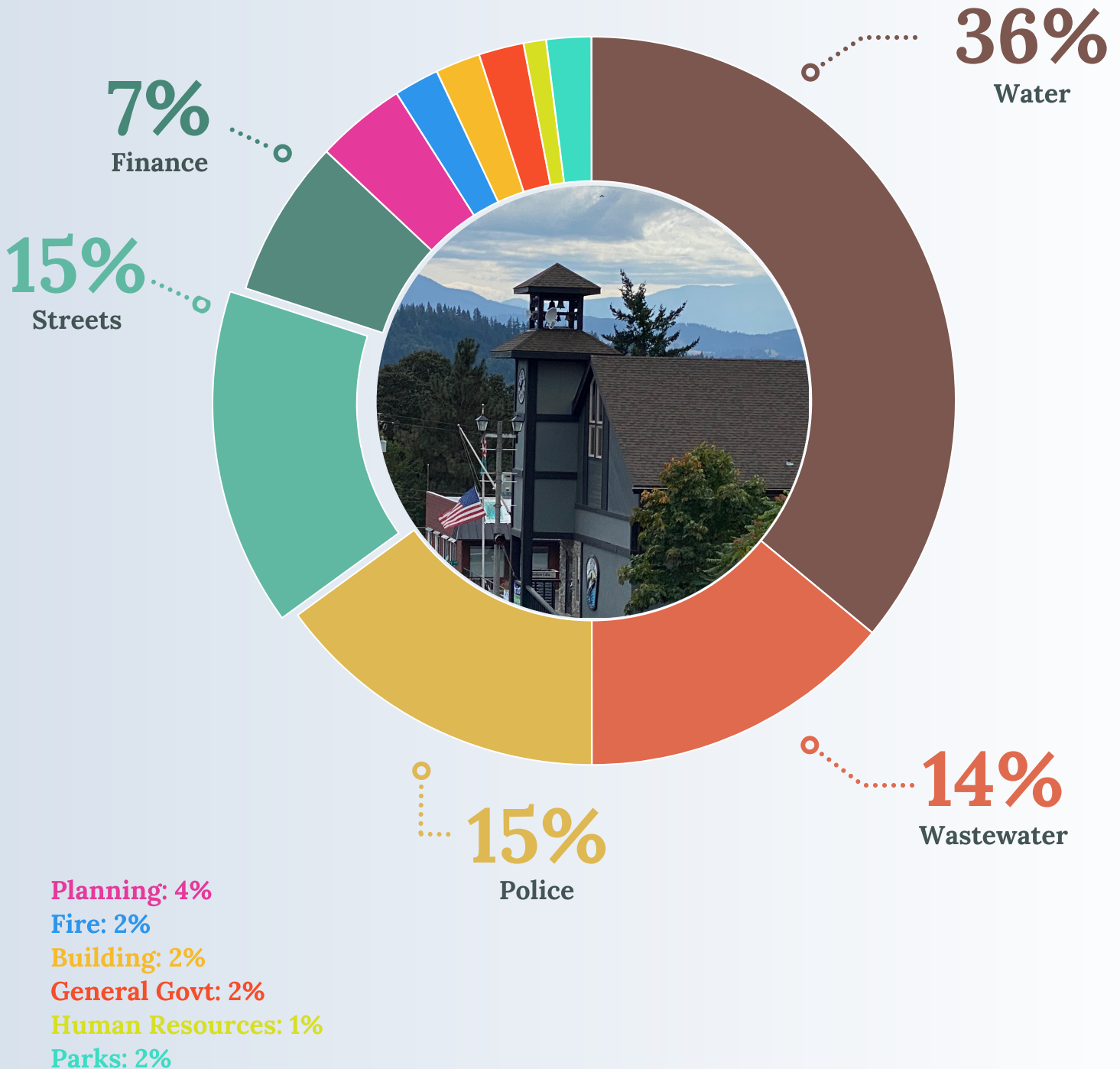
2021 Preliminary Operating & Maintenance Revenue



Misc. Taxes: 0.19%
Licenses & Permits: 1.54%
Misc. Revenues: 0.45%
Fines & Forfeitures: 0.16%

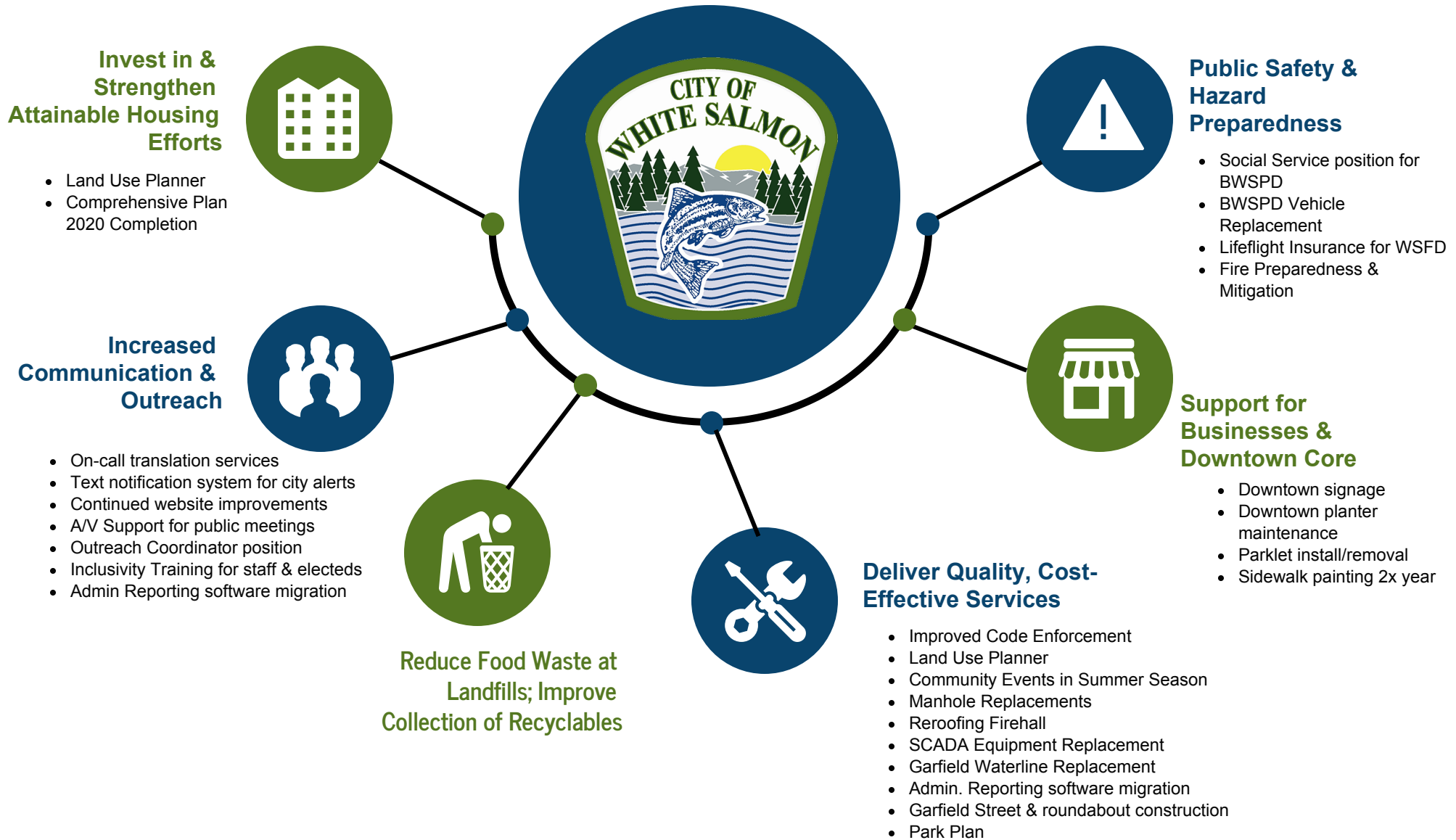


2021 Preliminary Operating & Maintenance Expenditures



2021 Council Priorities

The below chart highlights additions in the proposed budget that either directly align with or realize goals with Priority Areas determined by City Council.





Operating Budgets

001 Current Expense – Proposed Revenue

Type of Resources	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Taxes	1,531,127.26	1,243,470.73	1,379,478.32	1,385,926.00	1,372,017.00
Licenses & Permits	135,493.38	119,472.67	146,249.68	95,521.00	93,643.00
Intergovernmental Revenue	67,968.54	150,166.07	77,567.10	160,775.00	78,745.00
Charges for Goods and Services	644,985.76	666,211.92	670,199.38	712,796.00	712,453.00
Fines and Penalties	22,268.15	14,774.87	11,259.59	11,254.00	9,408.00
Miscellaneous Revenues	29,271.00	16,503.91	35,209.13	12,633.00	10,668.00
Transfers/Non Revenues	97,773.66	124,542.81	255,235.55	65,087.00	0.00
Total	2,528,887.75	2,335,142.98	2,575,198.75	2,443,992.00	2,276,934.00
Beginning Cash	618,269.78	424,916.11	360,709.17	800,112.00	591,883.00
Total Revenue	3,247,157.53	2,760,059.09	2,935,907.92	3,244,104.00	2,868,817.00

001 Current Expense – Proposed Expenditures by Department

Department	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Finance	646,793.00	789,995.85	451,549.77	473,917.00	492,133.00
Central Services (HR)	123,199.61	55,902.24	49,608.86	80,688.00	68,898.00
General Government	616,917.37	148,401.53	105,356.66	131,747.00	138,409.00
Building	137,939.05	110,842.09	117,088.74	121,901.00	124,978.00
Community Services	0.00	6,568.28	6,813.98	91,100.00	23,700.00
Planning	113,396.00	171,179.02	229,677.07	325,725.00	281,971.00
Park	82,633.76	70,565.63	109,512.76	223,141.00	213,805.00
Police	913,641.87	848,357.74	962,728.85	1,031,810.00	1,062,089.00
Fire	87,720.76	197,537.54	103,459.88	232,192.00	164,182.00
Total	2,722,241.42	2,399,349.92	2,135,796.57	2,712,221.00	2,570,165.00
Ending Cash	424,916.11	360,709.17	800,111.35	531,883.00	298,652.00
Total Expenditures	3,147,157.53	2,760,059.09	2,935,907.92	3,244,104.00	2,868,817.00



001 Current Expense – Proposed Expenditures by Type of Expenditures

Type of Expenditures	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Personnel	1,253,255.83	1,101,149.80	1,269,353.58	1,423,593.00	1,561,522.00
Supplies	57,874.18	61,417.86	66,930.96	152,915.00	75,700.00
Services & Charges	532,426.43	608,202.47	669,362.23	845,082.00	740,519.00
Intergovernmental Charges	24,452.15	23,437.52	17,868.63	26,874.00	17,424.00
Operating Transfers	759,151.34	591,522.00	27,108.00	134,000.00	30,000.00
NonExpenditures (Clearing)	-275.90	-1,351.42	3,740.68	0.00	0.00
Capital Purchases	95,357.39	14,971.69	81,432.49	129,757.00	145,000.00
Total	2,722,241.42	2,399,349.92	2,135,796.67	2,712,221.00	2,570,165.00
Ending Cash	424,916.11	360,709.17	800,111.35	531,883.00	298,652.00
Total Budget	3,147,157.53	2,760,059.09	2,935,907.92	3,244,104.00	2,868,817.00



101 Street Fund – Proposed Revenue

Type of Resources	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Taxes	20,103.42	276,610.35	346,701.57	311,150.00	330,142.00
Licenses & Permits	0.00	0.00	0.00	0.00	0.00
Intergovernmental Revenue	538,206.81	435,358.02	295,695.13	198,142.00	331,694.00
Charges for Goods and Services	0.00	0.00	0.00	0.00	0.00
Fines and Penalties	0.00	0.00	0.00	0.00	0.00
Miscellaneous Revenues	13,152.17	998.54	14,698.44	544.00	600.00
Transfers/Non Revenues	521,058.68	17,800.00	0.00	0.00	250,000.00
Total	1,092,521.08	730,766.91	657,095.14	509,836.00	912,436.00
Beginning Cash	18,004.91	199,393.60	117,999.01	90,218.00	148,602.00
Total Revenue	1,110,525.99	930,160.51	775,094.15	600,054.00	1,061,038.00

101 Street Fund – Proposed Expenditures by Type of Expenditures

Type of Expenditures	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Personnel	115,494.29	167,680.44	166,757.10	204,531.00	214,402.00
Supplies	20,631.30	27,025.63	27,926.01	33,100.00	39,100.00
Services & Charges	130,808.84	108,591.45	84,588.21	220,915.00	265,764.00
Intergovernmental Charges	0.00	0.00	0.00	0.00	36.00
Operating Transfers	0.00	100,000.00	258,677.61	0.00	0.00
NonExpenditures (Clearing)	0.00	0.00	0.00	0.00	0.00
Capital Purchases	644,197.96	408,863.98	146,928.08	42,906.00	487,470.00
Total	911,132.39	812,161.50	684,877.01	501,452.00	1,006,772.00
Ending Cash	199,393.60	117,999.01	90,217.14	98,602.00	54,266.00
Total Budget	1,110,525.99	930,160.51	775,094.15	600,054.00	1,061,038.00



401 Water Fund – Proposed Revenue

Type of Resources	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Taxes	0.00	0.00	0.00	0.00	0.00
Licenses & Permits	0.00	0.00	0.00	0.00	0.00
Intergovernmental Revenue	99,505.68	100,710.42	0.00	250,000.00	200,000.00
Charges for Goods and Services	1,575,768.72	1,706,287.34	1,688,751.23	1,819,447.00	1,813,290.00
Fines and Penalties	13,450.00	13,470.81	14,606.00	3,826.00	15,000.00
Miscellaneous Revenues	242,131.33	193,478.77	216,262.53	103,698.00	100,726.00
Transfers/Non Revenues	0.00	0.00	0.00	761,672.00	515,760.00
Total	1,930,855.73	2,013,947.34	1,919,619.76	2,938,643.00	2,644,776.00
Beginning Cash	159,929.45	338,876.88	792,260.28	442,686.00	275,575.00
Total Revenue	2,090,785.18	2,352,824.22	2,711,880.04	3,381,329.00	2,920,351.00

401 Water Fund – Proposed Expenditures by Type of Expenditures

Type of Expenditures	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Personnel	414,604.82	384,417.11	463,676.41	492,126.00	510,858.00
Supplies	73,732.12	58,106.33	82,910.84	79,510.00	92,200.00
Services & Charges	379,091.19	296,313.58	569,577.20	1,432,940.00	1,034,423.00
Intergovernmental Charges	369,724.62	404,400.43	386,064.85	414,223.00	414,900.00
Operating Transfers	114,788.72	162,927.00	412,478.00	427,007.00	324,713.00
Debt Service	265,296.96	245,330.92	239,771.36	233,460.00	107,480.00
Capital Purchases	134,669.87	9,068.57	112,716.00	26,488.00	12,000.00
Total	1,751,908.30	1,560,563.94	2,269,194.66	3,105,754.00	2,496,574.00
Ending Cash	338,876.88	792,260.28	442,685.38	275,575.00	423,777.00
Total Budget	2,090,785.18	2,352,824.22	2,711,880.04	3,381,329.00	2,920,351.00

Note: The large increase in “Services and Charges” for Expenditures is due to two large projects planned for 2020. The city has received funding for conducting a feasibility study related to using water from the White Salmon River. This project is funded by grants from the Washington Department of Ecology, Yakama Nation, and matching funds from the city. The cost is \$250,000. In addition, the city has received a Public Works Trust Fund Loan to begin the design and engineering for replacing the city’s 14-inch main line from Buck Creek. That cost is \$750,000. These projects are carrying over into 2021.



402 Wastewater Fund – Proposed Revenue

Type of Resources	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Taxes	0.00	0.00	0.00	0.00	0.00
Licenses & Permits	0.00	0.00	0.00	0.00	0.00
Intergovernmental Revenue	0.00	0.00	0.00	0.00	0.00
Charges for Goods and Services	895,747.95	931,780.80	952,074.11	967,502.00	996,578.00
Fines and Penalties	0.00	0.00	0.00	0.00	0.00
Miscellaneous Revenues	73,424.16	56,020.64	53,087.56	24,868.00	20,568.00
Transfers/Non Revenues	0.00	0.00	0.00	0.00	0.00
Total	969,172.11	987,801.44	1,005,161.67	992,370.00	1,017,146.00
Beginning Cash	437,734.91	597,161.64	559,891.18	281,684.00	405,220.00
Total Revenue	1,406,907.02	1,584,963.08	1,565,052.85	1,274,054.00	1,422,366.00

402 Wastewater Fund – Proposed Expenditures by Type of Expenditures

Type of Expenditures	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
Personnel	132,531.04	126,699.40	154,918.44	158,938.00	161,991.00
Supplies	15,379.01	11,128.88	10,267.82	14,250.00	15,350.00
Services & Charges	104,346.10	122,910.44	110,833.72	92,998.00	140,150.00
Intergovernmental Charges	455,373.09	548,630.38	561,844.41	566,273.00	582,893.00
Operating Transfers	74,672.00	206,917.00	337,589.00	28,180.00	15,172.00
Capital Purchases	27,444.14	8,785.80	107,886.05	8,195.00	12,000.00
Total	809,745.38	1,025,071.90	1,283,369.44	868,834.00	927,556.00
Ending Cash	597,161.64	559,891.18	281,683.41	405,220.00	494,810.00
Total Budget	1,406,907.02	1,584,963.08	1,565,052.85	1,274,054.00	1,422,366.00



Non-Operating Budgets

Proposed Budgets – Non-Operating Budgets

Non-Operating Funds	Actual 2017	Actual 2018	Actual 2019	Budget 2020	Proposed Budget 2021
107 Pool Fund	252,199.76	153,584.79	61,867.43	47,691.00	0.00
108 Municipal Capital Improve. Fund	337,392.37	158,700.68	550,844.81	301,650.00	341,522.00
110 Fire Reserve Fund	289,439.45	327,468.91	209,679.40	284,680.00	285,064.00
112 General Fund Reserve	275,891.65	635,058.31	648,629.92	339,923.00	394,175.00
121 Police Vehicle Reserve Fund	177,331.65	207,406.81	172,195.28	180,500.00	151,824.00
200 Unlimited GO Bond Fund	17,794.84	17,955.12	18,052.69	18,053.00	0.00
303 Hotel/Motel Taxes	0.00	0.00	0.00	25,000.00	73,000.00
307 New Pool Construction Fund	503.96	2,563.96	2,563.96	2,564.00	2,564.00
408 Water Reserve Fund	149,186.66	149,959.26	401,049.74	423,729.00	333,729.00
409 Wastewater Reserve Fund	223,438.87	380,288.46	675,215.97	680,084.00	680,984.00
412 Water Rights Acquisition Fund	315,900.03	349,432.84	384,162.77	420,735.00	457,064.00
413 Water Bond Redemption Fund	58,442.49	58,726.15	58,277.48	106,989.00	208,045.00
414 Wastewater Bond Redemption Fund	24,610.49	24,752.83	24,528.50	24,629.00	26,621.00
415 Water Bond Reserve Fund	48,058.18	50,260.84	52,658.93	69,549.00	85,994.00
416 Wastewater Bond Reserve Fund	71,764.74	72,402.48	73,369.39	74,221.00	74,305.00
417 Treatment Plant Reserve Fund	469,398.24	512,190.54	553,966.19	575,838.00	590,838.00
418 Water Short Lived Asset Reserve Fund	140,153.64	157,279.74	183,112.20	183,113.00	199,013.00
420 USDA Rural Development - Jewett	0.00	0.00	100,000.00	3,288,160.00	0.00
601 Remittances	20,221.96	13,223.03	11,082.37	12,223.00	12,223.00
Total	2,871,728.98	3,271,254.75	4,181,257.03	7,059,331.00	3,916,965.00

The above amounts are the “total budget” amounts for the funds.



Debt Requirements

Below are the debt requirements for water and wastewater funds.

Water

Berkadia (1981 Water Sewer Bonds)

Year	Principal	Interest	Debt Service
2020	24,000.00	2,360.00	26,360.00
2021	29,200.00	1,143.33	30,343.33
Total	53,200.00	3,503.33	56,703.33

Public Works Trust Fund – SRF (Well Field)

Year	Principal	Interest	Debt Service
2020	179,174.20	4,479.35	183,653.55
Total	179,174.20	4,479.35	183,653.55

White Salmon Irrigation District (Water Rights)

Year	Principal	Interest	Debt Service
2020	80,103.82	43,866.42	123,970.24
2021	82,520.75	41,449.49	123,970.24
2022-2034	1,319,687.65	282,006.11	1,601,693.76
Total	1,482,312.22	367,322.02	1,849,634.24

Drinking Water State Revolving Fund Loan (Snowden Road)

Year	Principal	Interest	Debt Service
2020	28,353.83	4,536.61	32,890.44
2021	28,353.82	4,253.07	32,606.89
2022-2035	396,953.52	29,771.52	426,725.04
Total	453,661.17	38,561.20	492,222.37



USDA Rural Development (Tohomish Street)

Year	Principal	Interest	Debt Service
2020	7,005.21	9,470.79	16,476.00
2021	7,214.97	9,261.03	16,476.00
2022-2052	345,586.14	163,201.87	508,788.01
Total	359,806.32	181,933.69	541,740.01

Department of Natural Resources (Easement)

Year	Principal	Interest	Debt Service
2020	13,277.80	2,390.00	15,667.80
2021	26,555.60	2,390.01	28,945.61
Total	39,833.40	4,780.01	44,613.41

Total Debt Requirements - Water

Year	Principal	Interest	Debt Service
2020	331,914.86	67,103.17	399,018.03
2021	173,845.14	58,496.93	232,342.07
2022-2052	2,062,227.31	474,979.50	2,537,206.81
Total	2,567,987.31	600,579.60	3,168,566.91

USDA Rural Development (Jewett Blvd)

The city has taken on debt from USDA Rural Development in the amount of \$3,193,000 that is not included above. This loan is for the construction of the Jewett Blvd. Water Main Improvements project. The estimated interest rate is currently 3.375% with an amortization factor of 3.80. The projected annual payment is \$145,608. The loan is for 40 years with end life as of 2060. The city began drawing funds for the project in 2021. The project will close with initial payment due in 2021.

Public Works Trust Fund (14-Inch Water Main)

The city has also taken on an additional debt from the Public Works Trust Fund in the amount of \$750,000. This loan is for the design and engineering for the 14-Inch Water Main Replacement project. The loan is for five years at 0.79% interest. The city began drawing on this loan in 2020 but does not expect to close the loan until 2021.

Total principal water debt for the city including the USDA Rural Development and Public Works Trust Fund loan is \$6,510,987.31.



Wastewater

Berkadia (1981 Water Sewer Bonds)

Year	Principal	Interest	Debt Service
2020	12,000.00	1,180.00	13,180.00
2021	14,600.00	571.67	15,171.67
Total	26,600.00	17,516.67	28,351.67

Total City Debt Requirements

Year	Principal	Interest	Debt Service
2020	343,914.86	68,283.17	412,198.03
2021	188,445.14	59,068.60	247,513.74
2022-2052	2,062,227.31	474,979.50	2,537,206.81
Total	2,594,587.31	618,096.27	3,196,918.58

Total principal debt for the city including the USDA Rural Development and Public Works Trust Fund loan is \$6,537,587.31.

City of White Salmon
 2020 Budget Summary with History
 As 11/12/2020

	2018 Actual Revenue	2019 Actual Revenue	2020 Budget Revenue	2021 Proposed Revenue	2018 Actual Expenditures	2019 Actual Expenditures	2020 Budget Expenditures	2021 Proposed Expenditures
001 Current Expense								
Finance					789,995.85	451,549.77	473,917.00	492,133.00
Central Services (HR)					55,902.24	49,608.86	80,688.00	68,898.00
General Government					148,401.53	105,356.66	131,747.00	138,409.00
Building					110,842.09	117,088.74	121,901.00	124,978.00
Community Services					6,568.28	6,813.98	91,100.00	23,700.00
Planning					171,179.02	229,677.07	325,725.00	281,971.00
Park					70,565.63	109,512.76	223,141.00	213,805.00
Police					848,357.74	962,728.85	1,031,810.00	1,062,089.00
Fire					197,537.54	103,459.88	232,192.00	164,182.00
001 Current Expense	2,335,142.98	2,575,198.75	2,443,992.00	2,276,934.00	2,399,349.92	2,135,796.57	2,712,221.00	2,570,165.00
101 Street Fund	730,766.91	657,095.14	509,836.00	912,436.00	812,161.50	684,877.01	501,452.00	1,006,772.00
107 Pool Fund	131,499.85	28,976.04	0.00	0.00	120,693.40	14,176.44	47,046.00	0.00
108 Municipal Capital Impr. Fund	65,313.76	411,179.24	57,999.00	57,180.00	19,035.11	307,194.74	17,308.00	0.00
110 Fire Reserve Fund	128,274.76	185,827.73	75,000.00	384.00	303,617.24	0.00	0.00	0.00
112 General Fund Reserve	359,166.66	22,798.06	123,663.00	252.00	9,226.45	433,370.00	0.00	250,000.00
121 Police Vehicle Reserve Fund	70,800.00	1,700.06	60,820.00	30,324.00	36,911.59	52,515.96	59,000.00	60,000.00
200 Unlimited GO Bond Fund	286.86	97.57	0.00	0.00	0.00	0.00	18,041.00	0.00
303 Hote/Motel Taxes	0.00	0.00	25,000.00	48,000.00	0.00	0.00	0.00	0.00
307 New Pool Construction Fund	2,060.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
401 Water Fund	2,013,947.34	1,919,619.76	2,938,643.00	2,644,776.00	1,560,563.94	2,269,194.66	3,105,754.00	2,496,574.00
402 Wastewater Collection Fund	987,801.44	1,005,161.67	992,370.00	1,017,146.00	1,025,071.90	1,283,369.44	868,834.00	927,556.00

City of White Salmon
 2020 Budget Summary with History
 As 11/12/2020

	2018 Actual Revenue	2019 Actual Revenue	2020 Budget Revenue	2021 Proposed Revenue	2018 Actual Expenditures	2019 Actual Expenditures	2020 Budget Expenditures	2021 Proposed Expenditures
408 Water Reserve Fund	772.60	251,090.48	201,034.00	0.00	0.00	178,351.91	390,000.00	300,000.00
409 Wastewater Reserve Fund	156,849.59	294,927.51	4,868.00	900.00	0.00	0.00	0.00	394,000.00
412 Water Rights Acquisition Fund	157,515.05	158,713.17	160,556.00	160,314.00	123,983.24	123,984.24	123,985.00	123,985.00
413 Water Bond Redemption Fund	43,103.00	42,654.00	91,372.00	192,428.00	43,102.67	42,660.73	91,372.00	192,428.00
414 Wastewater Redemption Fund	13,314.00	13,089.00	13,180.00	15,172.00	13,313.33	13,080.27	13,180.00	15,172.00
415 Water Bond Reserve Fund	2,202.66	2,398.09	16,890.00	16,445.00	0.00	0.00	0.00	0.00
416 Wastewater Bond Reserve Fund	637.74	966.91	851.00	84.00	0.00	0.00	0.00	0.00
417 Treatment Plant Resesrve Fund	42,792.30	41,775.65	21,871.00	15,000.00	0.00	0.00	0.00	0.00
418 Water Short Lived Asset Reserve Fund	100,000.00	100,000.00	100,000.00	115,900.00	74,167.54	100,000.00	100,000.00	100,000.00
420 USDA Rural Develop Jewett Water	0.00	100,000.00	3,193,000.00	0.00	0.00	4,840.70	3,288,160.00	0.00
501 Remittances	13,223.03	11,043.84	12,223.00	12,223.00	13,184.50	11,082.37	12,223.00	12,223.00
Total	7,355,470.53	7,824,312.67	11,043,168.00	7,515,898.00	6,554,382.33	7,654,495.04	11,348,576.00	8,448,875.00

Note: Revenue does not including beginning balances and expenditures do not include ending balances.

File Attachments for Item:

3. 2021 Property Tax Levy, Resolution 2020-11-510 and Ordinance 2020-11-1067

a. Presentation and Discussion

b. Action



AGENDA MEMO

Needs Legal Review: Yes
Meeting Date: November 18, 2020
Agenda Item: Ordinance 2020-11-1067, Determining the Amount to be Raised by Ad Valorem Property Taxes for the Year 2021 Resolution 2020-11-510, Adopting 2021 Property Tax Levy
Presentation: Jan Brending, Clerk Treasurer

Action Required

Adoption of Ordinance 2020-11-1067 Determining the Amount to Be Raised by Ad Valorem Property Taxes for the Year 2021 and Resolution 2020-11-510, Adopting 2021 Property Tax Levy.

Proposed Motion Options

1. Motion to adopt Ordinance 2020-11-1067, Determining the Amount to Be Raised by Ad Valorem Property Taxes for the Year 2021.
2. Motion to adopt Resolution 2020-11-510, Adopting 2021 Property Tax Levy

Explanation of Issue

State law requires the city adopt both an ordinance and resolution setting the property levy amount for the following year. State law allows the city to increase property taxes by 1% each year. The ordinance and resolution state the increase in property taxes slightly different. The ordinance includes increases associated with new construction, annexations, etc., whereas the resolution states the amount of the 1% increase without new construction, annexations, etc.

Recommendation of Staff/Committee

Staff recommends the city council adopt Ordinance 2020-11-1067 and Resolution 2020-11-510.

CITY OF WHITE SALMON

ORDINANCE 2020-11-1067

**AN ORDINANCE DETERMINING THE AMOUNT TO BE RAISED
BY AD VALOREM TAXES TO BE LEVIED FOR THE YEAR 2021**

WHEREAS, PURSUANT to the provisions of RCW 35A.33.135 and RCW 84.52.020, requiring the determination by the legislative body of the City of White Salmon to fix by Ordinance the amount to be raised by advalorem taxes to be levied, and the further requisite that the same shall be certified to the board of County Commissioners; now therefore:

THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS:

Based upon the highest lawful levy amount of \$400,423.88 for the year 2020 as allowed by law, the specific sum to be raised by advalorem taxes to be levied for 2020 thereby is the sum of \$412,356.30 including new construction, improvements, annexations, any increases in the value of state assessed property and refunds made.

The Clerk Treasurer of the City of White Salmon is hereby authorized and directed to certify same unto the Board of County Commissioners of Klickitat County, pursuant to the provisions of and required by RCW 84.52.020, and a copy of this Ordinance shall be provided by the said Clerk Treasurer of the City of White Salmon unto the County Assessor of Klickitat County, Washington on or before November 30, 2019.

PASSED BY THE CITY COUNCIL OF THE CITY OF WHITE SALMON, and effective five (5) days after the first date of publication.

DATED this 18th day of November, 2020.

ATTEST:

Mayor Marla Keethler

Jan Brending, Clerk Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney



Ordinance / Resolution No. 2020-11-

510

RCW 84.55.120

WHEREAS, the City Council of City of White Salmon has met and considered its budget for the calendar year 2021; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 400,423.88; and,

WHEREAS, the population of this district is less than 10,000; and now, therefore,

BE IT RESOLVED by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2021 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 4,004.24 which is a percentage increase of 1% from the previous year.

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, solar, biomass, and geothermal facilities, and any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this 18 day of November, 2020.

Three horizontal lines for signatures on the left and right sides.

If additional signatures are necessary, please attach additional page.

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCertf.doc.

To ask about the availability of this publication in an alternate format, please call 1-800-647-7706. Teletype (TTY) users may use the Washington Relay Service by calling 711. For tax assistance, call (360) 534-1400.

File Attachments for Item:

4. Ordinance 2020-11-1068, Amending WSMC 17.78, Wireless Telecommunications Towers and Facilities and Setting Effective Date

a. Presentation and Discussion

b. Action



AGENDA MEMO

Needs Legal Review: Yes
Meeting Date: November 18, 2020
Agenda Item: Ordinance 2020-11-1068, Amending WSMC 17.78 Wireless Telecommunications Towers and Facilities
Presentation: Jan Brending, Clerk Treasurer

Action Required

Adoption of Ordinance 2020-11-1068, Amending WSMC 17.78 Wireless Telecommunications Towers and Facilities.

Proposed Motion

Motion to adopt Ordinance 2020-11-1068 Amending WSMC 17.78 Wireless Telecommunications Towers and Facilities upon first reading, waiving second reading.

Explanation of Issue

Due to an agenda item before the City Council regarding a ground lease option for a cell tower on city property, the city council requested that some amendments be made to WSMC 17.78 – Wireless Telecommunications Towers and Facilities. This item was moved to the City Operations Committee for consideration. The City Operations Committee recommended proposed amendments to the Planning Commission that provided for the following:

1. A process on how proposed ground lease options for locating telecommunications towers and facilities on city-owned property are presented to the city council.
2. Changing the appeal of a planning commission decision on wireless telecommunications towers and facilities from the city council to a hearing examiner.

The Planning Commission held a workshop on September 23, 2020 and accepted the proposed amendments from the City Operations Committee added some additional amendments. The most significant amendment was to separate “demolition and rebuilding of existing towers” from “modification of existing towers” and providing that any tower that is proposed to be demolished and rebuilt must comply with all sections in the code as if a new tower is being constructed.

The Planning Commission then held a public hearing on October 28, 2020 to consider public testimony regarding the proposed changes. The Planning Commission made several changes in response to Planning Commissioner Michael Morneault’s suggested changes (see attached information) and moved to forward the proposed amendments to the city council for adoption.

In addition, after review by the city attorney, a change was made to the language that was forwarded by the Planning Commission in 17.78.025 B.1.f. It originally read “An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-located the support structures located **within line of sight from the proposed service area**, but due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible.” The wording that is highlighted and bolded was changed to read “with the White Salmon-Bingen Urban Exempt Area.” The Planning Commission held an in-depth discussion on this language and one of the alternatives the Commission discussed was “within the Urban Exempt Area.” The City’s Attorney had concerns with the original proposed amendment language because “service area” was not defined and “line of sight” is too vague.

Copies of the comments received by the Planning Commission at their October 28 meetings are included with this memorandum.



Recommendation of Staff/Planning Commission

Staff and the Planning Commission recommend the City Council adopt Ordinance 2020-11-1068, Amending WSMC 17.78 Wireless Telecommunications Towers and Facilities.

**CITY OF WHITE SALMON WASHINGTON
ORDINANCE NO. 2020-11-1068**

**AN ORDINANCE AMENDING WHITE SALMON MUNICIPAL CODE 17.78
WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES AND SETTING
EFFECTIVE DATE**

WHEREAS, the City Council of the City of White Salmon finds that amendments to White Salmon Municipal Code 17.78 are necessary for the protection of the health and safety of the residents and the environment; and

NOW, THEREFORE, the City of White Salmon do ordain as follows:

SECTION 1. White Salmon Municipal Code (WSMC) Chapter 17.78 Wireless Telecommunications Towers and Facilities is hereby amended as follows:

Key: ~~**Bold and Strike through**~~ means repealed. **Bold and underline** means new

Chapter 17.78 – Wireless Telecommunications Towers and Facilities

Sections:

17.78.010 - Findings.

- A. The Communications Act of 1934 as amended by the Telecommunication Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive jurisdiction over:
 - 1. The regulation of the environmental effects of radio frequency (RF) emissions from telecommunications facilities; and
 - 2. The regulation of radio signal interference among users of the RF spectrum.
- B. The city's regulation of wireless telecommunications towers and facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

17.78.015 - Purposes.

- A. The general purpose of this chapter is to regulate the placement, construction, ~~and~~ modification **and demolition** of wireless telecommunications towers and facilities in order to protect the health, safety, and welfare of the public, while at the same time encouraging the development of the competitive wireless telecommunications marketplace in the city.

- B. The specific purposes of this chapter are:
1. To allow the location of wireless telecommunication towers and facilities in the city;
 - 2.** **To regulate leasing of city-owned property to wireless operators;**
 - 23.** To protect residential zones and visually sensitive areas from potential adverse impact of towers and telecommunications facilities;
 - 34.** To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - 45.** To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - 56.** To promote and encourage utilization of technological designs that will eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
 - 67.** To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound;
 - 78.** To ensure that towers and telecommunications facilities are compatible with surrounding land uses; and
 - 89.** To overcome the potential adverse impacts that poorly or unregulated telecommunications facilities could have on the public health, safety and welfare.

17.78.018 – Definitions.

General. Words and terms in this section are included because of special or particular meanings as they are used in these regulations. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"Antenna" means any pole, panel, rod, reflection disc including satellite earth station antenna as defined by 47 CFR Sections 1.4000 and 25.104, or similar device used for the transmission and/or reception of radio frequency signals.

"Antenna support structure" means any building or structure other than a tower which can be used for location of telecommunications facilities.

"Applicant" means any person that applies for approval from the city.

"Application" means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, erect or use such parcel of land. "Application" includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

"Low-powered, networked telecommunications facilities" means those facilities with maximum transmitter peak output power that do not exceed one watt and are less than fourteen inches by sixteen inches by eight inches with an antenna no greater than thirty inches.

"Stealth" means relating to siting strategies and technological innovations designed to enhance compatibility with adjacent land uses by designing structures to resemble other features in the surrounding environment. "Stealth" techniques include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to resemble light poles, power poles, flag poles, street standards, steeples, or trees, etc.

"Street right-of-way line" means the boundary line between a street and abutting property.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water, but not including fences or walls used as fences six feet or less in height.

"Telecommunications facilities or wireless telecommunications facilities" means any antennas, cables, wires, lines, wave guides, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

"Tower or wireless telecommunications tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

17.78.020 - Exemptions.

The following shall be considered exempt structures or activities under this chapter:

- A. Parabolic or other similar antenna 39.37 inches (one meter) diameter or less regardless of zone;
- B. Parabolic or other similar antennas 78.74 inches (two meters) in diameter or less located in nonresidential zones;
- C. Panel, wave, or other similar antennas ten square feet or less regardless of zone;
- D. Whip or other similar antennas six feet in height and up to two inches in diameter;
- E. Antennas designed to receive local television broadcast signals regardless of zone category;
- F. Low-powered networked telecommunications facilities such as microcell radio transceivers located on existing utility poles and light standards within public right-of-way. Low-powered, networked telecommunications facilities shall comply with Chapter 17.78 WSMC;
- G. Industrial, scientific and medical equipment using frequencies regulated by the FCC;
- H. Military, federal, state and local government communication towers used for navigational purposes, emergency preparedness, and public safety purposes;
- I. Normal, routine, and emergency maintenance and repair of existing wireless communication facilities and related equipment which do not increase the size, footprint, or bulk of such facilities and which otherwise comply with city, state, and federal law and regulations;
- J. Cell on wheels (COW), which are permitted as temporary testing uses in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day, or during a period of emergency as declared by the city.

17.78.025 - Development of towers.

- A. Towers may be located in any zone with approval of an unclassified use permit (UUP). Co-location shall be given first priority and may be required. The use of public properties shall be subject to approval by the city and the city's determination that the public's intended use of the site will not be unreasonably hindered. Application for an UUP shall be made to the planning director in the manner provided in this chapter. An application to locate a new tower shall be accompanied by technical information identifying and documenting the need for such a location per subsection C of this section.
- B. Any tower proposed to be on public property owned by the City of White Salmon related to establishing a ground lease option shall be first approved by the City Council prior to submission of an application to the planning commission.**

1. Information to be included with a request for a ground lease option shall include the following information:

- a. Name, address and telephone number of the lessee of the parcel of land upon which the proposed tower is to be situated.**
- b. A site plan showing the location of the proposed tower and any supporting facilities.**
- c. A description of the type of tower including color photo simulations showing the proposed site with a photo realistic representation of the proposed tower and telecommunications facilities as it would appear viewed from the closest residential property and from adjacent roadways.**
- d. The height of the tower.**
- e. Where the tower connects to or relies on existing public facilities, such as mounting the tower on a city reservoir, the applicant shall provide preliminary engineering of the suitability and impacts of the proposed project on the city facilities.**
- f. An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-located the proposed telecommunications facilities on existing towers or antenna support structures located within the White Salmon-Bingen Urban Exempt Area, but, due to physical, economic, or technological constraints detailed in the affidavit, no such existing tower or antenna support structure is available or feasible.**

BC. Towers may not exceed the maximum height allowed for structures in any residential, local commercial or general commercial zone. In industrial, public, and riverfront planned district zones, towers shall be permitted to a height of sixty feet. Towers may be permitted in excess of the stated height limit to a maximum height of one hundred twenty feet only in accordance with a modification approved per Section 17.78.085 WSMC and subject to all conditions of approval applied through that process.

CD. An application to develop a new tower shall be by UUP and shall include the following information:

- 1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the proposed tower is to be situated. If the applicant is not the owner of the parcel of land upon which the proposed tower is to be situated, the

written consent of the owner shall be evidenced in the application. If the applicant is not the owner of the property, a copy of the preliminary lease agreement is required to be provided with the application. A copy of the final agreement shall be submitted prior to issuance of a building permit for the structure;

2. The legal description, parcel number, and address of the parcel of land upon which the proposed tower is to be situated;
3. The names, addresses, and telephone numbers of all owners of other towers or antenna support structures, capable of supporting the applicant's telecommunications facilities, within three hundred feet of the proposed tower site, including city-owned property;
4. A description of the design plan proposed by the applicant in the city. Applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for the proposed tower and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services;
5. An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-locate the proposed telecommunications facilities on existing towers or antenna support structures located within ~~a one-half mile radius of the proposed tower site~~ the White Salmon-Bingen Urban Exempt Area, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible.
6. A written statement by the applicant that the tower will accommodate co-location of additional antennas for future users at a reasonable, market-based cost. If accommodation of future co-location is not proposed, information must be submitted with the application detailing why future co-location is not possible;
7. Written technical evidence from an engineer(s) of the tower's capability of supporting additional telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the proposed tower;
8. A written statement from an engineer(s) that the construction and placement of the proposed tower and telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;

9. It shall be a condition of the UUP approval that certification by the applicant will meet the standards set forth in Section 17.78.035, "Structural requirements";
10. A written statement by the applicant stating the tower and telecommunications facilities will comply with all FAA (**Federal Aviation Administration**) regulations and EIA (**Energy Information Administration**) standards and all other applicable federal, state and local laws and regulations;
11. In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site with a photo realistic representation of the proposed tower and telecommunications facilities as it would appear viewed from the closest residential property and from adjacent roadways;
12. The city may require a qualified, independent third party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;
13. The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant ~~may~~ **shall** be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;
14. At the time of site selection, the applicant shall demonstrate how the proposed site fits into its overall telecommunications network within the city. This shall include a service area coverage chart for the proposed tower and telecommunications facilities that depicts the extent of coverage and corresponding signal quality at the proposed tower height and at least one height lower than that proposed;
15. Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;

16. Copies of any environmental documents required by any federal, state, or local agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
17. A full site plan shall be required for all towers, showing the location, the specific placement of the tower on the site, the type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures;
18. Applicants for new communications towers shall contact all law enforcement, fire, and other public safety and emergency services agencies within the city prior to application submittal to determine whether or not the agencies are interested in co-location and, if so, what the agencies specifications are. If any such agency decides to co-locate, then any new towers approved under this chapter shall be designed for, and the owner shall not deny, co-location.

DE. The city shall review applications in a prompt manner and all decisions shall be made in writing and setting forth the reasons for approval or denial.

EF. Decisions on UUPs require a public hearing. The public hearing shall be conducted before the planning commission following which the planning commission shall render a decision supported by findings of fact and conclusions of law. Appeal of the planning commission's decision must be submitted within fourteen days to the planning department by ~~the city council~~ **a hearing examiner.**

17.78.030 - Setbacks.

- A. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
- B. Setback requirements may be modified, as provided in Section 17.78.085 WSMC, when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees, which may visually hide the tower.
- C. Unless exempt from Section 17.78.020 WSMC, telecommunications facilities shall be set back at least twenty-five feet from each lot line. The planning commission may grant a waiver of up to twenty-five percent of the setback requirement if it is determined that significant trees and other vegetation will be retained by reducing the setback.

- D. Towers in excess of the height allowed in each base zone per Section 17.78.025(B) and having received approval of a request for modification of development standards per Section 17.78.085; shall be set back one additional foot per each foot of tower height in excess of the tower height allowed in the base zone without a modification of development standards.

17.78.035 - Structural requirements.

It shall be a condition of the UUP that all towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the building code and any other standards set forth in this chapter. All towers shall be fixed to land.

17.78.040 - Separation or buffer requirements.

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.

- A. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to the zoning code:
 - 1. Monopole tower structures shall be separated from other telecommunications towers by a minimum of seven hundred fifty feet.
 - 2. Self-supporting or lattice tower structures shall be separated from other telecommunications towers by a minimum of one thousand five hundred feet.
- B. Tower separation distances from any property that is zoned residential shall be set back one foot for each foot of tower height.
- C. Separation or buffer requirements may be modified as provided in Section 17.78.085 WSMC.

17.78.045 - Method of determining tower height.

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from average pre-construction grade.

17.78.050 - Illumination.

Towers shall not be artificially lighted except as specified by the Federal Aviation Administration (FAA). If lighting is demonstrated to be required by the FAA as the only means to achieve compliance with FAA safety standards, dual mode lighting shall be requested from the FAA. **All facility (other than towers) lighting shall be dark-sky compliant as required by the City of White Salmon Municipal Code 8.40 – Outdoor Lighting.**

17.78.055 - Exterior finish.

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the planning commission.

17.78.060 - Landscaping/stealth design.

- A.** All landscaping on a parcel of land containing towers, antenna support structures, or telecommunications facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, **and/or** telecommunications facilities are located. The city may require on-site landscaping in excess of the requirements in the zoning code in order to enhance compatibility with adjacent land uses. Tower development shall preserve the pre-existing character of the site as much as possible. Towers and accessory equipment structures (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the extent practical. Existing vegetation around the facility shall be preserved to the extent possible or improved upon to provide vegetative screening.
- B.** The perimeter of a wireless communication support structure shall be enclosed by a fence or wall at least six feet in height. Evergreen trees shall be planted surrounding the support structure in a manner approved by the city. In any residential, local commercial, or general commercial zone, the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required to mitigate visual impacts to adjacent properties or public rights-of-way as determined by site-specific conditions. Ground equipment may be required to be located within a structure and the structure may be required to contain design elements (e.g., wood or wood look siding, pitched roof and overhangs) as deemed necessary to ensure compatibility between ground equipment and the surrounding neighborhood.

17.78.065 - Telecommunications facilities on towers and antenna support structures.

Telecommunications facilities may be permitted on any tower or antenna support structure. Application for a conditional use permit shall be made to the planning director in the manner provided in this chapter for telecommunications facilities that are not exempt per Section 17.78.020 WSMC. The applicant shall, by written certification to the planning department, establish the following at the time plans are submitted for a building permit:

- A. A conditional use permit application to develop telecommunications facilities shall include the following:
1. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower or antenna support structure is situated. If the applicant is not the owner of the parcel of land upon which the tower or antenna support structure is situated, the written consent of the owner shall be evidenced in the application;
 2. The legal description, parcel number, and address of the parcel of land upon which the tower or antenna support structure is situated;
 3. A description of the design plan proposed by the applicant. The applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan;
 4. A written statement from an engineer(s) that the construction and placement of the telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;
 5. It shall be a condition of any conditional use permit approval that the applicant shall provide certification that the proposed structure will meet the standards set forth in Section 17.78.035 WSMC;
 6. A written statement by the applicant stating the telecommunications facilities will comply with all FAA (**Federal Aviation Administration**) regulations and EIA (**Energy Information Administration**) standards and all other applicable federal, state and local laws and regulations;
 7. In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo-simulations showing the tower or antenna support structure with a photo-realistic representation of the proposed telecommunications facilities, as it would appear viewed from the closest residential property and from adjacent roadways;
 8. At the request of the planning director, the city may require a qualified, independent third-party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;
 9. The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or

antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant may be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;

10. Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;
 11. Copies of any environmental documents required by any federal agency, if available. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
 12. A full site plan shall be required for all sites, showing the location, the specific placement, type and height of the proposed telecommunications facilities, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed telecommunications facilities, the location of existing towers and antenna support structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures.
- B. Telecommunications facilities that are not appurtenant structures and that are located above the top of the antenna support structure shall be appropriately screened from view through the use of panels, walls, fences, setbacks from the edge of the antenna support structure or other screening techniques approved by the city. Screening requirements shall not apply to stealth antennas that are mounted below the top of the antenna support structure but which do not protrude more than eighteen inches from the side of such an antenna support structure.

17.78.070 - Modification of existing towers.

- A. A tower existing prior to the effective date of the ordinance codified in this chapter, which was in compliance with the city's zoning regulations immediately prior to the effective date of the ordinance, may continue in existence as a nonconforming structure.

Such nonconforming structures may be modified ~~or demolished and rebuilt~~ without complying with any of the additional requirements of this chapter, except for Sections 17.78.040(B) (requiring that existing legal nonconforming facilities be considered when siting of new facilities is reviewed), 17.78.075, and 17.78.080 WSMC, provided that:

1. The tower is being modified ~~or demolished and rebuilt~~ for the sole purpose of accommodating, within six months of the completion of the modification ~~or rebuild~~, additional telecommunications facilities comparable in size to the discrete operating telecommunications facilities of any person currently installed on the tower and with a surface area not to exceed the previous facilities.
 2. An application for a development permit is made to the planning department which shall have the authority to issue a development permit without further approval. The grant of a development permit pursuant to this section allowing the modification ~~or demolition and rebuild~~ of an existing nonconforming tower shall not be consider a determination that the modified ~~or demolished and rebuilt~~ tower is conforming.
 3. The height of the modified ~~or rebuilt~~ tower and telecommunications facilities attached thereto does not exceed the existing height of the tower and facilities as of the date of the ordinance codified in this chapter or as hereinafter amended, whichever is higher.
- B. Except as provided in this section, a nonconforming structure or use may not be enlarged, increased in size. A nonconforming structure or use may not be discontinued in use for a period of more than one hundred eighty days without being brought into compliance with this chapter. This chapter shall not be interpreted to legalize any structure or use existing at the time the ordinance codified in this chapter is adopted which structure or use is in violation of the zoning code prior to enactment of this chapter.

17.78.073 – Demolition and rebuilding of existing towers.

Towers that are proposed to be demolished and rebuilt shall comply with all sections in this chapter, as if a new tower is being constructed.

17.78.075 - Certification and inspections.

- A. All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the building code and all other construction standards set forth by the White Salmon Municipal Code and federal and state law including FCC and National Electric Safety Code regulations. For new towers, such certification shall be submitted with an application pursuant to Section 17.78.025 "Development of towers" of this chapter.
- B. The city or its agents shall have authority to enter onto the property upon which a tower is located, to inspect the tower for the purpose of determining whether it complies with the

building code and all other construction standards provided by the White Salmon Municipal Code and federal and state law.

- C. The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards, set forth by the White Salmon Municipal Code has occurred, remedy of the violation may include cost recovery for all costs incurred in confirming and processing the violation.

17.78.080 - Maintenance.

- A. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- B. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- C. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- D. All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed contractor.
- E. All towers shall maintain compliance with current RF emission standards of the FCC.
- F. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

17.78.085 - Modification of development standards.

- A. Notwithstanding the tower requirements provided in this chapter, a modification to the development standards may be approved by the planning commission as an unclassified use in accordance with the following:
 - 1. In addition to the requirement for a tower application, the application for modification shall include the following:
 - a. A description of how the proposed plan addresses any adverse impact that might occur as a result of approving the modification;

- b. A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the proposed modification;
 - c. A technical study that documents and supports the applicant's need (criteria submitted by the applicant) upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties;
 - d. For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for co-location, and the result of such attempts;
 - e. The planning department may require the application to be reviewed by a qualified, independent engineer under contract to the city to determine whether the antenna study supports the basis for the modification requested. The cost of review by the engineer shall be reimbursed to the city by the applicant.
2. The planning commission shall consider the application for modification based on the following criteria:
- a. That the tower as modified will be compatible with and not adversely impact public health and safety of surrounding areas;
 - b. Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification;
 - c. In addition, the planning commission may include conditions on the site where the tower is to be located if such conditions are necessary to mitigate any adverse impacts which arise in connection with the approval of the modification.
- B. In addition to the requirements of subsection A of this section, in the following cases, the applicant must also demonstrate, with written evidence, the following:
- 1. In the case of a requested modification to the setback requirement. Section 17.78.030 WSMC, that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the applicant is to locate the tower at another site which is closer in proximity to a residentially zoned land or land that is more visually sensitive.
 - 2. In the case of a request for modification of the separation and buffer requirements of Section 17.78.040 WSMC, that written technical evidence from an engineer(s)

demonstrates that the proposed tower must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system, and that the applicant is willing to create approved landscaping and other buffers to screen the tower.

3. In the case of a request for modification of the height limit for towers or to the minimum height requirements for antenna support structures, that the modification is necessary to: (a) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (b) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than one hundred twenty feet shall be approved in any case.

17.78.090 - Abandonment.

- A. If any tower shall cease to be used for a period of one hundred eighty consecutive days, the planning department shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the planning commission that such site has been abandoned. The owner shall have thirty days from receipt of said notice to show, by a preponderance of the evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the city council shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower.
- B. To secure the obligation set forth in this section, the applicant (and/or owner) shall post a performance bond for the purpose of ensuring adequate removal of the tower upon termination of its use. The performance bond shall be equal to or greater than one hundred fifty percent of the estimated cost of removal of the tower, but not less than five thousand dollars. Proof of performance bonds shall be submitted prior to final permit approval.

17.78.095 - Temporary wireless service facility.

The use of a temporary wireless service facility may be permitted by the city. A temporary wireless service facility is the use of equipment such as a COW or an antenna on a bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless facility. Such temporary facility may only be utilized in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day for the purpose of evaluating the technical feasibility of a particular location for placement of a personal wireless facility or for providing communications during an emergency.

~~17.78.100—Definitions.~~

~~General. Words and terms in this section are included because of special or particular meanings as they are used in these regulations. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.~~

~~"Antenna" means any pole, panel, rod, reflection disc including satellite earth station antenna as defined by 47 CFR Sections 1.4000 and 25.104, or similar device used for the transmission and/or reception of radio frequency signals.~~

~~"Antenna support structure" means any building or structure other than a tower which can be used for location of telecommunications facilities.~~

~~"Applicant" means any person that applies for approval from the city.~~

~~"Application" means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, erect or use such parcel of land. "Application" includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.~~

~~"Low-powered, networked telecommunications facilities" means those facilities with maximum transmitter peak output power that do not exceed one watt and are less than fourteen inches by sixteen inches by eight inches with an antenna no greater than thirty inches.~~

~~"Stealth" means relating to siting strategies and technological innovations designed to enhance compatibility with adjacent land uses by designing structures to resemble other features in the surrounding environment. "Stealth" techniques include architecturally screened roof mounted antennas, antennas integrated into architectural elements, and towers designed to resemble light poles, power poles, flag poles, street standards, steeples, or trees, etc.~~

~~"Street right-of-way line" means the boundary line between a street and abutting property.~~

~~"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water, but not including fences or walls used as fences six feet or less in height.~~

~~"Telecommunications facilities or wireless telecommunications facilities" means any antennas, cables, wires, lines, wave guides, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.~~

~~"Tower or wireless telecommunications tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.~~

17.78.110 - Severability.

That if any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect.

SECTION 2: EFFECTIVE DATE

This ordinance shall become effective five days after publication as provided by law.

SECTION 3: SEVERABILITY

If any part of this ordinance is declared unconstitutional or otherwise invalid for any reason, the remaining provisions shall be construed to be effective after removing the objectionable provision(s).

Passed by the Council and approved by the Mayor on this 18th day of November 2020.

ATTEST:

Marla Keethler, Mayor

Jan Brending, Clerk Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, September 23, 2020

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Ross Henry, Chairman
Michael Morneault
Tom Stevenson
Greg Hohensee
Seth Gilchrist

Staff Present:

Erika Castro Guzman, City Associate Planner
Jan Brending, City Clerk-Treasurer
Bill Hunsaker, Fire Chief/ Code Enforcement

CALL TO ORDER/ ROLL CALL

Ross Henry, Chairman called the meeting to order at 5:35 PM. There was approximately 1 person attending by teleconference. A quorum of planning commissioner members was present.

PUBLIC COMMENT

One public comment was read regarding the Short-term Rental Policy discussion by Mark Sanborn and Sandra Linnerud, White Salmon, WA.

APPROVAL OF MINUTES

Approval of the minutes of June 10, 2020.

Moved by Michael Morneault. Seconded by Tom Stevenson.

Discussion: None

Motion to approve meeting minutes, as is, of June 10, 2020. CARRIED 5-0.

ACTION ITEMS

White Salmon Urbanization Study, July 2020

Jan Brending, Clerk-Treasurer presented the White Salmon Urbanization Study for final review and adoption. She reminded the Commissioners that this document is a planning tool, not an element in the Comprehensive Plan, therefore does not set policy but does have recommendations from the consultants.

The Planning Commission recommended the following updates:

1. Check page numbers. The document rennumbers after the original page 7 (end of Section II. Buildable Land Inventory).
2. Instead of using bullets, please use numbers or letters respectively. It makes it easier for individuals to reference a specific line.
3. Section II. Buildable Land Inventory
 - a. Make sure the residential land use base organization information is correct, specifically how many dwelling units per acre. Is this based on county or city zoning or both?
 - b. Was the Draft BLI findings and results reviewed by the public?

4. Section III. Economic Overview

- a. Page 12, after Exhibit 3.2, the first paragraph states “Within the City of White Salmon...” however, there are other areas in the report that the word “Within the White Salmon area” is used. A question was raised about consistency and making sure that the data provided matches the appropriate wording, i.e. is the data for the City of White Salmon (city limits) or is the data for the White salmon area? This should be checked throughout the document.

5. Section IV. Housing Needs

a. Urbanization Requirements

- The third paragraph, last sentence the work “dimish” should be “diminish.”
- Add a paragraph about annexation (from areas within the White Salmon Urban Exempt Area) into the city limits that can help address growing demand, i.e. SR and R1 (county zoning) could be rezoned when annexed to medium density.

6. Section IV.E. Findings and Policy Considerations

- a. Under “City of White Salmon,” first bullet, last sentence should read “Criteria for rezoning could include availability of water/sewer, access and proximity to services, schools and commercial uses and maintaining village feel.”
- b. Under “City of White Salmon” move bullets 4 – 6 before the first three bullets.
- c. Under “City of White Salmon”, bullet #5 should read “Consider revisions to the residential standards to mitigate barriers, including changes to building setbacks, heights, coverage requirements and minimum lot sizes while maintaining village feel.”
- d. Under “City of White Salmon”, bullet #6 the first part of the sentence should be bolded to match other formatting.
- e. Under “Klickitat County”, paragraph after bullets should read: “These and other policy considerations will be discussed and refined based on input from the City of White Salmon and local community stake holders and a balanced cross-section of residents, including long-term residents, through the Comprehensive Plan Update process.”

Moved by Tom Stevenson. Seconded by Seth Gilchrist.

Discussion: None

Motion to accept White Salmon Urbanization Study, July 2020, with recommended changes. CARRIED 5–0.

Proposed Amendments to WSMC 17.78 – Wireless Telecommunications Towers and Facilities

Jan Brending, Clerk-Treasurer, presented the proposed amendments to WSMC 17.78 by the City Operations Committee. All proposed changes are to be incorporated prior to the public hearing and used as the basis for obtaining comments at a future Planning Commission meeting prior to its recommendation to the City Council for adoption of the amendments.

The Planning Commission recommended the following changes to the proposed amendments:

- WSMC 17.78.025: B.1.c, incorporate language from D -11.
- WSMC 17.78.025 B.1.e should read “An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-locate the proposed

- telecommunications facilities on existing towers or antenna support structures within line of site from the proposed service area, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible.
- WSMC 17.78.025 D.5. should read “An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-located the proposed telecommunications facilities on existing towers or antenna support structures located within line of site from the proposed service area, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible.”
 - WSMC 17.78.050 Illumination: add a sentence that states all facility shall be dark-sky compliant as required by White Salmon Municipal Code. .
 - WSMC 17.78.070, split this section into two: (1) Modifications – using existing language to be reviewed at the planning department level and (2) Demolition and rebuilding of existing towers that must comply with the requirements of the chapter and are reviewed by the planning commission.

Moved by Tom Stevenson. Seconded by Greg Hohensee.

Discussion: None

Motion to schedule public hearing on proposed amendments to WSMC 17.78 – Wireless

Telecommunications Towers and Facilities, with changes as noted, on Wednesday, October 14, 2020.

CARRIED 5–0.

DISCUSSION ITEMS

Short-term Rental Policy Discussion

The Planning Commission held a discussion regarding short-term rentals to provide broad guidance to be used towards the development of goals and policies regarding short-term rentals.

The Planning Commission and staff identified the following topics for further discussion:

- Research and dissect similar city’s short-term rental ordinances and make comment as to what would like to be seen in White Salmon City Code.
- Communicate with the community, especially within the White Salmon’s R-1 neighborhoods for their insight of STRs and ADUs.
- Affordability in White Salmon.
- Staff to share STR data (if possible).
- Should short-term rentals be allowed.
- How are short-term rentals classified, i.e. “residential” or “commercial.”
- Where should short-term rentals be allowed; what zones should short-term rentals be allowed; if classified “residential” are short-term rentals allowed in commercial zones or possible with a conditional use permit or if classified “commercial” are short-term rentals allowed in residential zones or possibly with a conditional use permit.
- Should there be a limit on the number of short-term rentals

Update on Comprehensive Plan

Jan Brending, Clerk-treasurer, provided an update to the Planning Commission on the Comprehensive Plan status. She said that the consultant has informed the city of some budget overruns. The City is looking to resolve it for the issues soon so the Planning Commission to continue policy discussion and reviewing elements. Staff is also seeking to sign the transportation and park plans contracts in October.

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Ross Henry, Chairman

Erika Castro Guzman, Associate Planner



CITY OF WHITE SALMON
Planning Commission Meeting - Wednesday, October 28, 2020
DRAFT

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Commission Members:

Ross Henry, Chairman
Greg Hohensee
Seth Gilchrist
Michael Morneault (Logged off at 5:36 p.m.)

Staff Present:

Erika Castro Guzman, City Associate Planner
Jan Brending, City Clerk-Treasurer

Absent:

Tom Stevenson

CALL TO ORDER/ ROLL CALL

Ross Henry, Chairman called the meeting to order at 5:31 p.m. There was three audience members attending by teleconference. A quorum of planning commissioner members was present.

APPROVAL OF MINUTES

1. Approval of the minutes of September 23, 2020.
Moved by Seth Gilchrist. Seconded by Greg Hohensee.
Discussion: None
Motion to approve meeting minutes, as is, of September 23, 2020. CARRIED 4–0.
2. Approval of the minutes of October 14, 2020.
Moved by Greg Hohensee. Seconded by Michael Morneault.
Discussion: None
Motion to approve meeting minutes, as is, of October 14, 2020. CARRIED 4–0.

ACTION ITEMS

3. **Proposed Amendments to WSMC 17.78 Wireless Telecommunication Towers and Facilities**
 - a. **Presentation**
Jan Brending, Clerk-Treasurer presented the proposed amendments to WSMC 17.78 Wireless Telecommunication Towers and Facilities for public hearing review and planning commission recommendation to the City Council for adoption.
 - b. **Public Hearing**
Seven public comments were read regarding the proposed amendments to WSMC 17.78 Wireless Telecommunication Towers and Facilities.
 - Kent and Barbara Bleakly, White Salmon, WA.
 - Brittany Bernard, White Salmon, WA.
 - Camille Bush, White Salmon, WA.
 - John Head, White Salmon, WA.
 - Kyla Rae, White Salmon, WA.
 - Marya Gendron, Husum, WA.
 - Nancy Tissing, White Salmon, WA.

c. **Discussion and Action**

The Planning Commission recommended the following changes:

- WSMC 17.78.015: A, “The general purpose of this chapter is to regulate the placement, construction, modification, and demolition of wireless telecommunications towers...”
- WSMC 17.78.015: B, Addition of “2. To permit the leasing of city owned property to wireless operations;” and renumber thereafter.
- WSMC 17.78.025: D-13, Second Sentence. “In order to provide information to its citizens the applicant shall be required to provide copies of...”
- WSMC 17.78.060: Label the two paragraphs A and B.
- WSMC 17.78.060: A, First Sentence. All landscaping on a parcel of land containing tower(s), antenna support structure(s), or telecommunication(s) facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, and/or telecommunications facilities are located...”
- WSMC 17.78.065: A-6, Spell out what EIA means.
- WSMC 17.78.100: Move the definitions chapter section after the purpose chapter section.

Moved by Seth Gilchrist. Seconded by Greg Hohensee.

Discussion: Commissioner Hohensee stated that Commissioner Morneault commented about monochrome structures and guy wires, but he feels that they’re probably already addressed in the building codes and shouldn’t be addressed in this code. Chairman Henry said he agreed that the wireless tower code had enough in it to probably alleviate any concerns.

Motion to recommend to the City Council that the proposed amendments to WSMC 17.78 Wireless Telecommunications Towers and Facilities be adopted as amended.
CARRIED 3–0.

ADJOURNMENT

The meeting was adjourned at 7:01 p.m.

Ross Henry, Chairman

Erika Castro Guzman, Associate Planner

Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 1:32 PM
To: Jan Brending
Subject: Fwd: Public Comment - September 23, 2020 Planning Commission Meeting

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: Kent & Barbara Bleakley <bkb@gorge.net>
Date: Tue, Oct 27, 2020 at 2:28 PM
Subject: RE: Public Comment - September 23, 2020 Planning Commission Meeting
To: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Erika,

We understand that before the Public Hearing begins tomorrow night, that comments from the public will be read into the record. Please read the following into it:

As property owners on Strawberry Mt. Road almost directly across the street from the proposed cell tower on the city water reservoir property, we, together with every other property owner in the vicinity, wanted to prevent the construction of a cell tower in that location, so we did some research. What we discovered was quite surprising:

- Federal law allows local governments to deny construction permits for cell towers, but such denial must be based on a reasoned approach; **otherwise the FCC is authorized to preempt the local decision and grant the permit.** This has been interpreted that a local government should have a carefully crafted policy in its ordinances in place before considering a request from a telecommunications service to erect a tower. Without adopting a cell tower policy, it is doubtful that a municipality's denial of a construction permit will be seen as resulting from a reasoned approach. The 1996 Telecommunications Act, and subsequent modifications apparently preserve local government zoning authority as it relates to cell tower siting, and all installations must still adhere to a community's building, electrical and structural codes. But the rules are constantly changing.
- Concerns about health and safety from exposure to electromagnetic radiation (EMR) from modern cellphone towers, largely comprised of high-frequency radio waves or microwaves, are not allowed to be considered in denying a permit. This is in spite of adverse biological effects of EMR from cellphones.

towers that have been observed in birds, bees, and humans. Local ordinances may not impose more stringent “environmental effects” limits on radio frequency emissions than those adopted by the Federal Communications Commission (FCC).

- General blanket restrictions such as “too much opposition”, or the adverse visual appearance are also not allowed to be considered. However, adopting what a “good looking” cell tower would look like beforehand in the ordinances IS allowed if you have already decided you are going to allow them in certain zones.

Our conclusion is that the city must do its best to shore up WSMC 17.78 so that none of its residents will ever be threatened by the possibility of having a cell tower in a residential neighborhood of any kind, where we believe it is inappropriate. In addition, we think that given that the federal government can preempt citizens’ desires if the local government doesn’t have a reasoned approach in place already, that any and all communications with a cell tower company should only occur through an attorney representing the city’s interests. Any changes to the regulations must be very carefully written to legally protect local authority or the local government can lose its control. Many communities around the country have been dealing with this situation as it is very controversial, many lawsuits have resulted and the large corporations’ attorneys are adept at fighting the same fights over and over again.

Kent and Barbara Bleakley

Eureka Ranch, LLC

745 Strawberry Mt. Road

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us>

Sent: Wednesday, September 23, 2020 10:54 PM

To: Kent & Barbara Bleakley <bkb@gorge.net>

Cc: Jim Kacena <jim@kacenalaw.com>

Subject: Re: Public Comment - September 23, 2020 Planning Commission Meeting

Thank you Barbara,

The comment has been distributed to our planning commission. You are welcome to view the recording of this meeting on our website that will be uploaded by the end of the week.

Kindly,

Erika Castro Guzman, *Associate Planner* | City of White Salmon (509) 493.1133 ext 209

On Wed, Sep 23, 2020 at 6:41 PM Kent & Barbara Bleakley <bkb@gorge.net> wrote:

Erika,

Please forward the attached letter to the Planning Commissioners for tonight's planning commission meeting. Thank you,

Barbara Bleakley

541.490.8056

Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 4:53 PM
To: Jan Brending
Subject: Fwd: Public Hearing – Amendments to WSMC 17.78.

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: Brittany Anna <solspirityoga@gmail.com>
Date: Wed, Oct 28, 2020 at 4:44 PM
Subject: Public Hearing – Amendments to WSMC 17.78.
To: erikac@ci.white-salmon.wa.us <erikac@ci.white-salmon.wa.us>

Good afternoon,

I am a resident in downtown White Salmon and I am writing to comment on my concerns for the proposed cell tower as such:

- Impact on the health of all individuals living within the tower range, including the unborn child.
- Impact the tower will have on the environment & the destruction that will be caused to place the tower & possibly maintain.
- Unsightly structure taking away from the natural feel of the lovely small rural wooded community White Salmon is, a place families choose to raise children safely.

Lastly, the negative effects on a dark night sky related to spiritual and environmental practices.

To clarify, I am opposed to the implementation of this project. Thank you for your time.

Sincerely,

Brittany Bernard

--

Brittany Anna Mariposa Bernard

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Hablo Español.

www.facebook.com/solspirityoga

Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 3:07 PM
To: Jan Brending
Subject: Fwd: Public Hearing – Amendments to WSMC 17.78

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: **slowcrawl** <slowcrawl@gmail.com>
Date: Wed, Oct 28, 2020 at 3:06 PM
Subject: Public Hearing – Amendments to WSMC 17.78
To: erikac@ci.white-salmon.wa.us <erikac@ci.white-salmon.wa.us>

I am concerned about the lack of safety testing of 5G technology and do not want 5G towers installed in the White Salmon region where I reside.

Thank you for your consideration,
Camille Bush

133 Hendryx Rd
White Salmon, WA 98672

707.367.3418
slowcrawl@gmail.com

Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 1:32 PM
To: Jan Brending
Subject: Fwd: Public Hearing - Amendments to WSMC 17.78 ... communication in support

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: Head, John W. <jhead@ku.edu>
Date: Sun, Oct 25, 2020 at 7:18 PM
Subject: Public Hearing - Amendments to WSMC 17.78 ... communication in support
To: erikac@ci.white-salmon.wa.us <erikac@ci.white-salmon.wa.us>
Cc: Lucia Orth <lucia979orth@gmail.com>

Hello, Ms. Castro-Guzman ---

My wife and I recently moved to a home just east of White Salmon, at the address 8 Windago Lane / Columbia Rim Estates. I assume we are eligible to offer comments on the proposed amendments regarding wireless telecommunication towers. If I'm incorrect in this assumption, please disregard the comment.

If I understand the proposal correctly, it increases the scrutiny that applies to the building of new towers and also to the demolition and rebuilding of existing towers. The original proposed amendment, by my reading, requires that the city council "review" such new (or rebuilt) towers before consideration by the planning commission; the updated proposed amendment requires that the city council "approve" such towers prior to planning commission consideration – or, expressed differently, the updated proposed amendment prohibits proceeding with any new towers unless the city council approves the forwarding of the matter to the planning commission.

I favor the general principle that I believe underlies the proposed amendments ... that very close scrutiny should be given before any new telecommunications towers are built. The scrutiny includes (in the proposed amendments) a consideration of such things as height, location, and how the tower "would appear viewed from the closest residential property and from adjacent roadways." All this is, in my view, very appropriate.

I will try to “tune in” to the meeting at 5:30 Wednesday (October 28) if it is open to the public and if I learn the Zoom invitation details. But I do not wish to testify – I merely want to voice my approval of the additional scrutiny, assuming I am eligible to comment.

Thanks,

John W. Head

8 Windago Lane
Columbia Rim Estates

White Salmon, WA 98672

785-727-3977

====


Here is the announcement I am responding to:


Public Hearing - Proposed Amendments to WSMC 17.78, Wireless Telecommunication Towers and Facilities

The City of White Salmon Planning Commission will hold a public hearing regarding proposed amendments to White Salmon Municipal Code (WSMC) 17.78, Wireless Telecommunication Towers and Facilities. The public hearing will be held on Wednesday, October 28 at 5:30 p.m. The Planning Commission will meet via teleconference. Written comments may be submitted to erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, October 28 noting in the subject line “Public Hearing – Amendments to WSMC 17.78.” All written comments will be read during the public hearing. In addition, any individual who wishes to testify via the teleconference will be allowed to do so. You must register with the city (by contacting Erika Castro-Guzman at erikac@ci.white-salmon.wa.us by 5:00 p.m. on Wednesday, October 28) that you desire to testify via teleconference and provide your name and/or phone number as it will appear during the Zoom teleconference. A copy of the proposed amendments is available

on the city's webpage at <http://www.white-salmon.net> or by calling Erika Castro Guzman at 509-493-1133 #209.

Supporting Documents

 [UPDATED Proposed Amendments to WSMC 17.78 Wireless Telecommunications Towers and Facilities \(as of October 23, 2020\) \(187 KB\)](#)

 [Proposed Amendments to WSMC 17.78 Wireless Telecommunications Towers and Facilities \(965 KB\)](#)



Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 4:53 PM
To: Jan Brending
Subject: Fwd: Public hearing - amendment to WSMC 17.78

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: **Brittany Bernard** <bernard.brittanya@gmail.com>
Date: Wed, Oct 28, 2020 at 4:49 PM
Subject: Public hearing - amendment to WSMC 17.78
To: erikac@ci.white-salmon.wa.us <erikac@ci.white-salmon.wa.us>

Good afternoon,

I am a resident and mother in downtown White Salmon and I am writing to comment on my concerns for the proposed cell tower as such:

- Negative Impact on the health of all individuals living within the tower range.
- Negative Impact the tower will have on the environment & the destruction that will be caused to place the tower & possibly maintain.
- Unsightly structure taking away from the natural feel of the lovely small rural wooded community White Salmon is, a place families choose to raise children safely.

Lastly, the negative effects on a dark night sky related to spiritual and environmental practices.

To clarify, I am opposed to the implementation of this project. Thank you for your time.

Sincerely,

Kyla Rae

Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 3:06 PM
To: Jan Brending
Subject: Fwd: Public Hearing – Amendments to WSMC 17.78

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: Marya Gendron <maryagendron@gmail.com>
Date: Wed, Oct 28, 2020 at 3:02 PM
Subject: Public Hearing – Amendments to WSMC 17.78
To: <erikac@ci.white-salmon.wa.us>

Greetings -

I just heard about this meeting today, so am only vaguely familiar with these proposed changes and what their impact could be. Therefore I am submitting a generalized concern about installation of cell phone towers that would, could, or will be implemented as part of 5G technology. IF the changes proposed today are done in order to, or could help to facilitate, this kind of infrastructure in the near or far future, I make an appeal to you all. Please consider the lack of evidence for safety of such technologies, and the importance of consent when populations are subject to environmental impacts which could compromise their health. It is critical that we as adults be cautious especially when it comes to subjecting the sensitive growing brains and bodies of young children to such novel technologies.

Thanks for your consideration
Marya Gendron
Husum, WA

Jan Brending

From: Erika Castro-Guzman <erikac@ci.white-salmon.wa.us> on behalf of Erika Castro-Guzman
Sent: Wednesday, October 28, 2020 4:52 PM
To: Jan Brending
Subject: Fwd: No Cell Tower

Erika Castro Guzman, Associate Planner | [City of White Salmon](#) (509) 493.1133 ext 209

----- Forwarded message -----

From: Nancy Tissing <twba89@gmail.com>
Date: Wed, Oct 28, 2020 at 4:40 PM
Subject: No Cell Tower
To: <erikac@ci.white-salmon.wa.us>

Hi, my concerns are as listed:

- Impact on the health of all individuals living within the tower range, including the unborn child.
- Impact the tower will have on the environment & the destruction that will be caused to place the tower & possibly maintain.
- Unsightly structure taking away from the natural feel of the lovely small rural wooded community White Salmon is, a place families choose to raise children safely.

Sincerely,
Nancy Tissing

Sent from my iPhone

Jan Brending

From: Michael Morneault <michaelm@ci.white-salmon.wa.us> on behalf of Michael Morneault
Sent: Wednesday, October 7, 2020 11:22 AM
To: Jan Brending
Subject: Re: questions from 9/23 meeting
Attachments: section 17.78.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Jan: Here are my edits to Chapter 17.78 of the code. There are some items, I think should be included in the new subparagraph:

1. Tower shall be a monotone structure, designed to resist all lateral forces as required by the pertinent codes.
2. The use of guy wires will not be permitted, whether within or extending outside the leased ground.

On Tue, Oct 6, 2020 at 4:03 PM Jan Brending <janb@ci.white-salmon.wa.us> wrote:

I have not finished writing up the changes as dictated by the Planning Commission. We should not be making any changes at this time and should wait for the public hearing on the 28th.

Jan Brending, Clerk Treasurer

City of White Salmon

PO Box 2139

White Salmon WA 98672

509-493-1133 #205

janb@ci.white-salmon.wa.us

From: Michael Morneault <michaelm@ci.white-salmon.wa.us>
Sent: Tuesday, October 6, 2020 3:53 PM
To: Jan Brending <janb@ci.white-salmon.wa.us>
Subject: Re: questions from 9/23 meeting

Jan : could you send me the proposed changes for the cell tower to me in a word document?

Style Definition: Heading 4: Font: Times New Roman, Not Bold, Not Italic, Font color: Auto, Indent: Hanging: 0.29"

17.78 - WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

17.78.010 - Findings.

- A. The Communications Act of 1934 as amended by the Telecommunication Act of 1996 ("the Act") grants the Federal Communications Commission (FCC) exclusive and sole jurisdiction over:
- The regulation of the environmental effects of radio frequency (RF) emissions from telecommunications facilities; and
 - The regulation of radio signal interference among users of the RF spectrum.
- B. The city's regulation of wireless telecommunications towers and facilities in the city will not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.015 - Purposes.

- C. The general purpose of this chapter is to regulate the placement, construction, and modification, and demolition of wireless telecommunications towers and facilities in order to protect the health, safety, and welfare of the public, while at the same time encouraging the development of the competitive wireless telecommunications marketplace in the city.
- D. The specific purposes of this chapter are:
- To allow the location of wireless telecommunication towers and facilities in the city;
 - To permit the leasing of city owned property to wireless operators;
 - To protect residential zones and visually sensitive areas from potential adverse impact of towers and telecommunications facilities;
 - To minimize adverse visual impact of towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
 - To promote and encourage shared use/co-location of towers and antenna support structures as a primary option rather than construction of additional single-use towers;
 - To promote and encourage utilization of technological designs that will eliminate or reduce the need for erection of new tower structures to support antenna and telecommunications facilities;
 - To avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound;
 - To ensure that towers and telecommunications facilities are compatible with surrounding land uses; and
 - To overcome the potential adverse impacts that poorly or unregulated telecommunications facilities could have on the public health, safety and welfare.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.020 - Exemptions.

The following shall be considered exempt structures or activities under this chapter:

- E. Parabolic or other similar antenna 39.37 inches (one meter) diameter or less regardless of zone;
- F. Parabolic or other similar antennas 78.74 inches (two meters) in diameter or less located in nonresidential zones;
- G. Panel, wave, or other similar antennas ten square feet or less regardless of zone;
- H. Whip or other similar antennas six feet in height and up to two inches in diameter;
- I. Antennas designed to receive local television broadcast signals regardless of zone category;
- J. Low-powered networked telecommunications facilities such as microcell radio transceivers located on existing utility poles and light standards within public right-of-way. Low-powered, networked telecommunications facilities shall comply with Chapter 17.78 this WSMC;
- K. Industrial, scientific and medical equipment using frequencies regulated by the FCC;
- L. Military, federal, state and local government communication towers used for navigational purposes, emergency preparedness, and public safety purposes;
- M. Normal, routine, and emergency maintenance and repair of existing wireless communication facilities and related equipment which do not increase the size, footprint, or bulk of such facilities and which otherwise comply with city, state, and federal law and regulations;
- N. Cell on wheels (COW), which are permitted as temporary testing uses in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day, or during a period of emergency as declared by the city.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.025 - Development of towers.

- O. Towers may be located in any zone with approval of an ~~unclassified~~ Unclassified use-Use permit (UUP). Co-location shall be given first priority and may be required. The use of public properties shall be subject to approval by the city and the city's determination that the public's intended use of the site will not be unreasonably hindered. Application for an UUP shall be made to the ~~planning director~~ city in the manner provided in this chapter. An application to locate a new tower shall be accompanied by technical information identifying and documenting the need for such a location per subsection C of this section.
- P. Towers may not exceed the maximum height allowed for structures in any residential, local commercial or general commercial zone. In industrial, public, and riverfront planned district zones, towers shall be permitted to a height of sixty feet. Towers may be permitted in excess of the stated height limit to a maximum height of one hundred twenty feet only in accordance with a modification approved per Section 17.78.085 WSMC and subject to all conditions of approval applied through that process.
- Q. An application ~~to develop a new tower shall be by~~ for a UUP ~~and~~ shall include the following information:
- The name, address, and telephone number of the owner and lessee of the parcel of land upon which the proposed tower is to be situated. If the applicant is not the owner of the parcel of land upon which the proposed tower is to be situated, the written consent of the owner shall be ~~evidenced~~ included in the application. If the applicant is not the owner of the property, a copy of the preliminary lease agreement is required to be provided with the application. A copy of the final agreement shall be submitted prior to issuance of a building permit for the structure;
 - The legal description, parcel number, and address of the parcel of land upon which the proposed tower is to be situated;
 - The names, addresses, and telephone numbers of all owners of other existing towers or antenna support structures, capable of supporting the applicant's telecommunications facilities, within three hundred feet of the proposed tower site, including city-owned property;
 - A description of the design plan proposed by the applicant in the city. Applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for the proposed tower and why design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services;
 - An affidavit shall be submitted attesting to the fact that the applicant made diligent efforts to obtain permission to install or co-locate the proposed telecommunications facilities on existing towers or antenna support structures located within a one-half mile radius of the proposed tower site, but, due to physical, economic, or technological constraints, no such existing tower or antenna support structure is available or feasible;
 - A written statement by the applicant that the tower will accommodate co-location of additional antennas for future users at a reasonable, market-based cost. If accommodation of future co-location is not proposed, information must be submitted with the application detailing why future co-location is not possible;
 - Written technical evidence from an engineer(s) of the tower's capability of supporting additional telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the proposed tower;
 - A written statement from an engineer(s) that the construction and placement of the proposed tower and telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;
 - It shall be a condition of the UUP that all towers must ~~shall~~ be designed and certified by a registered structural engineer to be structurally sound and, at a minimum, in conformance with the building code and any other standards set forth in this chapter. All towers shall be fixed to land.
 - ~~It shall be a condition of the UUP approval that certification by the applicant will meet the standards set forth in Section 17.78.035, "Structural requirements";~~
 - A written statement by the applicant stating the tower and telecommunications facilities will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;
 - In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site with a photo realistic representation of the proposed tower and telecommunications facilities as it would appear viewed from the closest residential property and from adjacent roadways;
 - The city may require a qualified, independent third party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be ~~borne by the applicant~~ at the applicant's expense;
 - The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant ~~may be required to~~ shall provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city

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shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;

At the time of site selection, the applicant shall demonstrate how the proposed site fits into its overall telecommunications network within the city. This shall include a service area coverage chart for the proposed tower and telecommunications facilities that depicts the extent of coverage and corresponding signal quality at the proposed tower height and at least one height lower than that proposed.

Construction schedule and completion date shall be provided to the city. Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, the applicant will be allowed to request extension of the construction schedule. City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;

Copies of any environmental documents required by any federal, state, or local agency. These shall include the environmental assessment required by FCC Par 1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

A full site plan shall be required for all towers, showing the location, the specific placement of the tower on the site, the type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed facility, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures;

Applicants for new communications towers shall contact all law enforcement, fire, and other public safety and emergency services agencies within the city prior to application submittal to determine whether or not the agencies are interested in co-location and, if so, what the agencies specifications are. If any such agency decides to co-locate, then any new towers approved under this chapter shall be designed for, and the owner shall not deny, co-location.

R. The city shall will review applications in a prompt manner and all decisions shall be made in writing and setting forth the reasons for approval or denial.

S. Decisions on UUPs require a public hearing. The public hearing shall be conducted before the planning commission following which the planning commission shall render a decision supported by findings of fact and conclusions of law. Appeal of the planning commission's decision must be submitted within fourteen days to the planning department city for consideration by the city council.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.030 - Setbacks.

T. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.

U. Setback requirements may be modified, as provided in Section 17.78.085 WSMC, when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees, which may visually hide the tower.

V. Unless exempt from Section 17.78.020 WSMC, telecommunications facilities shall be set back at least twenty-five feet from each lot line. The planning commission may grant a waiver of up to twenty-five percent of the setback requirement if it is determined that significant trees and other vegetation will be retained by reducing the setback.

W. Towers in excess of the height allowed in each base zone per Section 17.78.025(B) and having received approval of a request for modification of development standards per Section 17.78.085; shall be set back one additional foot per each foot of tower height in excess of the tower height allowed in the base zone without a modification of development standards.

(Ord. No. 2012-11-905, 11-26-2012)

~~17.78.035 - Structural requirements.~~

~~It shall be a condition of the UUP that all towers must be designed and certified by an engineer to be structurally sound and, at a minimum, in conformance with the building code and any other standards set forth in this chapter. All towers shall be fixed to land.~~

(Ord. No. 2012-11-905, 11-26-2012)

17.78.040 - Separation or buffer requirements.

For the purpose of this section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. The minimum tower separation distances from residentially zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.

X. Proposed towers must meet the following minimum separation requirements from existing towers or towers which have a development permit but are not yet constructed at the time a development permit is granted pursuant to the zoning code:

Monopole tower structures shall be separated from other telecommunications towers by a minimum of seven hundred fifty feet.

Commented [mdm1]: Height is not defined anywhere

Commented [mdm2]: This sentence is a counterdiction in itself. How is one to perform something before approval is given?

Self-supporting or lattice tower structures shall be separated from other telecommunications towers by a minimum of one thousand five hundred feet

Y. Tower separation distances from any property that is zoned residential shall be set back one foot for each foot of tower height

Z. Separation or buffer requirements may be modified as provided in Section 17.78.085 WSM

(Ord. No. 2012-11-905, 11-26-2012)

17.78.045 - Method of determining tower height.

Measurement of tower height for the purpose of determining compliance with all requirements of this section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height shall be measured from average pre-construction grade.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.050 - Illumination.

~~A. Towers shall not be artificially lighted except as specified required by the Federal Aviation Administration (FAA). If lighting is demonstrated to be required by the FAA as the only means to achieve compliance with FAA safety standards, then dual mode lighting shall be requested from the FAA shall be installed~~

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~~B. Any facilities shall meet the requirements of WSMC XXX (dark sky)~~

(Ord. No. 2012-11-905, 11-26-2012)

17.78.055 - Exterior finish.

Towers not requiring FAA specified painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, ~~as and~~ approved by the planning commission.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.060 - Landscaping/stealth design.

~~AA. All landscaping on a parcel of land containing tower(s), antenna support structure(s), or telecommunication(s) facilities shall be in accordance with the applicable landscaping requirements in the zoning district where the tower, antenna support structure, and/or telecommunications facilities are located. The city may require on-site landscaping in excess of the requirements in the zoning code in order to enhance compatibility with adjacent land uses. Tower development shall preserve the pre-existing character of the site as much as possible. Towers and accessory equipment structures (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the extent practical. Existing vegetation around the facility shall be preserved to the extent possible or improved upon to provide vegetative screening.~~

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~~BB. The perimeter of a wireless communication support structure shall be enclosed by a fence or wall at least six feet in height. Evergreen trees shall be planted surrounding the support structure in a manner approved by the city. In any residential, local commercial, or general commercial zone, the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required to mitigate visual impacts to adjacent properties or public rights-of-way as determined by site-specific conditions. Ground equipment may be required to be located within a structure and the structure may be required to contain design elements (e.g., wood or wood look siding, pitched roof and overhangs) as deemed necessary to ensure compatibility between ground equipment and the surrounding neighborhood.~~

(Ord. No. 2012-11-905, 11-26-2012)

17.78.065 - Telecommunications facilities on existing towers and antenna support structures.

Telecommunications facilities may be permitted on any tower or antenna support structure. Application for a conditional use permit shall be made to the planning director in the manner provided in this chapter for telecommunications facilities that are not exempt per Section 17.78.020 WSMC. The applicant shall, by written certification to the planning department, establish the following at the time plans are submitted for a building permit:

~~AA-CC.~~ A conditional use permit application to develop telecommunications facilities shall include the following:

The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower or antenna support structure is situated. If the applicant is not the owner of the parcel of land upon which the tower or antenna support structure is situated, the written consent of the owner shall be evidenced in the application;

The legal description, parcel number, and address of the parcel of land upon which the tower or antenna support structure is situated;

A description of the design plan proposed by the applicant. The applicant must identify whether or not it is utilizing the most compact, or least obtrusive, technological design, including microcell design, as part of the design plan;

A written statement from an engineer(s) that the construction and placement of the telecommunications facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties;

It shall be a condition of any conditional use permit approval that the applicant shall provide certification that the proposed structure will meet the standards set forth in Section 17.78.035 WSMC;

A written statement by the applicant stating the telecommunications facilities will comply with all FAA regulations and EIA standards and all other applicable federal, state and local laws and regulations;

In order to assist the planning director and planning commission in evaluating visual impact, the applicant shall submit color photo-simulations showing the tower or antenna support structure with a photo-realistic representation of the proposed telecommunications facilities, as it would appear viewed from the closest residential property and from adjacent roadways;

At the request of the planning director, the city may require a qualified, independent third-party review (by a city-approved consultant) to validate and review the technical information contained in the application submittals. The cost of such review shall be borne by the applicant;

The Act gives the FCC sole jurisdiction of the regulation of RF emissions and does not allow the city to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. In order to provide information to its citizens, the applicant may be required to provide copies of ongoing FCC information and RF emission standards for telecommunications facilities transmitting from towers or antenna support structures to the city for inclusion in the public record. The city shall make this type of information available to the public upon request. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards;

Construction schedule and completion date shall be provided to the city. ~~Performance in accordance with the proposed construction schedule and completion date shall be required by condition of approval. When compliance with construction schedule is required, when the construction schedule and/or the completion date cannot be met, the applicant will be allowed to shall request an extension(s) of the construction schedule to either or both.~~ City review of the extension request will include consideration of continued construction impacts on transportation patterns and surrounding land uses;

Copies of any environmental documents required by any federal agency, if available. These shall include the environmental assessment required by FCC Par 1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;

A full site plan shall be required for all sites, showing the location, the specific placement, type and height of the proposed telecommunications facilities, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed telecommunications facilities, the location of existing towers and antenna support structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, fencing, proposed color(s), and any other proposed structures.

BB-DD. Telecommunications facilities that are not appurtenant structures and that are located above the top of the antenna support structure shall be appropriately screened from view through the use of panels, walls, fences, setbacks from the edge of the antenna support structure or other screening techniques approved by the city. Screening requirements shall not apply to stealth antennas that are mounted below the top of the antenna support structure but which do not protrude more than eighteen inches from the side of such an antenna support structure.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.070 - Modification of existing towers.

CC-EE. A tower existing prior to the effective date of the ordinance codified in this chapter, which was in compliance with the city's zoning regulations immediately prior to the effective date of the ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this chapter, except for Sections 17.78.040(B) (requiring that existing legal nonconforming facilities be considered when siting of new facilities is reviewed), 17.78.075, and 17.78.080 WSMC, provided that:

The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in size to the discrete operating telecommunications facilities of any person currently installed on the tower and with a surface area not to exceed the previous facilities.

An application for a development permit is made to the planning department which shall have the authority to issue a development permit without further approval. The grant of a development permit pursuant to this section allowing the modification or demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming.

The height of the modified or rebuilt tower and telecommunications facilities attached thereto does not exceed the existing height of the tower and facilities as of the date of the ordinance codified in this chapter or as hereafter amended, whichever is higher.

DD-FF. Except as provided in this section, a nonconforming structure or use may not be ~~enlarged, increased in size, modified either in height or ground coverage.~~ A nonconforming structure or use may not be discontinued in use for a period of more

Commented [mdm3]: What is the full name of this organization?

Commented [mdm4]: Under what conditions will this request be made? and when will the request be made?

Commented [mdm5]: The information in is paragraph is at the beginning of the chapter.

than one hundred eighty days without being brought into compliance with this chapter. This chapter shall not be interpreted to legalize any structure or use existing at the time the ordinance codified in this chapter is adopted which structure or use is in violation of the zoning code prior to enactment of this chapter.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.075 - Certification and inspections.

~~EE.GG.~~ All towers shall be certified by an state licensed structural engineer to be structurally sound and in conformance with the requirements of the current State Building Code building code and all other construction standards set forth by the White Salmon Municipal Code and federal and state law including FCC and National Electric Safety Code regulations. For new towers, such certification shall be submitted with an application pursuant to Section 17.78.025 "Development of towers" ~~of this chapter.~~

~~FF.HH.~~ The city ~~of its agents~~ shall have authority to enter onto the property, when the tower is not located on city owned property, upon which a tower is located, to inspect the tower for the purpose of determining whether it complies with the building code and all other construction standards provided by the White Salmon Municipal Code and federal and state law. It shall be the responsibility of the tower owner to secure all permits and permissions before construction commences.

~~GG.II.~~ The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner. In the event such inspection results in a determination that violation of applicable construction and maintenance standards, set forth by the White Salmon Municipal Code has occurred, remedy of the violation may include cost recovery for all costs incurred in confirming and processing the violation.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.080 - Maintenance.

~~JJ.~~ The city has the right to inspect towers with regard to physical appearances. Any discrepancy in accepted appearance, such as chipping paint, shall be remedied within 30 days of written notice from the city.

~~HH.KK.~~ Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

~~H.LL.~~ Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electric Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

~~JJ.MM.~~ All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed and bonded contractor.

~~KK.NN.~~ All towers shall maintain compliance with current RF emission standards of the FC

~~LL.OO.~~ In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use ~~shall~~will be discontinued.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.085 - Modification of development ~~standards~~

~~MM.PP.~~ Notwithstanding the tower requirements provided in this chapter, a modification to the development standards may be approved by the planning commission as an unclassified use in accordance with the following:

In addition to the requirement for a tower application, the application for modification shall include the following:

A description of how the proposed plan addresses any adverse impact that might occur as a result of approving the modification;

A description of off-site or on-site factors which mitigate any adverse impacts which might occur as a result of the proposed modification;

A technical study that documents and supports the applicant's need (criteria submitted by the applicant) upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties;

For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for co-location, and the result of such attempts;

The planning department may require the application to be reviewed by a qualified, independent engineer under contract to the city to determine whether the antenna study supports the basis for the modification requested. The cost of review by the engineer shall be reimbursed to the city by the applicant

The planning commission shall consider the application for modification based on the following criteria:

Commented [mdm6]: The Subchapter should be move to after the development subchapter

That the tower as modified will be compatible with and not adversely impact public health and safety of surrounding areas;

Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification;

In addition, the planning commission may include conditions on the site where the tower is to be located if such conditions are necessary to mitigate any adverse impacts which arise in connection with the approval of the modification.

~~NN-QQ.~~ In addition to the requirements of subsection A of this section, in the following cases, the applicant must also demonstrate, with written evidence, the following:

In the case of a requested modification to the setback requirement. Section 17.78.030 WSMC, that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the applicant is to locate the tower at another site which is closer in proximity to a residentially zoned land or land that is more visually sensitive.

In the case of a request for modification of the separation and buffer requirements of Section 17.78.040 WSMC, that written technical evidence from an engineer(s) demonstrates that the proposed tower must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system, and that the applicant is willing to create approved landscaping and other buffers to screen the tower.

In the case of a request for modification of the height limit for towers or to the minimum height requirements for antenna support structures, that the modification is necessary to: (a) facilitate co-location of telecommunications facilities in order to avoid construction of a new tower; or (b) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than one hundred twenty feet shall be approved in any case.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.090 - Abandonment.

~~OO-RR.~~ If any tower shall cease to be used for a period of one hundred eighty consecutive days, the planning department shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the planning commission that such site has been abandoned. The owner shall have thirty days from receipt of said notice to ~~show, by a preponderance of the evidence~~ provide written evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the city council shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower ~~and foundation. The site shall be graded to the original contours and landscaped, if required in the permit or lease, to the satisfaction of the city.~~

~~PP-SS.~~ To secure the obligation set forth in this section, the applicant (and/or owner) shall post a performance bond for the purpose of ensuring adequate removal of the tower upon termination of its use. The performance bond shall be equal to or greater than one hundred fifty percent of the estimated cost of removal of the tower, but not less than five thousand dollars. Proof of performance bonds shall be submitted prior to final permit approval.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.095 - Temporary wireless service facility.

The use of a temporary wireless service facility may be permitted by the city. A temporary wireless service facility is the use of equipment such as a COW or an antenna on a bucket truck, crane, or other device capable of reaching the height necessary to evaluate the site for placement of a personal wireless facility. Such temporary facility may only be utilized in nonresidential areas of the city for a period not to exceed thirty days, or in residential areas for a period not to exceed one day for the purpose of evaluating the technical feasibility of a particular location for placement of a personal wireless facility or for providing communications during an emergency.

(Ord. No. 2012-11-905, 11-26-2012)

17.78.100 - ~~Definitions~~

~~QQ-TT.~~ General. Words and terms in this section are included because of special or particular meanings as they are used in these regulations. The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

~~RR-UU.~~ "Antenna" means any pole, panel, rod, reflection disc including satellite earth station antenna as defined by 47 CFR Sections 4000 and 25.104, or similar device used for the transmission and/or reception of radio frequency signals.

~~SS-VV.~~ "Antenna support structure" means any building or structure other than a tower which can be used for location of telecommunications facilities.

~~TT-WW.~~ "Applicant" means any person that applies for approval from the city.

Commented [mdm7]: Move definitions to the beginning of the Chapter.

~~UU-XX~~ "Application" means the process by which the owner of a parcel of land within the city submits a request to develop, construct, build, modify, erect or use such parcel of land. "Application" includes all written documentation, verbal statements, and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

~~VV-YY~~ "Low-powered, networked telecommunications facilities" means those facilities with maximum transmitter peak output power that do not exceed one watt and are less than fourteen inches by sixteen inches by eight inches with an antenna no greater than thirty inches.

~~WW-ZZ~~ "Stealth" means relating to siting strategies and technological innovations designed to enhance compatibility with adjacent land uses by designing structures to resemble other features in the surrounding environment. "Stealth" techniques include architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to resemble light poles, power poles, flag poles, street standards, steeples, or trees, et

~~XX-AAA~~ "Street right-of-way line" means the boundary line between a street and abutting property.

~~YY-BBB~~ "Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground or water, but not including fences or walls used as fences six feet or less in height.

~~ZZ-CCC~~ "Telecommunications facilities or wireless telecommunications facilities" means any antennas, cables, wires, lines, wave guides, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

~~AAA-DDD~~ "Tower or wireless telecommunications tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FC

(Ord. No. 2012-11-905, 11-26-2012)

~~17.78.110 Severability~~

~~That if any clause, section, or other part of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this chapter shall not be affected thereby, but shall remain in full force and effect.~~

Commented [mdm8]: Is this clause really needed? Similar statements are or should be a part of the boiler plate of the WSMC.

File Attachments for Item:

5. Acceptance of Water Line Easement Dedication, West Klickitat Community Housing

a. Presentation and Discussion

b. Action



AGENDA MEMO

Needs Legal Review: Yes
Meeting Date: November 18, 2020
Agenda Item: Water Line Easement Dedication, West Klickitat Community Housing
Presentation: Pat Munyan, City Administrator

Action Required

Acceptance of water line easement dedication from West Klickitat Community Housing.

Proposed Motion Options

Motion to authorize acceptance of water line easement dedication from West Klickitat Community Housing.

Explanation of Issue

The City had identified an option in the Jewett Water Main Improvement project for installing a water line through property owned by West Klickitat Community Housing (Rhineland Village) that would also serve Skyline Hospital. An easement through the property was necessary to proceed with that portion of the project.

Recommendation of Staff/Committee

Staff recommends the city council accept the water line easement dedication from West Klickitat Community Housing.

WHEN RECORDED RETURN

TO:

CITY OF WHITE SALMON
100 N. Main St.
P.O. Box 2139
White Salmon, WA 98672

Document titles or transactions contained therein:

Water Line Easement Dedication

GRANTOR(S) (Last name, first, then first name and initials)

WEST KLICKITAT COMMUNITY HOUSING, a Washington non-profit corporation

GRANTEE(S) (Last name, first, then first name and initials)

City of White Salmon

LEGAL DESCRIPTION (Abbreviated: Lot, Block, Plat/Section, Township, Range, Qtr/Qtr)

NE1/4 NE1/4 OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WM

Complete metes and bounds legal descriptions with surveys are attached on Exhibit "A" of Easement Dedication

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

03113011000800

REFERENCE NUMBER(S) of Documents assigned or released

NA

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

**A PUBLIC UTILITY EASEMENT DEDICATION FOR THE PURPOSE OF
INSTALLING, MAINTAINING AND OPERATING A WATER LINE**

The Grantor, WEST KLICKITAT COMMUNITY HOUSING, a Washington non-profit corporation, for valuable consideration does hereby declare and dedicate to public use to the City of White Salmon, a municipal corporation of the State of Washington, its successors and assigns, hereafter referred to as the City, a perpetual public easement to construct, reconstruct, operate and maintain a publicly owned water line, and all necessary related facilities under the following described land as herein described:

An easement to construct, improve, repair and maintain a waterline pipe located in NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE1/4 NE1/4) OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN being more particularly described on Exhibit "A", attached hereto and by this reference incorporated herein.

Tax Parcel: 03113011000800

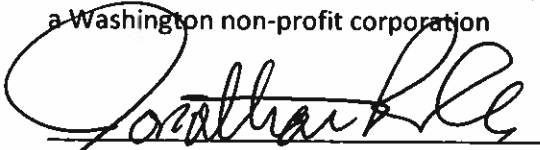
TO HAVE AND TO HOLD the above easement unto said City, its successors and assigns, forever.

Grantors reserve the right to use the surface of the land for walkways, driveways, planting, and other related purposes; and all utility facilities shall be at a depth consistent with these purposes. No building or other durable structure shall be placed upon the granted property, however, without the written permission of the City.

There are no other persons, firms or corporations know by Grantors to have any interest in the granted property.

Dated this 13th day of November, 2020

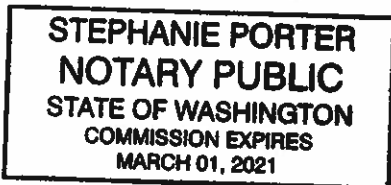
WEST KLICKITAT COMMUNITY HOUSING,
a Washington non-profit corporation


By Jonathan Blake, its President

STATE OF WASHINGTON)
County of Klickitat) ss:

On this day personally appeared before me Jonathan Blake, as President of WEST KLICKITAT COMMUNITY HOUSING, a Washington non-profit corporation, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he was duly authorized to the same as the voluntary act and deed of the Grantor for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13 day of November, 2020.





Notary Public in and for the State of Washington,
Residing at White Salmon, WA

EXHIBIT A

WEST KLICKITAT COMMUNITY
PARCEL NO. 03113011000800

A 20-FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF THAT 7-ACRE LOT AS SHOWN ON THAT RECORD OF SURVEY RECORDED SEPTEMBER 24, 1974 IN BOOK 1, AT PAGE 29 UNDER AUDITOR FILE NUMBER 150359, LOCATED IN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE1/4NE1/4) OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KLICKITAT COUNTY, WASHINGTON, THE CENTERLINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NE1/4NE1/4) OF SAID SECTION 30; THENCE ALONG THE EASTERLY BOUNDARY OF SAID SECTION 30 N.01°51'09"E., 425.94 FEET TO THE SE CORNER OF THE 7-ACRE LOT AS SHOWN ON SAID RECORD OF SURVEY; THENCE DEPARTING SAID EASTERLY BOUNDARY AND ALONG THE SOUTHERLY BOUNDARY OF SAID 7-ACRE LOT N.87°22'18"W., 784.44 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE DEPARTING SAID SOUTHERLY BOUNDARY THE FOLLOWING FOUR (4) COURSES: N.55°19'E., 166 FEET; THENCE S.36°00'E., 120 FEET; THENCE N.55°19'E., 110 FEET; THENCE N.16°00'E., 20 FEET, MORE OR LESS, TO AN EXISTING WATER VALVE AND THE TERMINUS OF SAID EASEMENT CENTERLINE.

PREPARED BY ANDERSON PERRY & ASSOCIATES, INC AND IS BASED ON PRELIMINARY ROUTE AND RECORD INFORMATION.

BASIS OF BEARING FOR DESCRIPTION:
RECORD OF SURVEY BOOK 1, PAGE 29 (AFN 150359)



DATED: 9.30.20

File Attachments for Item:

8. Public Safety Testing Subscriber Agreement



AGENDA MEMO

Needs Legal Review: Yes
Meeting Date: November 18, 2020
Agenda Item: Consent Agenda Item – Public Safety Testing Subscriber Agreement
Presentation: Jan Brending, Clerk Treasurer

Action Required

Authorization to Mayor to sign Public Safety Testing Subscriber Agreement for a one-year subscription in the amount of \$536 annually.

Proposed Motion Options

Motion to authorize Mayor to sign Public Safety Testing Subscriber Agreement for a one-year subscription in the amount of \$536 annually.

Explanation of Issue

The City uses Public Safety Testing for testing services for police officer positions (both entry and lateral). The agreement extends the current agreement for one-year through December 31, 2021 with an annual payment of \$536.00.

Recommendation of Staff/Committee

Staff recommends the city council authorize the Mayor to sign the Public Safety Testing Subscriber Agreement.



SUBSCRIBER AGREEMENT

WHEREAS, Public Safety Testing, Inc. is a skilled provider of pre-employment testing services to police, fire, and other public safety agencies, and

WHEREAS, the subscriber public agency, either directly or through a civil service commission, tests, evaluates, ranks and hires law enforcement and/or firefighters and/or other public safety positions in the performance of its public safety functions, and

WHEREAS, the subscribing public entity desires to join in a Subscriber Agreement, NOW, THEREFORE,

Public Safety Testing, Inc. (the "Contractor") and the City of White Salmon, a municipal corporation of the state of Washington (hereinafter "Subscriber") do enter into this Subscriber Agreement under the terms and conditions set forth herein.

- SUBSCRIBER:** City of White Salmon, WA
- POSITIONS:**
☞ *Check all that apply*
- Law Enforcement Officer (entry-level)
 - Law Enforcement Officer (lateral/experienced)
- COMMENCEMENT DATE:** January 1, 2021
- PROFESSIONAL FEES:**
- Law Enforcement Officer written & physical ability testing
 - Year #1 @ \$536 annually
 - Subsequent years (beginning January 1, 2022) will include an annual increase of three percent (3%).
- TERMINATION:**
☞ *Select one*
- This agreement terminates:
- December 31, 2021
 - December 31, 2023
 - This agreement will automatically renew annually unless either party provides a 60-day notice as outlined in Section 7. Each annual renewal includes a 3% increase in professional fees.
- AGENCY ADD-ON PROCESS**
☞ *Check to request*
- Agency Add-On Process for White Salmon recruiters at PST test sites to offer candidates to add White Salmon to their list prior to the start of the written exam.
(Agency invoiced at \$10 per candidate added)
- FINANCIAL HARDSHIP WAIVER**
☞ *Check to request*
- Subscriber agrees to pay candidate financial hardship waivers, each pre-approved by the Subscriber at the following rates:
 - \$50 for Law Enforcement written examination

1. **Description of Basic Services.** This Agreement begins on the date as noted on page one (1) of this Agreement. The Contractor will provide the following services to the Subscriber:
 - 1.1 Advertising and recruiting assistance, application intake processing, and administration of pre-employment written examinations and/or physical ability tests for those positions noted on Page One (1) of this Agreement.
 - 1.1.1 Written examinations are administered in-person at Contractor's test events, including those conducted by Subscribing agencies; remotely through a network of certified college testing facilities; and, through the Contractor's online, virtual in-home testing program.
 - 1.1.2 Physical ability tests are administered at Contractor's test events, including those conducted by Subscribing agencies, and, through a network of partner Anytime Fitness® facilities.
 - 1.2 Report to the Subscriber the scores of applicants, with all information necessary for the Subscriber to place passing applicants upon its eligibility list, and rank them relative to other candidates on appropriately constituted continuous testing eligibility lists. Contractor will report "raw" test scores to the Subscriber – no preference points will be factored into applicant scores and it is the Subscriber's responsibility to factor veteran's preference points in accordance with applicable federal and state laws. Written examination scores will be reported to the Subscriber as a percentage score (based on 100%) and physical ability test scores will be reported as "Pass" or "Fail". The passing score for written examinations is set by the test developer at 70%. For dispatcher candidates, the typing test results will be reported as words per minute (wpm) and accuracy rate (%).
 - 1.3 Appear in any administrative or civil service proceeding in order to testify to and provide any and all necessary information to document the validity of the testing process, to participate in the defense of any testing process conducted by the Contractor pursuant to this Agreement and to otherwise provide any information necessary to the Subscriber to evaluate challenges to or appeals from the testing process. The Contractor shall appear without additional charge. The Subscriber shall pay the reasonable cost of travel and appearance for any expert witness deemed necessary by the Subscriber to validate the testing process, including but not limited to, representatives of any company which holds the copyright to any testing material and whose testimony or appearance is deemed necessary to validate the process.

Provided, however, Contractor shall not be required to appear at its cost nor to defend in any administrative or court proceeding arising from or out of a claim or challenge relating to Subscriber's use of other testing process(es) or out of Subscriber's attempt to establish multiple or blended eligibility lists for the same position based in whole or in part on other testing process(es). "Other testing process(es)" means any test or testing process other than those provided by the Contractor under this Agreement.

- 1.4 **Term & Fees.** The term of this agreement and the related professional fees are noted on page one (1) of this Agreement.
- 1.5 **Payment.** Subscriber shall pay an amount equal to twenty-five percent (25%) of the annual fee set forth above quarterly for services rendered in the previous quarter and for basic services including but not limited to, software relating to online application, advertising formats, previously advertised scheduling of test dates, model civil service rules, testing systems, as well as ongoing testing and recruitment, and any and all other work developed at the cost of the Contractor prior to or contemporaneous with the execution of this Agreement. Payment shall be made within 45 days of receipt of invoice.
- 1.5.1 **Direct Deposit (ACH Enrollment).** Subscribers are encouraged to set up direct deposit (ACH enrollment) for their payments. There will be no additional fee for payments made using direct deposit (ACH enrollment).
- 1.5.2 **Credit Card.** A three percent (3%) fee will be added at the time of payment to each payment made using a credit card. The purpose of such fee is to cover Contractor's credit card processing fees.
2. **Additional Services.** In addition to the services provided under this Agreement, the Subscriber may, at its sole discretion, elect to purchase additional services from the Contractor. Such services shall be requested by and contracted for pursuant to separate written agreement.
3. **Acknowledgements of Subscriber.** The Subscriber understands and acknowledges, and specifically consents to the following stipulations and provisions:
- 3.1 Because applicable civil service law prohibits having multiple eligibility lists for the same class of hire, this Agreement is an exclusive agreement for these services.
- 3.2 The written and physical agility scores of any applicant shall be valid for 18 months from the date of certification by the Contractor or 12 months from the date of placement upon the Subscriber's eligibility list, whichever first occurs, following the report of the Contractor, and rules compatible with continuous testing shall be adopted. The Subscriber shall review its applicable hiring processes, advertisements, personnel policies and civil service rules (as applicable) to ensure compliance with the provisions of this Agreement.
- 3.3 An applicant may, in addition to the Subscriber's eligibility list, elect to have his/her score reported to and subject to placement on the eligibility list of any other Subscriber. Nothing in this Agreement shall be interpreted to prohibit the use of an applicants' score for consideration in or processing through any other subscriber's hiring and/or civil service eligibility process. The Subscriber agrees that if an applicant is hired by another agency through this service, the applicant's name shall be removed from Subscriber's eligibility list.

- 3.4 The Subscriber specifically understands and acknowledges that the Contractor may charge a reasonable testing fee from any and all applicants.
- 3.5 The Subscriber is encouraged to and may also conduct advertising as it deems necessary to support/enhance recruiting efforts. The Subscriber shall link PublicSafetyTesting.com on its agency's website, if it so maintains one.
- 3.6 Public Safety Testing views recruiting as a partnership with the Subscriber. The Subscriber agrees to actively participate in recruiting efforts for positions within the Subscriber agency.
- 3.7 The Subscriber agrees to keep the Contractor up-to-date as to the agency's hiring status, minimum and special requirements, all information appearing on the agency's PST website profile and the names of any candidates hired through these services.
- 3.8 Subscriber understands and acknowledges that a candidate's PST Personal History Statement (PHS) will be stored electronically by PST for 24 months from the date the candidate uploads the PHS to the PST website. Any PHS stored more than 24 months will automatically be deleted and will no longer be available to the Subscriber from the PST server.
4. **Testing Standard and Warranty of Fitness for Use.** All testing services conducted under this Agreement shall be undertaken in accordance with the provisions of the Washington State Civil Service Statutes, Chapter 41.08 and/or 41.12 and/or 41.14 RCW, or the terms of other applicable statute as the Subscriber shall notify the Contractor that the Subscriber must meet. Tests shall also be conducted in accordance with the general standards established by the Subscriber; the Subscriber shall be responsible for notifying the Contractor of any unusual or special process or limitation. The test utilized, the proctoring of the test and any and all other services attendant to or necessary to provide a valid passing or failing score to the Subscriber shall be conducted in accordance with generally accepted practice in the human resources, Civil Service and Public Safety Testing community. The Subscriber may monitor the actions and operations of the Contractor at any time. The Contractor shall maintain complete written records of its procedures and the Subscriber may, on reasonable request, review such records during regular business hours. The Contractor expressly agrees and warrants that all tests and written materials utilized have been acquired by the Contractor in accordance with the appropriate copyright agreements and laws and that it has a valid right to use and administer any written materials and tests in accordance with such agreements and laws. If Subscriber uses or authorizes the use of other testing process(es) this warranty shall be null and void.
5. **Independent Contractor.** The Contractor is an independent contractor. Any and all agents, employees or contractors of the Contractor, shall have such relation only with the Contractor. Nothing herein shall be interpreted to create an employment, agency or contractual relationship between the Subscriber and any employee, agent or sub-contractor of the Contractor.

6. **Indemnity and Hold Harmless.** The parties agree and hold harmless each other, their officers, agents and employees in accordance with the following provisions:
- 6.1 The Contractor shall indemnify and hold harmless the Subscriber, its employees and agents from any and all costs, claims or liability arising from:
 - 6.1.1 Violation of any copyright agreement or statute relating to the use and administration of the tests or other written materials herein provided for;
 - 6.1.2 Any cost, claim or liability arising from or out of the claims of an employee, agent or sub-contractor to the end that the Contractor shall be an independent Contractor and the Subscriber shall be relieved of any and all claims arising from or relating to such employment relationships or contracts between the Contractor and third parties;
 - 6.1.3 The alleged negligent or tortious act of the Contractor in the provision of services under this Agreement.
 - 6.1.4 This indemnity shall not apply to any administrative or court proceeding arising from or out of any process in which the Subscriber has utilized or authorized other testing process(es).
 - 6.2 The Subscriber shall indemnify and hold harmless the Contractor, its officers, agents and employees from any and all cost, claim or liability arising from or out of the alleged negligent or tortious act of the Subscriber in the provision of services hereunder.
7. **Termination.** This agreement terminates as noted in the *Termination* section on Page 1 of this Agreement. The Contractor and/or the Subscriber may also withdraw from this Agreement at any time for any reason with 60 days written notice, provided, however, that the provisions of paragraphs 1.3, 4, 5 and 6 shall remain in full force and effect following the termination of this Agreement with respect to, and continuing for so long as any applicant tested by the Contractor remains on the eligibility list of the Subscriber.

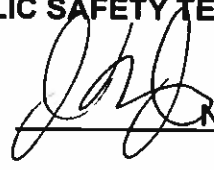
8. Entire Agreement, Amendment. This is the entire Agreement between the parties. Any prior agreement, written or oral, shall be deemed merged with its provisions. This Agreement shall not be amended, except in writing, at the express written consent of the parties hereto.

This Agreement is dated this _____ day of _____, 2020.

CITY OF WHITE SALMON, WA

By: _____
Print: Marla Keethler
Its: Mayor
Contact: Marla Keethler
Address: PO Box 2139
City/State/Zip: White Salmon WA 98672
Telephone: 509-493-1133
Email: marlak@ci.white-salmon.wa.us

PUBLIC SAFETY TESTING, INC.

By:  _____ November 13, 2020
Print: Jon F. Walters, Jr.
Its: President
Jon Walters
20818 – 44th Ave. W., Suite 160
Lynnwood, WA 98036
425.776.9615
jon@publicsafetytesting.com

Subscriber's Contact & Address for Billing:

(Please complete if different from contact information above)

Contact: Jan Brending
Title: Clerk Treasurer
Agency: City of White Salmon
Address: PO Box 2139
City/State/Zip: White Salmon WA 98672
Telephone: 509-493-1133 #205
Email: janb@ci.white-salmon.wa.us

Agency Recruiter:

Name: Jan Brending
Title: Clerk Treasurer
Email: janb@ci.white-salmon.wa.us

Agency Hiring

Representative/Supervisor:

Name: Jan Brending
Title: Clerk Treasurer
Email: janb@ci.white-salmon.wa.us

Chief or Agency Director:

Name: Mike Hepner
Title: Police Chief
Email: mike@bwspolice.com