
**AGENDA REPORT
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Wenatchee City Council
FROM: Stephen Neuenschwander, Planning Manager
SUBJECT: Public Hearing regarding Resolution 2017-68 adopting amendments to the Capital Facilities Plan.
DATE: November 30, 2017

I. OVERVIEW

The City staff annually review the Capital Facilities Plan to ensure that the document is up to date and that the City is adequately planning for capital projects and improvements. Each City department with capital projects or spending has reviewed the current version and have proposed revisions and updates.

The Washington State Growth Management Act, RCW 36.70A, establishes that the frequency of amendments for local comprehensive plans is limited to one annual amendment process, with certain exceptions. The updating of a jurisdiction's capital facility plan may occur out of sync with a local comprehensive plan amendment process in order to more closely align with a local jurisdictions annual budget adoption process.

The Planning Commission has reviewed the proposed revisions and has forwarded a unanimous recommendation to adopt the Capital Facilities Plan as amended.

II. ACTION REQUESTED

Adoption of Resolution 2017-68.

Draft Motion: I move to accept the Planning Commission recommendation and adopt the revisions to the City of Wenatchee Capital Facilities Plan by Ordinance No. 2017-20 based on the findings included in the adopting ordinance.

III. FISCAL IMPACT

The Capital Facilities Plan, in concert with the City Budget, guides the expenditure of city resources for capital projects.

IV. REFERENCE(S)

- Resolution 2017-68 (includes the draft revisions)
- Staff Report presented to the Planning Commission

STAFF REPORT

TO: City of Wenatchee Planning Commission
FROM: City of Wenatchee Community and Economic Development Staff
DATE: November 8, 2017

I. REQUESTED ACTIONS

Adoption of amendments to the City of Wenatchee Capital Facilities Plan, 2018-2023.

II. ENVIRONMENTAL REVIEW

The City of Wenatchee issued a determination on non-significance on October 6, 2017. Notice of the environmental determination for the City of Wenatchee Capital Facilities Plan was made on October 6, 2017 with comments due by December 5, 2017.

III. PUBLIC PROCESS

- On October 6, 2017 the draft revisions and environmental documents were sent to the Washington State Department of Commerce in compliance with RCW 36.70A.
- On October 6, 2017 the determination of non-significance was issued in compliance with WAC 197-11 and sent to the Washington State Department of Ecology SEPA Register.
- The Notice of Availability of the draft revisions was published in the Wenatchee World on October 6, 2017.
- The amendments and environmental documents have been posted on the City of Wenatchee website during the public comment and environmental review periods.
- On October 18, 2017 the proposed amendments were discussed with the City of Wenatchee Planning Commission at a public workshop.
- On November 2, 2017 the notice of public hearing before the City of Wenatchee Planning Commission was published in the Wenatchee World.
- On November 15, 2017 the City of Wenatchee Planning Commission conducted an advertised public hearing on the proposed amendments.

IV. AGENCY AND PUBLIC COMMENTS:

No public or agency comments were submitted on the proposed revisions.

V. PROJECT ANALYSIS

The Washington State Growth Management Act, RCW 36.70A. establishes that the frequency of amendments for local comprehensive plans is limited to one annual amendment process, with certain exceptions. The updating of a jurisdiction's capital facility plan may occur out of sync with a local comprehensive plan amendment process in order to more closely align with a local jurisdictions annual budget adoption process.

COUNTYWIDE PLANNING POLICIES-

The January 2005 Interlocal Cooperative Agreement between Chelan County and the City of Wenatchee, reiterates the commitment in the 1997 Memorandum of Understanding between the cities in Chelan County and Chelan County for the City of Wenatchee to take the lead in the development of plans and development regulations to the South of the Wenatchee River. The memorandum and interlocal agreement establish in more detail commitments between jurisdictions to implement County Wide Planning Policies.

The following Countywide Planning Policies are applicable to the proposed amendments:

POLICY 6: Policies for joint county and city planning within urban growth areas and policies providing for innovative land use management techniques that may include use of flexible zoning processes (i.e. planned unit developments, transfer of development rights, cluster development density bonus, etc.)

- City and County planning efforts will be coordinated within urban growth areas.

POLICY 8: AN ANALYSIS OF FISCAL IMPACT

- I. Each jurisdiction's Capital Facilities Plan should provide:
 - A. A plan for cooperation between public and private sectors to insure coordination of capital improvements with emphasis on the efficient provision of service at adopted levels concurrent with the demand for such service.
 - B. An inventory of existing capital facilities including locations and capacities of capital facilities.
 - C. An assessment of future needs for such capital facilities including:
 - i. The proposed locations, capacities, and costs of expanded or new facilities
 - ii. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and
 - iii. A requirement to reassess the land use element if probable funding falls short of meeting existing needs to insure consistency between the land use plan, the capital facilities plan

CITY OF WENATCHEE URBAN AREA COMPREHENSIVE PLAN-

Land Use/Urban Growth Area:

Goal 14-Coordinated Planning. Continue to work cooperatively within the region to address transportation, public services and facilities, and land use.

Policy 4. Ensure the goals and policies of the City's Comprehensive Plan are consistent with Chelan County's County-wide Planning Policies.

Public Facilities and Services:

GOAL 6. Concurrency – Ensure that public facilities and services necessary to support development are adequate without decreasing current service levels below locally established minimum standards.

Policy 1. Reassess the Land Use Element if probable funding falls short of meeting existing needs or any other indication that capital facilities planning is not adequate to meet demand.

GOAL 7. City Facilities – Provide a long term approach to planning and funding facility, building, needs for city departments and services considering necessary maintenance, remodeling, and expansion or construction of facilities which are necessary.

Policy 1: Ongoing funding sources should be dedicated to meet forecasted facility needs including maintenance, remodeling or new or expanded facilities. These funding sources should be available as city services change to meet a growing and diverse population. A formal facility, structures, plan or study should be developed by the city for these purposes.

Policy 2: Engage city departments and the public in forecasting future department needs to serve the community. The size and demographic profile of the city's population, and the city's form and geographic area are changing with significant annexations, reinvestment in neighborhoods and an emphasis on attracting infill and redevelopment opportunities. Planning for these facilities must be proactive to meet the changing dynamics in the community and consider the relationship to the valley as a whole.

Utilities

GOAL 1: Utilities - Ensure that the utilities necessary to support development are adequate at the time they are needed without decreasing service levels below those locally acceptable.

Policy 3: Utility plans shall contain a capital improvement program, including financing options and construction schedules.

Policy 4: Cooperation and coordination shall be pursued to the greatest extent feasible among utility providers and the City in the development and implementation of capital improvement programs and area plans.

THE ANNUAL UPDATE OF THE CITY OF WENATCHEE CAPITAL FACILITIES PLAN, 2018-2023.

Directors of the departments within the city have updated their 6 year projects lists extending through 2023, with potential funding sources identified in a 6 year financing plan. Text descriptions of these projects and associated tables with timing and funding sources have been identified. Projects identified in the first year of the plan are to be consistent with the adopted city budget. Significant work programs and studies setting priorities associated with facilities, infrastructure or services have been updated and highlighted in the draft changes. Since the time of the issuance of the initial draft for 60 day review of this year's capital facility plan update, final draft revisions have been incorporated to align with budget decisions for each department.

Applicable provisions of the Growth Management Act-

On a yearly basis, the City of Wenatchee has an obligation to make sure that capital facility expenditures listed in the City budget have been identified in the city's capital facility plan. Typically this yearly review to verify consistency and make modifications to the capital facility plan occurs during the same time frame as the development and adoption of the city's budget in the fall. Amendment of the city's capital facility plan to coincide with the city budget can be separate from and in addition to the yearly amendment process of the city comprehensive plan.

The importance of doing yearly updates coinciding with city budget adoptions is highlighted by the requirement that jurisdictions' expenditures on capital facilities must conform with the comprehensive plan. *"36.70A.120 Planning activities and capital budget decisions-Implementation in conformity with comprehensive plan. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its comprehensive plan."*

Applicable provisions of the Washington Administrative Code, yearly capital facility plan updates-

The City of Wenatchee Capital Facility Plan provides an inventory of existing facilities, a forecast of future needs and a 6 year financing plan for facilities within that time frame. During the 6 year time frame, significant changes to the inventory, forecasting and analysis within the capital facilities plan are not anticipated; unless a change proposed concurrent with the city budget would create an inconsistency within a component of the comprehensive plan. Updates occur to the capital facility plan on a biennial basis, as identified in WAC 365-196-415(2)(c)(ii), *"The six year plan should be updated at least biennially so financial planning remains sufficiently ahead of the present for concurrency to be evaluated. Such an update of the capital facilities element may be integrated with the county's or city's annual budget process for capital facilities."*

Consistency review-

Draft changes to the capital facility plan are consistent with the draft 2018 city budget. Changes to the plan have been identified in strike-through and underline format in the draft, enclosed as Exhibit A. The process of amending the capital facility plan in concert with the city's budget for 2018 is consistent with the requirements of GMA to ensure that capital budget decisions are in conformity with the city's comprehensive plan. The

changes proposed do not warrant a re-evaluation of the land use element of the comprehensive plan nor do they affect or amend level of service or adequacy of service standards. Proposed changes consider city facility and service obligations, available resources and propose amendments to best utilize those fiscal resources.

Staff recommends **approval** of the proposed amendments to the City of Wenatchee Capital Facilities Plan based upon the suggested findings of fact and conclusions of law enclosed at the conclusion of the staff report.

Draft Motion: I move to recommend approval of the amendments to the City of Wenatchee Capital Facilities Plan based on the suggested findings of fact and conclusions of law.

VI. SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Suggested Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of amendments to the comprehensive plan, the capital facilities plan and development regulations.
4. The City of Wenatchee Planning Commission held a workshop on October 18, 2017 on the proposed amendments.
5. Copies of the environmental documents were sent to the Department of Ecology SEPA Register for the amendments to Capital Facilities Plan on October 6, 2017.
6. Notice of the public 60 day review and comment period was published in the Wenatchee World on October 6, 2017 for amendments to the Capital Facilities Plan.
7. On October 6, 2017, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the City of Wenatchee Capital Facilities Plan and initiation of the 60 day review and comment periods.

8. On November 15, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
9. The City of Wenatchee Planning Commission has reviewed the entire record including the goals and policies of the comprehensive plan and public testimony as it relates to the proposed amendments to the Wenatchee Urban Area Comprehensive Plan.
10. The City of Wenatchee issued a determination of non-significance (DNS) and adopted by reference the existing Supplemental Environmental Impact Statement for the Wenatchee Urban Area Comprehensive Plan Update 2006, adopted April 4, 2007, Final SEIS under the State Environmental Policy Act Rules (Chapter 197-11 WAC) as applicable to these proposals. Notice of the environmental determination for the City of Wenatchee Capital Facilities Plan was made on September 25, 2015, with comments due by November 24, 2015. Notice of the environmental determination for the other proposed amendments to the City of Wenatchee Urban Area Plan and the Wenatchee City Code was made on September 4, 2015, with comments due by November 3, 2015.
11. The goals and policies from the Wenatchee Urban Area Comprehensive Plan identified under Section V. Project Analysis of this staff report, are hereby incorporated as findings herein. These policies demonstrate consistency with the comprehensive plan and support the proposed amendments to the capital facilities plan.
12. RCW 36.70A.120 establishes that, "Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with it's comprehensive plan."

Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.
6. The process of amending the capital facility plan in concert with the city's budget for 2018 is consistent with the requirements of GMA to ensure that capital budget decisions are in conformity with the city's comprehensive plan.
7. The changes proposed do not warrant a re-evaluation of the land use element of the comprehensive plan nor do they affect or amend level of service or adequacy of service standards.

RESOLUTION NO. 2017-68

A RESOLUTION, adopting yearly amendments to the City of Wenatchee Capital Facilities Plan.

WHEREAS, the City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions; and

WHEREAS, the City of Wenatchee Planning Commission has transmitted a recommendation of approval to this Council regarding amendments to the City of Wenatchee Capital Facilities Plan; and

WHEREAS, notice of all public hearings on this matter have been published according to law; and

WHEREAS, the Wenatchee City Council adopt the Findings of Fact and Conclusions of Law as set forth in Exhibit A and incorporate them in this Resolution by this reference as though fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the Wenatchee City Council adopts the amendments to the City of Wenatchee Capital Facilities Plan as set forth in Exhibit B attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

PASSED BY THE CITY COUNCIL OF THE CITY WENATCHEE,

at a regular meeting thereof, this 7th day of December, 2017.

CITY OF WENATCHEE,
a Municipal Corporation

By: _____
FRANK KUNTZ, Mayor

ATTEST:

By: _____
TAMMY L. STANGER, City Clerk

APPROVED:

By: _____
STEVE D. SMITH, City Attorney

EXHIBIT A

Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of amendments to the comprehensive plan, the capital facilities plan and development regulations.
4. The City of Wenatchee Planning Commission held a workshop on October 18, 2017 on the proposed amendments.
5. Copies of the environmental documents were sent to the Department of Ecology SEPA Register for the amendments to Capital Facilities Plan on October 6, 2017.
6. Notice of the public 60 day review and comment period was published in the Wenatchee World on October 6, 2017 for amendments to the Capital Facilities Plan.
7. On October 6, 2017, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the City of Wenatchee Capital Facilities Plan and initiation of the 60 day review and comment periods.
8. On November 15, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
9. The City of Wenatchee Planning Commission has reviewed the entire record including the goals and policies of the comprehensive plan and public testimony as it relates to the proposed amendments to the Wenatchee Urban Area Comprehensive Plan.
10. The City of Wenatchee issued a determination of non-significance (DNS) and adopted by reference the existing Supplemental Environmental Impact Statement for the Wenatchee Urban Area Comprehensive Plan Update 2006, adopted April 4, 2007, Final SEIS under the State Environmental Policy Act Rules (Chapter 197-11 WAC) as applicable to these proposals. Notice of the environmental determination

for the City of Wenatchee Capital Facilities Plan was made on September 25, 2015, with comments due by November 24, 2015. Notice of the environmental determination for the other proposed amendments to the City of Wenatchee Urban Area Plan and the Wenatchee City Code was made on September 4, 2015, with comments due by November 3, 2015.

11. The goals and policies from the Wenatchee Urban Area Comprehensive Plan identified under Section V. Project Analysis of this staff report, are hereby incorporated as findings herein. These policies demonstrate consistency with the comprehensive plan and support the proposed amendments to the capital facilities plan.
12. RCW 36.70A.120 establishes that, "Each county and city that is required or chooses to plan under RCW 36.70A.040 shall perform its activities and make capital budget decisions in conformity with its' comprehensive plan."

Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.
6. The process of amending the capital facility plan in concert with the city's budget for 2018 is consistent with the requirements of GMA to ensure that capital budget decisions are in conformity with the city's comprehensive plan.
7. The changes proposed do not warrant a re-evaluation of the land use element of the comprehensive plan nor do they affect or amend level of service or adequacy of service standards.

Exhibit B

[AW1] DRAFT Capital Facilities Plan

2018-2023

CITY OF WENATCHEE

INTRODUCTION

The City's Capital Facilities Plan (CFP) provides a comprehensive project list and schedule guiding the investment of city resources in infrastructure. These resources are made up of local revenues as well as State and Federal grants. The CFP identifies those projects which have secured funding as well as a list of projects which have not yet been funded. The projects included in this plan have largely been identified through other planning efforts which are all incorporated into the City's Comprehensive Plan. The reader is referred to these other referenced plans for additional detail concerning projects.

Why is it important for a city to keep a capital facilities plan up to date? In particular, the following three compelling reasons drive the update of the City's capital facilities plan:

1. City health and long term stability in terms of quality of life and its economy require replacement and repair of existing infrastructure, investment in new infrastructure, and correction of deficiencies.
2. The City receives many State and Federal grants for infrastructure. For example, the majority of street improvement projects are funded with grants. The majority of infrastructure grants and loan programs require that projects be identified in an adopted plan.
3. The Washington State Growth Management Act of 1990 requires that capital facility plans be adopted and consist of (1) an inventory of existing capital facilities; (2) a forecast of the future needs for such facilities; (3) the proposed locations and capacities of expanded or new facilities; (4) at least a six-year plan that will finance such facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (5) a requirement to reassess the land use element if funding falls short of meeting existing needs

The purpose of the CFP is to ensure the City plans for adequate facilities that are (1) consistent with the goals and policies of the Wenatchee Area Urban Comprehensive Plan: Planning to Blossom 2025; (2) consistent with the projected population growth and land use plan; (3) concurrent with, or

within 6 years of the impacts of new development in order to achieve and maintain adopted level of service standards; and (4) based on sound fiscal policies for the city.

This document is typically updated annually serving as the 6 year financing plan for the Comprehensive Plan. Projects funded in the first year of the plan are intended to be consistent with the adopted city budget. The Public Facilities and Services Element of the Comprehensive Plan and referenced individual public facility plans provide the information required by RCW36.70A.070 (3).

The city-owned public capital facilities encompassed by this plan include the following:

- streets
- sidewalks, paths and trails
- parking facilities
- street and road lighting systems
- traffic signals
- domestic water system
- storm sewer system
- sanitary sewer system
- parks and recreation facilities
- general administrative facilities
- vehicles (over \$10,000 and a useful life of over 10 years)
- museum
- convention center
- cemetery

Under the Growth Management Act, the city's Capital Facilities Plan must also be coordinated and consistent with CFP's of other public facility providers. Some of those providers within the Wenatchee Urban Area include: Wenatchee School District (schools), Chelan County P.U.D. (electrical, water, parks and recreation), Department of Transportation (highways), Wenatchee Reclamation District (irrigation water), Fire District No. 1 (fire protection), Chelan County (streets, solid waste, storm sewer, lighting, traffic signals, law and justice).

DEFINITIONS

The following definitions will help in understanding how this Capital Facilities Plan is put together and read.

Capital Facility: Capital facilities are structures, improvements, equipment, or other major assets (including land) with a useful life of at least ten (10) years. Capital improvements are projects that create, expand, or modify a capital facility. This definition applies to projects that cost more than ten thousand (\$10,000) dollars.

Public Facility: The city-owned public capital facilities encompassed by this plan include the following: streets, sidewalks, paths and trails, parking facilities, street and road lighting systems, traffic signals, domestic water system, storm sewer system, sanitary sewer system, parks and recreation facilities, general administrative facilities, vehicles, convention center, museum, and cemetery.

Level of Service: Levels of service are usually quantifiable measures of the amount of public facilities that are provided to the community. Measures of levels of service are typically expressed as ratios of facility capacity to demand by actual or potential users. Sometimes, levels of service (LOS) standards are based on the public service, such as police protection, rather than on the facility that houses the service (e.g. police station).

Concurrency: This is a term that requires public facilities and services necessary to serve development to be in place at the time of development or a financial commitment is made to provide the facility within a certain period of time. The Growth Management Act requires concurrency on transportation facilities, while all other public facilities must be “adequate.” The Wenatchee Urban Area Comprehensive Plan, however, makes concurrency a requirement for city public facilities.

CFP ORGANIZATION

This Capital Facilities Plan is organized around each of the public facilities provided by the city. Because the city wants to make sure that the Capital Facilities Plan is based on sound fiscal policy, all capital facilities for which city funds would be expended are included in the CFP, not just those facilities required to accommodate future growth. The CFP is based on the following categories:

- General Facilities (fire, police, administrative offices, maintenance, museum, community facilities)
- Parks and Recreation
- Stormwater
- Water
- Sewer
- Street Overlay
- Arterial Streets
- Street Maintenance Projects
- Convention Center
- Regional Water
- Cemetery
- Vehicles
- Real Estate Excise Tax^[AW2]
- Broadview Secondary Access
- Local Revitalization Financing

- Partnership Projects / Economic Development (Pybus Market, Downtown Streetscape, Sage Hills Trailhead, Paddlers Point, Parking Improvements)

LEVEL OF SERVICE STANDARDS

The Level of Service Standards for Public Facilities and Services identified in the Wenatchee Urban Area Comprehensive Plan are as follows:

Schools

The Wenatchee School District has the most and some of largest public facilities in the Wenatchee Urban Growth Area. In addition, the public schools are recognized as one of the largest public services within the City. Education serves one of the most important roles in community health as the quality of education today impacts the skill levels, employment rates, labor supply, and wages in the future. The City's Consolidated Plan, updated in 2013, provides critical data relative to demographics, work force development, and education levels. The data clearly represents a need to improve education especially amongst the most disadvantaged children. The Wenatchee School District is responsible for facility planning and service levels of the District. The following service levels are recommended for the school district's consideration to assist in securing capital for school facilities in order to support educational goals of the community.

K-1	26 students per basic education (BEA) classroom
2-4	27 students per BEA classroom
4-5	29 students per BEA classroom
6-8	28 students per BEA classroom

Comprehensive

9-12	28 students per BEA classroom
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Alternative

9-12	24 students per BEA classroom
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Ancillary Facilities

Administration Center	1 per district
Transportation Center	1 per district
Maintenance Shop/Office	1 per district
Football Stadium	1 per district
Baseball Stadium	1 per district
Swimming Pool	1 per district
Outdoor Agricultural Lab	1 per district

Fire Protection

City of Wenatchee is covered by Chelan County Fire Protection District #1^[AW3] whose goal is to have a response of less than 6 minutes 90% of the time.

Police Protection

All calls for assistance will be answered within a reasonable time consistent with the nature of the call.

Water Supply

Based on International Fire Code requirements for fireflow and Washington State Department of Health requirements for a safe supply of potable water.

Sanitary Sewer

Daily load demand times 2.5 for collection system
Daily load demand for treatment capacity

Storm Water

Runoff from Ten-year 24 hour Type 1A storm in the pipe and twenty-five year 24 hour Type 1A storm in the street.

Transportation

Automobile

LOS "E" for urban corridors of regional significance
LOS "E" – averaged in the Wenatchee Central Business District
V/C ratio < 1.0 for all other arterials, transit routes, and highways
LOS "D" for signalized intersections on locally classified arterials and collectors
Refer to the transportation element and the regional transportation plan "Transportation 2040"

Pavement Condition, Pedestrian, Bicycle, and Transit

Development of LOS and performance measures are beginning in 2016 with the adoption of the complete streets policy. Future updates to this plan will include a multi-modal approach to LOS that includes non-motorized transportation functions. In 2017, the City adopted the Pavement Management Plan which identifies a pavement condition levels and corresponding investment.

All roadways on the regional system should have sidewalks and proposed bicycle facilities should be funded and constructed.

FINANCIAL CONSTRAINTS

The first year of the capital facilities plan is typically consistent with the adopted City budget. However, since capital expenditures often impact multiple years after funding has been committed, it is prudent to plan ahead for the expenditure of funds for at least 3 years and in some cases longer. In addition, some of the City's adopted plans include longer term expenditure plans in which resources are actively being pursued when opportunities arise. Often grant or loan resources become available for certain types of projects resulting from changing public policy at Federal, State, and local levels. The City of Wenatchee monitors these opportunities and puts forth funding applications for projects consistent with Federal, State, and local funding objectives. In order to effectively plan for capital expenditures, the plan is written with the concepts in mind. The following financial constraints help guide the planning process and to ensure that capital planning includes considerations of various financial impacts on the community and city government:

1. The first three years must be fiscally constrained. This means projects cannot be incorporated in the first three years unless they include all of the following:
 - a. The project has been approved for funding from an existing source of city revenues OR grant(s) has been awarded to fund the project and match is available (awarded means the project must be on a selected funding list waiting for legislative approval or a letter of award has been received).
 - b. Annual operation and maintenance costs have been accounted for, or are a reasonable increase over prior year's expenditures
 - c. If the project requires financing through the issuance of revenue bonds, voter approved bonds (UTGO), or non-voter approved/Councilmanic (LTGO) bonds, then Council approval of the issuance must be in place.
2. Years 4-6 should be reasonably constrained. This means although funding has not been secured, there are possible funding sources for the projects. The following criteria needs to be considered for projects listed in the CFP for years 4-6.
 - a. How does the capital project contribute to the long-term sustainability of the City from a community and governmental services standpoint?
 - b. Does the project fit within an existing funding program or a program that is reasonably on the horizon?
 - c. Have funding sources been reviewed and discussed with advisory bodies and City Council?
 - d. Have annual operation and maintenance costs been considered? Most capital projects result in an increase in operation and maintenance costs. There needs to be some reasonable expectation of how the increase would be covered.

TIMELINES

This Capital Facilities Plan update is being done in conjunction with the development of the annual city budget. Updates to the Capital Facilities Plan are typically adopted with the annual update of the Wenatchee Area Urban Comprehensive Plan near the end of each calendar year.

OVERALL PLAN

20178-20223 Project Summary

Public Facilities Type	Funded	Unfunded
Arterial Streets	6,976,343	141,189,530
Cemetery	-	430,000
Convention Center	1,020,000	75,000
General Facilities	200,000	19,765,000
Parks and Recreation	2,963,500	10,888,933
Regional Water	1,245,000	10,000,000
Storm Drain	1,134,670	10,479,000
Sanitary Sewer	22,730,000	-
Street Overlay	2,100,000	8,000,000
Street Maintenance	50,000	400,000
Water	940,000	4,740,000
Vehicles	321,000	-
Broadview Secondary Access	-	741,000
Homeless/Housing/CDBG Programs	-	170,000
Local Revitalization Financing District	-	1,050,000
Partnership Projects	-	110,350,000
TOTAL	\$ 39,680,513	\$ 318,278,463

GENERAL FACILITIES

General facilities covers city administrative offices, public works buildings, and other city facilities that do not have dedicated fund sources, such as water and sewer systems.

The focus of the 6-year capital facilities financing plan for general facilities is maintenance, preservation and/or expansion of city-owned facilities.

The City is experiencing growth with the annexation of Olds Station, continued population increases and increasing levels of service required of city functions. As a result City Hall and the Public Services Center continue to grow in terms of personnel. Both City Hall and the newly constructed PSC are quickly running out of space. It is the desire of the City Council to have City administration including the Mayor's office, Finance, Information Systems, Human Resources, Community and Economic Development, Engineering, Environmental, and Public Works Administration located in the same building for efficiency reasons. In addition, consolidation will create a better experience for customers who will be able to access the City in a one stop location. The Federal Building has been vacated by the Post Office was surplus by the Governmental Service Administration in 2017. LocalTel, a local business, purchased the building and the City is currently negotiating purchase of at least 50% of the building to repurpose as City Hall. Repurposing this building is consistent with the South Wenatchee Action plan to activate a key commercial property bridging downtown and South Wenatchee. [AW1]The City estimates investing \$10 million into this facility to establish a new city hall.

At the current downtown campus, For a number of years, a key City Council priority has been to carry out needed upgrades and improvements for city fire facilities. In April 2015, the City was annexed in to Chelan County Fire District #1, and although the city still owns two fire facilities, they are being leased by the Fire District and will ultimately be repurposed when the Fire District builds a new central station. While the need for a new fire station still exists in the City, Chelan County Fire District #1 will be the lead agency responsible for planning for, funding and constructing the facility.

Also in 2015, the City changed the operation of the Museum from a city department to a contract for services with the non-profit museum association. The City maintains ownership of the buildings but future capital expansion plans are being led by the Wenatchee Valley Museum and Cultural Center who is developing a long term strategic programmatic and capital improvement plan. With the addition of the new Police Station in 2004, the existing police facility was opened up for occupancy by other departments of the City. The Information Systems Department, the Facility Maintenance Division of Public Works and the Drug Taskforce of the Police Department have all located in this facility, called the Historic Police Station. The influx of additional personnel has revealed a deficiency of parking spaces at the City's downtown campus. There is a need for secured parking for the police vehicles as well as additional parking needs for the Police Station facility. Additional parking is being planned as a lid structure over a portion of the new Police Department parking lot; this project is estimated at \$340,000. A parking analysis is needed to

explore additional parking options to determine if this is the best solution for the facility and the public.

~~In addition, multiple facilities throughout the City have had the roof replacement deferred for several years. The roofs on Historic Police Station and City Hall were replaced in 2015, and the Police Station roof was replaced in 2016. This has led to authorization to develop a long term plan for city facilities that will be incorporated in to the CFP in the future.~~

The City has been proactive in ~~In the interim,~~ efforts are underway to improving the energy efficiency of its facilities and ~~has taken advantage of State Department of Commerce Energy Grants for the City Hall, and Police Station facilities. The City has also partnered with the Chelan County PUD and Cascade Natural Gas for energy conservation funding to help improve facilities citywide. to provide operational cost savings throughout city facilities. This is partially being driven by a new local agency rebate program~~

~~for energy savings provided by the Chelan County PUD and by energy conservation grant funding through the Washington State Department of Commerce. Currently the City has commissioned an energy audit of the Police Station and is underway with a project to make facility improvements to the HVAC system of approximately \$423,000 in 2016. This will be funded by the aforementioned energy PUD rebates, and Department of Commerce Energy Grant coupled with City general fund reserves.~~

In addition, the City is experiencing growth with the annexation of Olds Station and continued population increases. As a result city services out of City Hall and the Public Services Center continue to grow in terms of personnel. Both City Hall and the newly constructed PSC are quickly running out of space. A space planning study is needed to better understand the facility needs for City administration including the Mayor's office, Finance, Information Systems, Human Resources, Community and Economic Development, Engineering, Environmental, and Public Works Administration will need to be located in the same building for efficiency reasons. In addition, consolidation will create a better experience for customers who will be able to access the City in a one stop location. ~~In addition, t~~The Federal Building has been vacated by the Post Office and is currently going through the ~~was surplus~~ed surplus process from ~~by the Governmental Service Administration in 2017.~~ Given this facility is constructed a governmental building and that abandonment could result in blight in our city core, the City is evaluating alternative uses for the building that could house expansion of city administration services. This plan includes a place holder value of \$5,000,000 for addressing the Federal Building. This estimate will be revised based on a study ~~LocalTel, a local internet service provider business, purchased the building and the C~~city is currently negotiating purchase of at least 50% of the building to repurpose as ~~house a new City Hall. Repurposing this building is consistent with the South Wenatchee Action plan to activate a key commercial property bridging downtown and South Wenatchee.~~ ~~[AW2]~~The City estimates investing \$10 into this facility to establish a new city hall.

General Facilities Projects

Year	Project	Funding Source	Funded	Unfunded
2018-2019	South Yard Building	Street, Water, Sewer, General Fund Reserves	\$ 90,000	
2018	Cemetery Office Building	General Fund Reserves	\$ 110,000	
2018-2020	Facility Parking Lot Maintenance	General Fund Reserves		\$ 350,000
2018-2021	Police Station Landscaping Upgrades	General Fund Reserves		\$ 75,000
2018-2020	Police Station Parking Parking	General Fund Reserves		\$ 340,000
2018-2020	Museum Renovation & Accessibility Project	Bonds, Grants, Donations		\$ 9,000,000
2018-2020	Federal Building Conversion	Bonds, General Fund Reserves		\$ 10,000,000
TOTAL			\$ 200,000	\$ 19,765,000

[AW3]

Year	Project	Funding Source	Funded	Unfunded
2016-2017	Police Station Energy Upgrades	PUD Rebate, Energy Grant, General Fund Reserves	\$ 422,614	
2016-2017	South Yard Building	Street, Water, Sewer, General Fund Reserves	\$ 90,000	
2018-2020	Facility Parking Lot Maintenance	General Fund Reserves		\$ 350,000
2018-2021	Police Station Landscaping Upgrades	General Fund Reserves		\$ 75,000
2018-2020	City Hall/PD Parking	General Fund Reserves		\$ 340,000
2018-2020	Fire Station Roof Replacement	General Fund Reserves		\$ 150,000
2018-2020	Museum Renovation & Accessibility Project	Bonds, Grants, Donations		\$ 9,000,000
2018-2020	Federal Building Conversion	Bonds, General Fund Reserves		\$ 5,000,000
TOTAL			\$ 512,614	\$ 14,915,000

[SK4][SK5]

PARKS~~AND~~, RECREATION AND CULTURAL SERVICES

Over a nine month period in 2016-17 the Parks, Recreation and Cultural Services Department conducted a public involvement process to prepare an update of the six year Parks, Recreation and Open Space (PROS) Plan. The PROS plan establishes a framework to guide the acquisition, development and improvement of park areas and facilities and the provision of recreational services throughout the City of Wenatchee. The plan also incorporates habitat and art elements. The plan is for the 2018-2024 time period. It was adopted by the City Council in May 2017.

The plan is divided into basic sections consistent with State requirements. The following is a summary of each section of the document to provide context to the development of the capital facilities plan. The first chapter of the PROS plan contains a basic introduction and summary of the document. The biggest changes from previous plans included adding a Growth Management Act section and the planning area map was updated. The second chapter describes the planning area. This section was updated to include habitat areas, the arts and current statistics. The third chapter describes the existing public, semi-public and private parks, arts and recreation resources within the planning area. This section was updated to provide a more detailed inventory of parks, and recreation amenities in the community, provide current photographs, add art and habitat information and update maps and inventory statistics. The fourth chapter describes the methodology for determining the demand and needs. The wealth of recently completed, related planning efforts were incorporated into this chapter and summarized as they relate to the City system. The section creates a link between the City plan and State funding agency plans. The section also includes a summary of public meetings and workshops and other outreach efforts. Tables and charts for level of service standards were updated using the most recent population data. The fifth chapter of the plan contains the goals, objectives and strategic actions. Applicable goals and objectives not completed in the 2012-18 PROS plan were pulled from each section of the document and carried forward as were goals contained in the habitat plan and art comprehensive plan. New goals and objectives which respond to the public input process were incorporated into this section. The sixth chapter contains a summary of the capital investment plan and also describes the project ranking criteria. It includes a prioritization matrix system consistent with COM recommendations. It contains a summary of common funding mechanisms, includes a section outlining ongoing maintenance considerations and also and arts, recreation and organization priorities.

In 2012, the City adopted a six year Parks, Open Space and Recreation Comprehensive Plan. This plan addresses every type of recreational facility and recreational activity available and analyzed the deficiencies compared with recreational standards. The plan facilitates goals and policies within the Wenatchee Urban Area Comprehensive Plan for improving and expanding open space to facilitate quality of life for residents and visitors of the City. Overall, the community's residents are blessed with a wide variety of recreational opportunities and top quality parks. Many agencies and groups provide outstanding facilities and programs separate from those of the city. This plan is currently undergoing an update and is scheduled to be completed in 2017.

The Parks, Open Space and Recreation Comprehensive Plan highlights proposed capital improvements as well as funding mechanisms available to finance the improvements in the City of Wenatchee Parks and Recreational Capital Improvement Plan. The capital improvement plan section includes: An inventory of existing facilities, review of current and future planned projects, explores partnerships, incorporates current industry standards, provides funding options, and includes a prioritization matrix system consistent with COM recommendations. Through this refinement process, project worksheets were developed and are included in the appendix of the document.

For many cities, the amount of funds required to acquire the park land and develop the proposed facilities is beyond their financial capabilities. Wenatchee is no different. For this reason, the proposed capital facilities were prioritized, suggesting a continuum as to which facilities should be given the highest and lowest consideration. Many of the capital projects included in the plan contain the assumption that some funding may be derived through future successful grant applications; and continued community support in the form on financial donations.

The City must continue to rely on and partner with, other public, private and nonprofit organizations to help generate revenue and support for the projects if they are to be realized.

Parks, Recreation & Cultural Services

Year	Project	Funding Source	Funded	Unfunded
2018	Chase Park Play Area and ADA Improvements	General Fund	155,000	
2018	Memorial Park Renovation (Design Engineering)	General Fund	65,000	
		Art Fund	20,000	
2018	Picnic Table Replacement Program	General Fund	32,000	
2018	Okanogan Street Park	General Fund	45,000	
2019	Picnic Table Replacement Program	General Fund		32,000
2019	Hale Park Development Phase Two	LCWF Grant	414,500	
		RCO Grant	500,000	
		Donations	18,000	
		Sale to WSD	74,000	
		Sewer	120,000	
2019	Memorial Park Renovation	Lodging Tax		100,000
		General Fund		100,000
		Partner		100,000
		Art Fund		75,000
2019	Kiwanis Methow Park Phase One	LCWF Grant	500,000	
		RCO Grant	500,000	
		TPL Grants		579,520
		Sale to WSD	250,000	\$ 62,413
		Sewer	120,000	
		Donations	150,000	
2020	Saddle Rock Habitat and Trail Restoration	Ecology Grant		1,000,000
		Partner		100,000
2020	Sage Hills Trailhead	General Fund		50,000
		RCO Grant		250,000
		Utility Funds		50,000
		Partner		150,000
2020	Lincoln Park Renovation	RCO Grant		500,000
		LCWF Grant		500,000
		YAF Grant		150,000
		Sewer Fund		150,000
		Art Fund		300,000
		Donations		250,000
		General Fund		150,000
2021	Pioneer Park Renovation	General Fund		50,000
		Bond		3,500,000
		RCO Grant		500,000
		LCWF Grant		500,000
		Partner		100,000
		Donations		100,000
		Lodging Tax		50,000
2021	Maiden Lane Trailhead Acquisition Development	RCO Grant		250,000
		Partner		250,000
2021	Pennsylvania Park Retaining Wall	General Fund		50,000
2021	Locomotive Park Restroom	Sewer		140,000
2022	Sunnyslope Area Acquisition	RCO Grant		375,000
		Partner		375,000
TOTAL			\$ 2,963,500	\$ 10,888,933

STORMWATER

Projects in this program provide infrastructure necessary to improve the quality of stormwater being discharged into surface waters and comply with the general National Pollutant Discharge Elimination System (NPDES) stormwater permit. The existing stormwater system consists of a network of inlet structures and piping generally located within the street system designed to collect surface water, provide water quality treatment, and convey it to the nearest surface water body.

The Storm Drain Utility Fund is an enterprise fund designed to account for the financial activities related to the City's ongoing improvement and expansion of the storm sewer system and compliance with NPDES regulations. The revenue for this fund is generated from a flat monthly charge to each single-family residence as well as a monthly charge to commercial and multi-family residences based on an "equivalent residential unit". The equivalent residential unit is an impervious surface of 3,000 square feet. As part of the comprehensive plan update (2010), a capital improvement plan was developed along with associated rate increase recommendations. The capital improvement plan is reflected in this document.

The Stormwater capital plan includes a number of projects identified in the adopted comprehensive plan as outlined in the table below. The comprehensive plan and the associated capital improvement plan will be updated over the course of 2018. This will result in an updated list of priority projects. Based on the ongoing compliance with National Pollutant Discharge Elimination System (NPDES) permit, many of these projects will focus on improving the quality of the water discharged into the Wenatchee and Columbia Rivers.

Storm Drain (#410)

Year	Project	Funding Source	Funded	Unfunded
2017-18	Stormwater Comp Plan Update	Storm Sewer - Reserves	250,000	
2017-18	North Wenatchee Water Quality-Design	DOE Grants, Storm Sewer - Reserves	70,000	450,000
2018	Ringold Street Storm Drain	Storm Sewer - Reserves	436,670	
2018	Regional Decant Facility Modifications	Storm Sewer - Reserves	378,000	
2019	North Miller Stormwater	PWTF & Storm Sewer - Reserves		1,762,000
2020	Stormwater projects C2, C4, C6 & C17	Storm Sewer - Reserves		1,600,000
2021	Stormwater projects C3, C5, C7, C9 & 10	Storm Sewer - Reserves		2,750,000
2021	Peachey Street Basin Water Quality Retrofit	DOE Grants, Storm Sewer - Reserves		995,000
2022	Stormwater projects C8, C13 & C15	Storm Sewer - Reserves		1,620,000
2020-23	Walla Walla Stormwater Retrofit	DOE Grants, Storm Sewer - Reserves		635,000
2020-23	Pipe Repair and Replacement	Storm Sewer - Reserves		667,000
TOTAL			\$ 1,134,670	\$ 10,479,000

Projects in this program provide infrastructure necessary to control urban flooding, improve the quality of stormwater being discharged into surface waters, and comply with the general National Pollutant Discharge Elimination System (NPDES) stormwater permit. The existing stormwater system consists of a network of inlet structures and piping generally located within the street system designed to collect surface water, provide water quality treatment, and convey it to the nearest surface water body. The City adopted an updated comprehensive plan in 2010 to identify capital needs necessary to meet level of service standards. The updated plan provides guidance for future stormwater capital improvements and reprioritizes those projects not completed in the existing comprehensive plan. In 2011, utility bonds were issued to refund 1998 bonds and fund additional capital projects identified in the comprehensive plan. Approximately \$1,999,000 of this bond issue is designated for Stormwater Capital. As a part of this bond issue, the Stormwater utility rates were increased to provide adequate cash flow and insure reserve coverage and other bond covenants are met.

The City has adopted a 10-year storm as the design standard. A 10-year storm is defined as a storm with an intensity that has a 10% chance of occurring in any year. Storm sewer systems were generally not installed in the areas above the Reclamation District Canal. As these areas are brought up to standards, and as new developments occur that increase the runoff to the existing system, capacity of the system will be impacted. The intent of this program is to update or install new storm sewer mains in a timely manner so that the ultimate build-out of the valley is accommodated in regards to drainage of a 10-year storm event.

The Storm Drain Utility Fund is an enterprise fund designed to account for the financial activities related to the City's ongoing improvement and expansion of the storm sewer system and compliance with NPDES regulations. The revenue for this fund is generated from a flat monthly charge to each single-family residence as well as a monthly charge to commercial and multi-family residences based on an "equivalent residential unit". The equivalent residential unit is an impervious surface of 3,000 square feet. As part of the comprehensive plan update, a capital improvements plan was developed along with associated rate increase recommendations. The capital improvement plan is reflected in this document. The plan includes several system expansion projects, construction of facilities to accommodate maintenance activities as well as construction of replacement and rehabilitation projects.

The City stormwater system is aging and in an effort to improve maintenance of the system, City crews have begun extensive cleaning and camera inspection programs. As a result, pipe replacement projects will focus on the areas of greatest deterioration first. Replacing or rehabilitating deteriorated pipes avoids expensive road failures resulting from leaking or collapsed pipes. A concerning example of system deterioration is the North Miller Storm Drain system. The underground storm drain is an aging metal pipe that is highly corroded and has failed in multiple locations in recent years. This pipeline is located beneath a major roadway arterial corridor and conveys approximately one-third of the City stormwater runoff to the Columbia river near Hawley Street. Replacement of this pipe through traditional open cut trenching is not a feasible option. In-place rehabilitation methods are considered to be the most efficient and least disruptive means of reinforcing this critical asset.

A significant storm event occurred in the foothills surrounding Wenatchee on July 28, 2010 causing minor flooding of the canyon drainage system. In August and September of 2013 two additional storm events, coupled with high erosion of lands which had been burned in wildfires on the edge of Wenatchee in 2012, caused considerable damage to homes and property in one of the three major natural drainages. The City is embarking on a public education and outreach process to notify property owners of their responsibility for maintenance of the natural drainage course. The City supported Chelan County in their development of a Flood Control Zone District in 2014 to provide better protection from Canyon Drain flooding. The County has adopted a \$0.07 per \$1,000 levy in 2014 to provide initial funding for the District. The County also adopted Interim Operating Guidelines, dated August 27, 2014 establishing an advisory committee and setting objectives for the development of a Flood Hazard Mitigation Comprehensive Plan. The Steering Committee for the Plan was established in June of 2015 and the City's Public Works Director is chairing the Committee. The objectives include prioritizing capital projects to mitigate flood risks of several areas of the County including top City priorities such as Number One and Number Two Canyons, Dry Gulch and the recently burned areas around Maiden Gulch. Flooding from all of these drainages presents risk in terms of public safety and property damage within the City of Wenatchee.

On Ringold Street between 5th Street and 7th Street, stormwater runoff from the Wenatchee Valley College is collected by an onsite pipe network which discharges to the Canyon Drain Number Water daylights from the pipe network and flows through an unlined earthen ditch via side yards and back yards until reaching a city owned culvert at Princeton and 7th Street. Recent flood events have resulted in drastic erosion of the east side of Ringold undermining and threatening the structural integrity of that roadway as well as the private property that is located at an elevation below that of the ditch flowline. System improvements currently under design and slated for construction in the spring of 2017 will separate the combined flows which will outfall separately to the north at 9th Street and to the east at Princeton.

The Stormwater capital plan adopted in 2010 includes a number of projects identified in the adopted comprehensive plan as outlined in the table below. The comprehensive plan and the associated capital improvement plan will be updated over the course of 2016. This will result in an updated list of priority projects. Based on the ongoing compliance with National Pollutant Discharge Elimination System (NPDES) permit, many of these projects will focus on improving the quality of the water discharged into the Columbia River.

Storm Drain (#410)

<i>Year</i>	<i>Project</i>	<i>Funding Source</i>	<i>Funded</i>	<i>Unfunded</i>
2017	Snow Melt Facilities-South Wenatchee	Storm Sewer - Reserves	80,000	
2017-2018	Stormwater Comp Plan Update	Storm Sewer - Reserves	250,000	
2016-2017	North Wenatchee Water Quality-Design	DOE Grants, Storm Sewer - Reserves	70,000	450,000
2017	Ringold Street Storm Drain	Storm Sewer - Reserves	436,670	
2017	Regional Decant Facility Modifications	Storm Sewer - Reserves		300,000
2019	Stormwater projects C2, C4, C6 & C17	Storm Sewer - Reserves		1,600,000
2020	Stormwater projects C3, C5, C7, C9 &10	Storm Sewer - Reserves		2,750,000
2021	Stormwater projects C8, C13 & C15	Storm Sewer - Reserves		1,620,000
2019	North Miller Stormwater	PWTF & Storm Sewer - Reserves		1,762,000
2019	Peachey Street Basin Water Quality Retrofit	Ecology Grants, Storm Sewer - Reserves		995,000
2019-2021	Walla Walla Stormwater Retrofit	DOE Grants, Storm Sewer - Reserves		635,000
2019-2021	Pipe Repair and Replacement	Storm Sewer - Reserves		667,000
TOTAL			\$ 836,670	\$ 10,779,000

WATER

The major emphasis in the water distribution system over the next six years will be on replacing aging steel water mains to improve water quality, reduce the amount of Unaccounted for Water (UAW) as well as reduce emergency main line breaks, outages and damage to reconstructed roadways. Prior to 2017, system UAW losses were estimated to approximate 19% of the City's consumptive use. Upon inspection of the 4 water reservoirs, this estimate was reduced to 10% (with repairs being programmed for reservoirs in early 2018).

The last complete update to the Comprehensive Water System Plan was adopted by the City Council in May of 2012 from which a Capital Improvement Plan (CIP) was developed. The plan prioritized capacity projects, main replacement, and reservoir improvements. Projects included in this CIP are still referenced to the 2012 CIP. Completion of the next update of the Water System Comprehensive Water System Plan is slated for 2018.

Water (#401-534)

System	Year	Project	Fund Source	Funded	Unfunded
Water	2018	Water System Comprehensive Plan Update	Water - Reserves	100,000	
Water	2018	Ave)	Water - Reserves	545,000	
Water	2018	Replace 16" main to Skyline Reservoir	Water - Reserves	190,000	
Water	2020	Water Main Replacement - Wilson (Castlerock to Columbine)	Water - Reserves	105,000	260,000
Water	2019-20	Water Main Replacement - Montana & Dakota Wilson to Miller	Water - Reserves		480,000
Water	2019-2020	Water Main Replacement - Red Apple (Fuller to Miller)	Water - Reserves		620,000
Water	2019-2020	Water Main Replacement - Millerdale	Water - Reserves		980,000
Water	2019-2020	Water Main Replacement - Crawford (Fuller to Miller)	Water - Reserves		450,000
Water	2019-2021	New Water Mains	Water - Reserves		750,000
Water	2020-2021	Water Main Replacement - Crawford (Okanogan to Fuller)	Water - Reserves		450,000
Water	2018-2023	Annual Steel Water Main Replacement & Repair- System Wide	Water - Reserves		750,000
Water Total				\$940,000	\$4,740,000

~~The major emphasis in the water distribution system over the next six years will be on replacing aging steel water mains to improve water quality, reduce the amount of Unaccounted for Water (UAW) as well as reduce emergency main line breaks, outages and damage to reconstructed roadways. System UAW losses have been estimated to approximate 19% of the City's consumptive use. An update to the Comprehensive Water System Plan was adopted by the City Council in May of 2012 from which a new Capital Improvement Plan (CIP) was developed. The plan prioritized capacity projects, main replacement, and reservoir improvements. Completion of the next update of the Water System Comprehensive Water System Plan is slated for 2018.~~

Throughout the system there are emergent needs that require immediate attention. For that reason, \$150,000 per year has been budgeted to cover the expense of these unknown projects. In addition to the annual replacement funding, specific replacement projects have been budgeted for,

including replacement of an existing 10" steel water main in Crawford Road with a new 12 inch ductile iron main as well as replacement of a depression-era steel line in Wilson in 2017.

Roadway reconstruction projects often control timing of water line replacement projects so as to minimize efforts and impacts to the public. Upgrades to the water network in Red Apple will be made in this manner and will coincide with the roadway reconstruction. Future improvements to the Millerdale corridor will drive the need for replacement of those pipes as well.

In 2013, the City performed a rate study to determine the rates necessary to continue the operation of the system and provide funding for the CIP. Additionally, the rate study explored the design of a block rate system under which water consumption charges vary with the amount of water consumed. The block rates were designed to promote conservation by single family residential customers. The City elected not to implement a block rate structure due to disproportionate impacts to those without irrigation water available. The results of this study indicated that, without the block rate structure, a minimal increase of 3% per year is necessary to fund the system adequately. The study also indicated that no debt is needed to fund the planned capital improvements during the next 6 years. The main reason for this is that beginning in 2008 the water utility began a policy of funding capital replacement. The program ramped up over the previous study period and the utility is now funding 30% of replacement costs based on projected asset life. This allows the utility to plan for replacement of capital assets as they reach their end-of-life without incurring additional debt.

As part of the City's efforts to provide stability of services to the public in the face of a changing revenue picture, the Mayor formed a citizens advisory committee (Sustainability Committee) to explore what changes could be made to the way the City operates or what areas of new revenue should be explored in order to provide a sustainable future for Wenatchee. One of the recommendations of this committee was to explore the consolidation of the domestic water system operated by Public Utility District No.1 of Chelan County (Chelan PUD) in the vicinity of Wenatchee with the domestic water system operated by the City of Wenatchee. An initial look at this concept, with the help of a financial consultant, revealed that the consolidation of only a portion of the PUD's county-wide customers with the City's water system would result in a severe impact to the viability of the systems not consolidated into the resulting utility. This may warrant further study. Additionally, the rate disparity between the two utilities could not be easily reconciled without drastic rate changes upon consolidation, which also needs further study. As a result, current analysis is considering what efficiencies could be gained by combining various programs and services which are currently being provided individually by the two utilities. This study will result in recommendations in 2017 to both the Wenatchee City Council and the Chelan PUD Board of Commissioners.

Regional Water

The City of Wenatchee operates the Regional Water system on behalf of the Chelan County PUD, the East Wenatchee Water District and the City of Wenatchee. The Regional Water System is

governed by the Regional Coordinating Committee (RCC) which is made up of representatives from each water purveyor.

In 2014 the RCC began a process to analyze the adequacy of the existing supply and transmission system to meet current and future needs and to evaluate the overall redundancy of the system. The 13 locations identified were evaluated for many criteria including water quality, wellhead protection, cost to develop, cost of operations and how they met the goal of multi-faceted redundancy. Ultimately the regional committee “short-listed” three options all south of Wenatchee, all on the Chelan County side of the Columbia River. Further exploration and cost estimating has narrowed that to one preferred option and on alternate option. In 2017, the preferred option was determined to be non-viable. Discussions and plans are being evaluated on explored the alternate site and/or exploring addition sites. Once verified as a viable second water source, the actual development schedule will be in the range of 5-7 years.

The last update to the Regional Water System Plan was adopted in 2012. The plan included a capital improvement schedule which is outlined in the table below. The Regional Water System Plan update, including a revised capital improvement plan, will be completed in 2018.

Regional Water (#415)

Year	Project	Fund Source	Funded	Unfunded
2018	Redundancy/Source Pre-Design	Water -- Regional Reserves -- Fund 415	100,000	
2018	Regional Water Rate Analysis	Water -- Regional Reserves -- Fund 415	100,000	
2018	Regional Facilities Plan Update	Water -- Regional Reserves -- Fund 415	45,000	
2019-2022	Second Source Design	Water -- Regional Reserves -- Fund 415	1,000,000	
2020-2023	Second Source Construction	Water -- Bond -- Fund 415		10,000,000
TOTAL			\$ 1,245,000	\$ 10,000,000

The City of Wenatchee operates the Regional Water system on behalf of the Chelan County PUD, the East Wenatchee Water District and the City of Wenatchee. The Regional Water System is governed by the Regional Coordinating Committee (RCC) which is made up of representatives from each water purveyor.

An update to the regional water system plan was adopted in 2012. The plan included a capital improvement schedule which is outlined in the table below.

Included in the plan are a number of studies and improvements to address redundancy of the water supply system as well as expansion for growth. Related to expansion of the system is the acquisition of water rights. The RCC committed to maintain a 20-30 year reserve of water rights to accommodate growth. In 2013, additional water rights were purchased to ensure that water right

reserves meet or exceed 30 years of growth. Growth and water right reserves are continually monitored and evaluated in detail every 6 years. It is also noted that each of the individual systems that Regional supplies is pursuing water conservation to help extend the life of the water supply for the Wenatchee Valley.

In 2014 the RCC began a process to analyze the adequacy of the existing supply and transmission system to meet current and future needs and to evaluate the overall redundancy of the system. The early stages of the project resulted in the recognition that, while the existing sources (Eastbank Aquifer wellfield) supplies an adequate quantity of high quality water, there are concerns about reliance on a single transmission line, single aquifer, single Columbia river crossing and how expansion of the withdrawal could impact the aquifer's ability to meet other demands, that a comprehensive look at other potential source locations was initiated. The first evaluation looked at all potential sources from as far north as the existing Eastbank facility to as far south as Rock Island Dam. The 13 locations identified were evaluated for many criteria including water quality, wellhead protection, cost to develop, cost of operations and how they met the goal of multi-faceted redundancy. Ultimately the regional committee "short-listed" three options all south of Wenatchee, all on the Chelan County side of the Columbia River. Further exploration and cost estimating has narrowed that to one preferred option and one alternate option. The project has proceeded to the next phase of proving out the capacity of the source and this phase will continue on through 2017 until an ultimate plan to develop the new source is adopted. The actual development schedule will be in the range of 5-7 years.

Regional Water (#415)

Year	Project	Fund Source	Funded	Unfunded
2017	Redundancy/Source Pre-Design	Water -- Regional Reserves -- Fund 415	200,000	
2017	SCADA/Communications Upgrades	Water -- Regional Reserves -- Fund 415	50,000	
2017	Regional Water Rate Analysis	Water -- Regional Reserves -- Fund 415	100,000	
2017-2018	Regional Facilities Plan Update	Water -- Regional Reserves -- Fund 415	90,000	
2018-2021	Second Source Design	Water -- Regional Reserves -- Fund 415	1,000,000	
2018-2022	Second Source Construction	Water -- Bond -- Fund 415		10,000,000
TOTAL			\$ 1,440,000	\$ 10,000,000

SEWER

The City completed a Comprehensive Sewer Plan in 2017. This plan included a prioritized Capital Improvement Plan for an major extension of sanitary sewer services into the Sunnyslope and Olds Station areas, to support recently annexed areas north of the Wenatchee River (2016) and to provide for higher density development in the expanded sewer service area in the Sunnyslope Bench. The program also includes much needed upgrades to the wastewater treatment plant (WWTP) to support both increased flows as well as meeting regulatory requirements and needed efficiency improvements.

Funding for the 2017-2037 sewer CIP is through municipal bonding, repayment of which will be made through a revised fee and rate schedule for current and prospective utility customers. Rate increases of 6%/year for five years starting in 2018, together with simplified system investment and capital facilities fees for new connections, will support the nearly \$48M / 20-year sewer capital program.

Ongoing annual maintenance and rehabilitation of the collection system’s main lines, manholes and pump stations is mandatory. Specific needs are identified through a continuing and consistent video inspection program. Costs to perform this ongoing maintenance work have been included in the financial plan and revised rate structure for the sewer utility.

Sewer (#401-535)

System	Year	Project	Fund Source	Funded	Unfunded
Sewer	2018	Methow Street Gravity Sewer Replacement	Res/Bonds	291,000	
Sewer	2018	Okanogan Ave. Gravity Sewer Replacement	Res/Bonds	174,000	
Sewer	2018	Horse Lake Road (North) Gravity Sewer	Res/Bonds	557,000	
Sewer	2018	Princeton Ave. Gravity Sewer	Res/Bonds	273,000	
Sewer	2018	Grit Removal Improvements	Res/Bonds	250,000	
Sewer	2018	Sewer Infill Extensions	Res/Bonds	500,000	
Sewer	2018	UV Disinfection System Improvements	Res/Bonds	185,000	
Sewer	2019-2021	Annual major repair/replacement - Collection	Res/Bonds	750,000	
Sewer	2019-2021	Annual major repair/replacement - WWTP	Res/Bonds	750,000	
Sewer	2019-2021	Digester #4 - WWTP	Res/Bonds	6,000,000	
Sewer	2019-2023	Third Secondary Clarifier	Res/Bonds	5,000,000	
Sewer	2019-2123	Sunnyslope Sewer Extension	Res/Bonds	8,000,000	
Sewer Total				\$22,730,000	

~~The City completed a Comprehensive Sewer Plan in 2009. This plan included a prioritized Capital Improvement Plan for short term (2009-2014) and long term (- 2020) improvements to the wastewater collection system. The plan is currently undergoing an update which will be completed by the end of 2016. This plan identified locations of sewer deficiency in the urban area such as the~~

Sunnyslope area. Additional areas of the City such as Princeton north of 5th Ave, west Springwater Ave, and the Elmwood neighborhood are other areas that are planned to benefit from Sewer infill. The City has invested in critical infrastructure necessary for expansion of the system in these areas but additional funding is necessary to further expand the sewer system to serve existing residences as well as allow for further expansion. The City has applied for funding such as Public Works Trust Fund to assist in major sewer extension projects, but has been unsuccessful. Other funding sources such as Local Improvement Districts, Loans/Bonds, Local Facilities Charges, and developer extensions are necessary. In an effort to help facilitate infill development, the City adopted a policy to help extend sewer concurrent with development proposals. The policy allows the City to invest in line extensions and collect reimbursement through frontage and connection fees. A capital item entitled Infill Sewer Extensions is included in this plan to support these opportunities.

Development of the Sunnyslope area requires coordination with Chelan County and ultimately urban levels of development should not be permitted by the County without the availability of sewer in order to meet the population goals and density expectations identified in the Sunnyslope Subarea Plan and the Wenatchee Urban Area Comprehensive Plan.

The City has begun the process of updating the Wastewater Treatment Plant (WWTP) Facility Plan. This update will analyze the performance of the plant and prioritize deficiencies for a new 6-year Capital Improvement Plan for 2017-2023. The City has performed architectural and landscape upgrades as well as necessary process and odor control improvements to the WWTP. Additional improvements to processes such as digester, clarifier, and UV disinfection capacity increases are anticipated projects that will remove bottlenecks in the system.

Ongoing annual maintenance and rehabilitation of the collection system's main lines, manholes and pump stations is mandatory. Specific needs are identified through a continuing and consistent video inspection program. In order to improve inspection uniformity and bring methods into conformance with accepted industry standards, field crews will attend National Association of Sewer Service Companies (NASSCO) training and obtain certifications by PACP and MACP. This will aid in the overall condition assessment of both the sanitary as well as storm sewer system in order to identify and appropriately manage system deficiencies as part of an overall asset management strategy. As an alternative to employee certification, outsourcing of system-wide assessment program to private contractors would allow in-house crews to focus on individual requests for isolated information gathering. Additional capital funding beyond current allocations would be necessary for such contractual work.

For emergent issues that necessitate capital improvements or repair, approximately \$125,000 per year has been budgeted throughout the planning period. The City effectively utilized a process called Cured In Place Pipe (CIPP) in 2014 on a project in the downtown area and again in 2015 for three areas of failing mains. The success of these initial projects validated the concept of trenchless rehabilitation as an acceptable means to address failing underground utilities. The City will continue to utilize this type of construction method as an efficient tool where appropriate.

The City's 2010 rate study revised utility rates to continue the operation of the wastewater collection and treatment systems and provide funding for the capital improvement plan. This type of funding allows for the replacement of existing facilities without the need to incur large amounts

of additional debt. Such reinvestment in the system has the effect of normalizing rates, reducing excessive swings in rates necessary to complete capital projects. New rates were adopted in 2011 for the sewer utility and 2014 for the water utility. Typically a 5-year rate schedule is adopted for each utility with a provision that at the end of that time period, the rates would continue to be adjusted annually by 3% or a factor of the Consumer Price Index, whichever is higher. Due to inevitable change in costs over time, update of the rate study will be required and is anticipated to begin in 2018.

Water/Sewer (#401)

System	Year	Project	Fund Source	Funded	Unfunded
Water	2017-2018	Water System Comprehensive Plan Update	Water - Reserves	100,000	
Water	2017-2018	Water Main Replacement - Red Apple (Fuller to Miller)	Water - Reserves	620,000	
Water	2017-2018	Ave)	Water - Reserves	545,000	
Water	2017-2018	Replace 16" main to Skyline Reservoir	Water - Reserves	190,000	
Water	2017-2018	Water Main Replacement - Montana & Dakota Wilson to Miller	Water - Reserves	480,000	
Water	2017-2021	Annual Steel Water Main Replacement & Repair- System Wide	Water - Reserves	150,000	600,000
Water	2018-2019	Water Main Replacement - Millerdale	Water - Reserves		980,000
Water	2018-2019	Water Main Replacement - Wilson (Castlerock to Columbine)	Water - Reserves		364,000
Water	2018-2019	Water Main Replacement - Crawford (Fuller to Miller)	Water - Reserves		380,000
Water	2018-2019	Water Main Replacement - Crawford (Okanogan to Fuller)	Water - Reserves		380,000
Water	2019-2021	New Water Mains	Water - Reserves		750,000
Water Total				\$2,085,000	\$3,454,000
Sewer	2017	Annual Improvements-Collection	Sewer - Reserves	125,000	
Sewer	2017	Annual Improvements-WWTP	Sewer - Reserves	125,000	
Sewer	2016-2017	Princeton Sewer Extension	Sewer - Reserves	224,000	
Sewer	2016	Public Restrooms	Sewer - Reserves	125,000	
Sewer	2017	Grit Removal Improvements	Sewer - Reserves	209,000	
Sewer	2018	Sewer Infill Extensions	Sewer - Reserves	500,000	
Sewer	2018	UV Disinfection System Improvements	Sewer - Reserves		185,000
Sewer	2019-2021	Annual major repair/replacement - Collection	Sewer - Reserves		750,000
Sewer	2019-2021	Annual major repair/replacement - WWTP	Sewer - Reserves		750,000
Sewer	2019-2021	Digester #4 - WWTP	Sewer - Reserves		6,000,000
Sewer	2019-2021	Third Secondary Clarifier	Sewer - Reserves		5,000,000
Sewer	2019-2121	Sunnyslope Sewer Extension	Sewer - Reserves		8,000,000
Sewer Total				\$1,308,000	\$20,685,000

STREET OVERLAY PAVEMENT PRESERVATION

Preservation is defined as the investment made into our streets to prevent complete disrepair. Preservation has been commonly known as the street overlay program.

For the most part, the overlay program is a maintenance issue. It is related to Level of Service (LOS) standards in that if maintenance is not addressed in a timely manner, roadways will deteriorate to the point where total reconstruction is necessary, at which time LOS to the public is lowered. Maintaining the street system is particularly important to the identified goals and policies in the Wenatchee Area Urban Comprehensive Plan as it relates to supporting commerce and economic development. The condition of the City's streets is one of the first noticeable indicators of a City's economic health. The Federal Highway Administration defines pavement preservation as a program employing a network level, long-term strategy that enhances pavement performance by using an integrated, cost-effective set of practices that extend pavement life, improve safety and meet motorist expectations.

An effective pavement preservation program will address pavements while they are still in good condition and before the onset of serious damage. By applying a cost-effective treatment at the right time, the pavement is restored almost to its original condition. The cumulative effect of systematic, successive preservation treatments is to postpone costly rehabilitation and reconstruction. During the life of a pavement, the cumulative discount value of the series of pavement preservation treatments is substantially less than the discounted value of the more extensive, higher cost of reconstruction and generally more economical than the cost of major rehabilitation. Additionally, performing a series of successive pavement preservation treatments during the life of a pavement is less disruptive to uniform traffic flow than the long closures normally associated with reconstruction projects.

Street Preservation is more than just adding a layer of asphalt. Adding a layer of asphalt to a street primarily prevents cracks from turning into potholes and eventually into a state of complete disrepair. An important additional benefit of overlaying streets is building the strength of the street. This is especially important given the City's underlying native soils which are not very strong. Over time, this investment of adding strength should reduce both preservation and maintenance costs. Streets that have been previously overlaid are good candidates for alternative pavement preservation techniques. Finally, overlaying a street provides aesthetic improvements. A street overlay covers up cracks, utility trenches, and provides a new look and feel to neighborhoods all of which add to the community.

The Street Overlay Fund #111 is a special revenue fund which was designed to account for financial activities related to the City's ongoing previous street overlay program. The Street Overlay Program was developed by the Public Works Department in 1996 and was intended to provided for the overlay of all City streets over a 15-year repeating cycle. The Street Overlay Program was ~~looked at~~

again revisited by the Public Works Department in 2005 with a recommendation for additional financial investment. In 2015 the City hired a consultant and purchased a pavement management software (PMS) program to help determine what the minimum funding needs are necessary for maintaining and preserving the city's pavement system consistent with current pavement preservation methodology. The preliminary results has shown that the City will need to invest between \$2.4 to \$2.9 Million over a ten year period to maintain the pavement system as at nearly the current overall condition. Even with this level of investment, the deferred maintenance of the roadway network increases from \$5 to \$10 Million over a 10-year period. This study has demonstrated the need to implement lower cost surface treatments such as chip seals to extend the life of the streets even further based on the lack of sufficient preservation funding. In 2016, the City Council appointed a citizen's committee to evaluate the Pavement Management Program and recommend their preferred program and level of investment. Based on their recommendation back to City Council, they recommended Scenario 5B that maintained arterials and collectors at current conditions and had a level of investment that minimized the use of chip seal. This recommendation required the City to find new revenue sources to dedicate to the long term implementation of the Pavement Management program.

~~Preservation funding has fallen off sharply over the past 8 years. An assumed source of consistent Street preservation formally was adopted with the creation of the Street Overlay fund (111) in the mid 1990's. Preservation is presently funded from three sources; property tax, Real Estate Excise Tax (REET) and beginning in late 2012, income from the Wenatchee Transportation Benefit District. The first ¼% of REET and \$201,766 of property tax has been dedicated for debt service on the 1998 Overlay Bonds. These bonds were be paid off in 2014 and it is anticipated that after the development of the new PMS, new debt will be issued and the funds dedicated to overlay bond repayment will continue to be used for the same purpose. Historically, annual preservation projects are funded with 2nd ¼% of REET with and an average of \$237,300 per year since the economic downturn in 2009, the available funding was inadequate to meet both the existing debt service and have capacity available to construct anything more than minor preservation work. The City is currently working on developing future funding options for maintaining the roadway system and the City Council has appointed an advisory committee to study the issue and provide recommendations for level of treatment, investment and long term funding recommendations.~~

In 2012 The City of Wenatchee formed the Wenatchee Transportation Benefit District (TBD) with the same corporate boundaries as the City. A \$20 per year car license fee was imposed at the same time and took effect in June of 2012. The funds generated from the fee have been transferred annually to the Overlay fund to be used on projects as determined by the ~~TBD Board~~ City Council. The formation of the District ~~included~~ includes a sunset clause for the end of ~~2015~~ 2030. ~~In October of 2014, the City Council and the TBD board extended the sunset of the District and the associated \$20 fees to the end of 2030.~~ This will provide a long-term reliable funding source to aid in the implementation of the PMS. This revenue source has been generating approximately \$500,000 per year. Staff has pursued other financing options such as those offered through the Public Works

Trust Fund (PWTF) in 2012 and 2014. However, the PWTF Program has been undergoing drastic changes over the last two legislative sessions and has not been a reliable source of funding. The City Council is currently considering other additional sources of revenue to fully fund the Pavement Management program. The funding scenario below shows the acquisition of bond funding in 2020 along with both the 111 and 119 funds combining to meet the pavement preservation needs of the city.

Street Overlay^[AW1] (Fund 111)

Fund 111	2018	2019	2020	2021-2023
Revenue				
2nd 1/4% REET	500,000	500,000	500,000	1,500,000
Miscellaneous				
Bond Issuance			10,000,000	
Total revenues	500,000	500,000	10,500,000	1,500,000
	0			
Expenditures				
	0			
Preservation Projects	1,281,000	500,000	1,600,000	10,100,000
Pavement Pres-Repairs	65,000	65,000	65,000	195,000
Crack Sealing	60,000	60,000	60,000	180,000
Transfers-out				
Total Expenditures	1,406,000	625,000	1,725,000	10,475,000
	0			
Revenues over (under) projects	(906,000)	(125,000)	8,775,000	(8,975,000)
Beginning fund balance	1,707,161	801,161	676,161	9,451,161
Ending fund balance	801,161	676,161	9,451,161	476,161

Fund 111	2017	2018	2019	2020-2022
Revenue				
2nd 1/4% REET	307,500	307,500	307,500	307,500
Miscellaneous				
Bond Issuance				8,000,000
Total revenues	307,500	307,500	307,500	8,307,500
	0			
Expenditures				
	0			
Preservation Projects	1,100,000	200,000	200,000	8,100,000
Pavement Pres-Repairs	65,000	65,000	65,000	65,000
Crack Sealing	60,000	60,000	60,000	60,000
Transfers-out				
Total Expenditures	1,225,000	325,000	325,000	8,225,000
	0			
Revenues over (under) projects	(917,500)	(17,500)	(17,500)	82,500
Beginning fund balance	1,003,590	86,090	68,590	51,090
Ending fund balance	86,090	68,590	51,090	133,590

Transportation Benefit District (Fund 119)

Fund 119	2018	2019	2020	2021-2023
Revenue				
Street Maintenance Fees	500,000	500,000	500,000	1,500,000
Miscellaneous				
Bond Issuance				
Total revenues	500,000	500,000	500,000	1,500,000
	0			
Expenditures				
0				
Preservation Projects				
Pavement Pres-Repairs				
Crack Sealing				
Transfers-out to 111	1,000,000	500,000	500,000	1,500,000
Total Expenditures	1,000,000	500,000	500,000	1,500,000
	0			
Revenues over (under) projects	(500,000)	0	0	0
Beginning fund balance	1,275,933	775,933	775,933	775,933
Ending fund balance	775,933	775,933	775,933	775,933

ARTERIAL STREETS

Every year the City is required to adopt a comprehensive six-year street plan (TIP). This plan includes financially constrained projects in the first several years and planned projects for later years. The projects are identified in the TIP as either "selected (S)" or "planned (P)" meaning that selected projects have a dedicated funding source as identified in the plan and planned projects do not. The majority of projects are financially unconstrained or planned and therefore fall into the later years of the plan. The City TIP for ~~2017-2018-2022-2023~~ was adopted by ordinance (Ordinance ~~20162017-2118~~) in August, ~~20162017~~. See Appendix A for a full copy of the TIP.

The City of Wenatchee receives a portion of the State's motor vehicle fuel tax which is dedicated to Arterial Streets. Historically, this revenue has been used as matching money for grant funded projects. Over the last 10 year period between 2006 and 2015, this dedicated funding, averaging \$289,000 per year leveraged \$19.5 million in grant funds for streets. Bringing this level of funding back into the City from the State and Federal level has been critical in the development of the street infrastructure system for nearly 40 years.

A primary source of the grant funds has been the Transportation Improvement Board (TIB). Due to decreasing gas tax revenues statewide, TIB has indicated that project funding is not likely increase in years to come. Another source of larger transportation project funding is Federal either via appropriation, authorization, or allocations through the Metropolitan Planning Organization. The City of Wenatchee competes with other agencies for state and federal funds. Specific criteria, including safety, mobility, structural condition, congestion, width, multimodal components and project cost are often evaluated by the granting authority.

Arterial street projects are typically funded by grants with 13.5% to 20% match from the Arterial Street fund. The TIP identifies those funded projects and associated grant funding sources. It should be noted that should the City be successful in receiving grants beyond what gas tax is available to provide as match, additional funding would be necessary. The following table presents a projection of fund balances based on typical funding levels received in the past. A comprehensive list of all of the planned City projects is included in the attached Six Year Transportation Improvement Plan; see Appendix A. The total capital needs in the TIP is approximately \$152M.

The SR285/North Wenatchee Avenue Master Plan was adopted by the city in 2011 addressing congestion and circulation between US 2 and Miller Street. This plan was prepared by the Chelan Douglas Transportation Council (CDTC) formerly known as the Wenatchee Valley Transportation Council (WVTC) in partnership with property owners, the City, Washington State Department of Transportation (WSDOT), and Chelan County. Within the Plan a number of options were evaluated. The Confluence Parkway alternative was approved by the CDTC as the preferred alternative which also includes a number of identified large and small projects, several on Wenatchee Avenue itself. In an effort to phase improvement associated with North Wenatchee Avenue and the Confluence Parkway, the city developed phase 1 of the plan for implementation in 2013. The City recognizes that the Confluence Parkway project is a 20-30 year endeavor to completion and thus interim improvements to North Wenatchee Avenue are necessary while working on the long term goal of developing an alternative corridor. Preliminary estimates for this phase are approximately \$55 Million. During the 2015 Legislative session the "North Wenatchee Area Improvements" project was partially funded in the Washington State Legislature. The project identified several components from the North Wenatchee Transportation Master Plan in its scope. These include improvements to the SR2/97 & Easy Street intersection, deployment of an intelligent Transportation System (ITS) through the North Wenatchee corridor, access control and intersection improvements at both the north and south ends of the corridor, safety improvements throughout the corridor and initiation of the environmental review for the larger Confluence Parkway project. ~~The phasing of the funding does not start until 2023, therefore funding of other complementary work along North Wenatchee Avenue will continue to be sought as opportunities arise. In fact, in September of 2015 the Maiden Lane/Horselake Road project received slightly over \$1M in funding from the Surface Transportation Program administered by the Chelan Douglas Transportation Council. In 2016, the city is initiating a process of performing a form and function study for North Wenatchee Avenue. This will help establish a vision for the community of how North Wenatchee Avenue will look and function in terms of a business district, a gateway, and a transportation corridor for motorists and other modes of transportation. Additional funding is being sought from the Transportation Improvement Board through their 2015 call for projects as well as through the Connecting Washington program and other funding sources. Approximately \$23 Million was secured for the North Wenatchee Avenue area between Miller Street and US 2 through the Connecting Washington program. These funds become available in 2023 unless design funding can be advanced through with WSDOT seeking an advance of design funding to get the North Wenatchee Avenue suite of projects refined and designed. The city is currently working with the WSDOT, and CDTC and regional partners to apply for federal INFRA funding to complete a suite of projects identified as the Apple Capital Loop and will use identify priority projects which will be funded with the Connecting Washington funds as match.~~

The CDTC board adopted the Greater Wenatchee Bicycle Master Plan in 2013. This plan provides recommendations for education and development of bicycle facilities throughout the Wenatchee Valley. The City has pursued bicycle improvement grants and will continue to look for funding opportunities to support further development of bicycle facilities. In 2015 a \$30,000 grant was received from the "Bicycle/Pedestrian Program" administered by the WSDOT to study the development of a bikeway on First Street between Miller Street and the Apple Capital Loop Trail. Capital improvements associated with this plan are included in the City's Six Year Transportation Improvement Plan.

Regional Freight Route Study in 2014. The plan contains recommended route designations, signing, and transportation projects to better accommodate trucks on the public road system in the region. Several identified projects have been accomplished and several are included in the TIP. In 2016, the city adopted a complete streets policy to ensure adequate consideration for non-motorized transportation needs along with enhanced landscaping along transportation corridors.

| **Arterial Street (Fund 109)**

Description	2018	2019	2020	2021-2023
Revenue				
Motor vehicle fuel tax	300,800	300,800	300,800	902,400
Federal	2,618,108	1,859,619	1,571,000	\$3,330,000
TIB	1,893,235	997,324	2,994,000	5,565,000
State				15,000,000
Transfer In		300,000		9,000,000
Other Funding	2,465,000	5,770,800	1,546,000	1,033,000
Total revenues	7,277,143	9,228,543	6,411,800	34,830,400
Projects				
McKittrick Signal	659,657	976,179		
Western Ave	10,000			
Red Apple Rd. Ph. 1	1,359,756			
McKittrick, SR285 to Pine	1,031,500			
SR285/S. Wenatchee Ped Safety	562,407			
Lewis & Clark Sidewalks	558,407			
Middle School Xing	320,000			
First Street Bikeway Safety				
N Wenatchee Sidewalks-Meridian	86,560	610,064		
Western-Springwater Roundabout	251,000			
SR285 Side Street Preservation	1,900,000			
Mission/Stevens Landscape & Ped	65,000			
Pedestrian and Bicycle Connections	100,000			
South Wenatchee Sidewalk Pgm.				400,000
Miscellaneous/Minor	50,000	50,000	50,000	150,000
Elliot Street Pathway		22,000	163,000	
Crawford-Methow Intersection				400,000
Crawford-Okanogan Intersection				400,000
N. Wen-Maiden Lane			200,000	2,100,000
North Wenatchee Ave. Misc. Imps.				2,000,000
Walla Walla Ext	100,000	1,910,000	1,000,000	1,530,000
McKittrick/BNSF Grade Separation				24,250,000
Miller St. Realign and Storm	820,000	4,950,800		
McKittrick Extension East	60,000	1,100,000	665,000	
Tacoma Street Urbanize		100,000	900,000	
Millerdale Improv		100,000	1,736,000	1,085,000
McKittrick Phase II, Pine to Stella			1,190,000	1,190,000
Other from TIP - see TIP				
SR285 Miller-Maple Intersect			500,000	1,500,000
Total projects	7,934,287	9,819,043	6,404,000	35,005,000
<i>Revenues over(under) projects</i>	<i>-657,144</i>	<i>-590,500</i>	<i>7,800</i>	<i>-174,600</i>
<i>Beginning fund balance</i>	<i>1,719,779</i>	<i>1,062,635</i>	<i>472,135</i>	<i>479,935</i>
<i>Ending fund balance</i>	<i>1,062,635</i>	<i>472,135</i>	<i>479,935</i>	<i>305,335</i>
Funded	6,976,343			
Unfunded (6-Year TIP)	141,189,530			

Description	2017	2018	2019	2020-2022
Revenue				
Motor vehicle fuel tax	300,800	300,800	300,800	902,400
Federal	1,212,823	1,859,619		3,506,181
TIB	1,185,351	997,324		5,911,079
State	8,300			28,000,000
Transfer In	220,000	300,000		
Other Funding		41,400		1,033,000
Total revenues	2,927,274	3,499,143	300,800	39,352,660
Projects				
McKittrick Signal	796,471	687,952		
SR285, Miller to Ferry	1,165			
Western Ave	586,616			
SR285 Mission/Miller				
Okanogan/Red Apple	1,373			
S Mission	25,000			
McKittrick, SR285 to Pine	1,247,900			
Wenatchee Ped Safety	854			
Wenatchee Signage Safety Imp	122,500			
Mission (Crawford-Parkway)	53,989			
Lewis & Clark Sidewalks	114,000	218,794		
First Street Bikeway Safety	10,000			
Wenatchee Ped X-ing Improvmts	51,000	360,500		
Red Apple-Mission to Okanogan	146,631	1,293,125		
N Wenatchee Sidewalks-Meridian	138,190	731,580		
Western-Springwater Roundabout	37,000	241,000		
Miscellaneous/Minor	50,000	50,000	50,000	150,000
Elliot Street Pathway				185,490
Middle School Xing				400,000
Crawford-Okanogan Intersection		41,400		229,500
N. Wen-Maiden Lane				2,314,892
Walla Walla Ext				4,540,000
Millerdale Improv				1,085,000
McKittrick Phase II				1,190,000
SR285 Miller-Maple Intersect				2,000,000
N Wenatchee Corridor EIS				28,000,000
Total projects	3,382,689	3,624,351	50,000	40,094,882
<i>Revenues over(under) projects</i>	<i>-455,415</i>	<i>-125,208</i>	<i>250,800</i>	<i>-742,222</i>
<i>Beginning fund balance</i>	<i>589,515</i>	<i>134,100</i>	<i>8,892</i>	<i>259,692</i>
<i>Ending fund balance</i>	<i>134,100</i>	<i>8,892</i>	<i>259,692</i>	<i>-482,530</i>
Funded	7,057,040			
Unfunded (6-Year TIP)	147,397,118			

STREET MAINTENANCE PROJECTS

The City street system size has grown by approximately 20% over the past 10 years through annexations and development while street maintenance funding has not kept up. Preservation and maintenance funding levels compared to street growth and inflation have fallen behind. This leads to potential greater capital needs in the future.

As the age of this infrastructure increases, City street crews find themselves completely reconstructing portions of streets and fixing more potholes. Western Heights and Broadview are two examples of neighborhoods where significant portions of the street have been reconstructed. This work takes significant manpower detracting from other maintenance needs. We are now seeing many micro-cracks alligating of streets in the older more heavily traveled streets. This is the first sign of street failure. Once moisture is allowed to contact the clayish Wenatchee soils, the street begins to fail rapidly. In order to preserve the existing structure of the streets without necessary funding for overlays, the City has in place a crack sealing program that has been in place since 2010. Additionally the City elected to apply a thin-lift “skin patch” to the rutted, settling, and cracked sections many roadways throughout the system ranging from residential roadways to arterials. The City is currently working on adopting a pavement preservation plan and securing funding for the maintenance of the City streets. Preservation efforts and funding are discussed in more detail in the Street Overlay/Pavement Preservation (Fund 111 and 119) Section of this plan.

In addition to the roadway itself, there is a need for investment in the pedestrian facilities located along roadways. Many of the sidewalks are deteriorating and are in need of repair. For the past ~~two~~ three years \$50,000 has been dedicated to begin to address this ongoing and worsening issue, and the City Council has prioritized 10% of the Transportation Benefit District funding to be used for pedestrian improvements.

STREET MAINTENANCE PROJECTS

Year	Project	Fund Source	Funded	Unfunded
2018-2020	Sidewalk Replacement	Street Fund -- Fund 108	50,000	100,000
2020-2022	Pedestrian Lighting-Palouse (Wenatchee Ave to Columbia)	Street Fund -- Fund 108		150,000
2019-2021	Sidewalk Replacement	Street Fund -- Fund 108		150,000
TOTAL			\$ 50,000	\$ 400,000

Year	Project	Fund Source	Funded	Unfunded
2017-19	Sidewalk Replacement	Street Fund -- Fund 108	50,000	100,000
	Pedestrian Lighting-Palouse			
2020-2022	(Wenatchee Ave to Columbia)	Street Fund -- Fund 108		150,000
2019-2021	Sidewalk Replacement	Street Fund -- Fund 108		150,000
TOTAL			\$ 50,000	\$ 400,000

BROADVIEW SECONDARY ACCESS

The Broadview Secondary Access Service Area is defined in Title 15 of the Wenatchee Municipal Code. A capital fund was established in 2011 to provide a mechanism for funding and constructing secondary access in the Broadview Area fund through impact fees.

Background: The City Council adopted ordinance 2011-02 to resolve a long standing issue concerning the impacts of additional development to the Broadview Area as a public safety problem due to the lack of secondary access. A technical memorandum detailing the analysis and public process is included in the ordinance by reference. Through an extensive public process it was determined that additional development could occur in the area if mitigated by the construction of a secondary emergency access. Impact fees were established to be applied to new structures created on new lots established after the adoption of the ordinance in 2011.

Each year staff is required to perform the following functions in order to comply with the ordinance:

1. Review the capital estimates for completion of the facilities and make adjustments to the capital estimates in the Capital Facilities Plan. Only those funds anticipated to be collected in years 1-3 should be specified. The balance of funds should be specified in years 4-6.
2. Review the impact fee calculation. Staff shall incorporate revised capital estimates for completion of the facilities and review the structures constructed. In addition, the impact fee ordinance provides an anticipated number of structures and lots to be created. If the cost per structure increase or decrease significantly, then staff shall make recommendations to the City Council to adjust the fees accordingly by ordinance.
3. On an annual basis the City Council shall be provided with a report on the impact fee account showing the source and amount of funds collected and the public improvements financed by those funds as detailed in WCC 15.02.080. The capital facilities plan update and annual budget may serve as such report.

Public Facilities and Fees: The technical memorandum included in the ordinance by reference specifies the specific public facilities to be constructed with impact fees. The total cost for these facilities were estimated at \$741,000 including land, engineering, administration, and construction. During 2012, the Chelan Douglas Land Trust purchased some of the available land where the road will traverse. This does not change the character of the access road construction contemplated under the impact fees; however, it does change the ultimate development pattern along a portion of the road. As the City works through the connection of the road to Fifth Street, there may be a need to re-evaluate the costs and benefited parties. ~~Construction inflation has remained flat over the year and thus no change in the capital estimates are recommended.~~

The estimated number of new lots and associated structures to be constructed within the service area was estimated in the report at 112 new dwelling units. Utilizing the capital cost estimates of \$741,000, City contributions of \$200,000, and the number of units anticipated, an impact fee of \$4,830 was calculated. Staff recommends evaluating the fee in ~~2017-2018~~ and making adjustments if necessary for the ~~2018-2019~~ Capital Facilities Plan.

Given the fires that occurred in 2015 and given development interest to the South, there may be interest in constructing some fire access roads in the near future. Also given the Community Assistance for Wildfire Planning grant recommendations, the lot count in the Broadview area will

likely decrease thereby requiring a new calculation for the impact fees.- These improvements could come from a partnership with the Land Trust, City General Fund contributions, and coordination with the PUD for the right of access to their property in the name of public safety and in interest of developing a better barrier between the natural areas of the foothills and the urban area.

Account Activity: Thus far, \$4,830 was collected in 2014. A temporary secondary access was constructed by City crews to address the immediate safety concerns; however, it is not adequate as a permanent solution. These costs for construction of the temporary road are not included in the impact fee calculation.

<i>Date Fee Collected</i>	<i>Deadline for Fee Expenditure</i>	<i>Amount Collected</i>
10/2/2014	9/30/2020	4,830
2018-2022		536,170
TOTAL		\$541,000

It is anticipated that approximately 3 units will be constructed soon based on preliminary discussions with developers. Fees collected must be spent within 6 years as defined by statute. Utilizing fees collected, the City will begin improving North Road to make improvements to this public facility. The anticipated expenditure schedule is provided in the following table:

<i>Year</i>	<i>Project</i>	<i>Fund</i>	<i>Funded</i>	<i>Unfunded</i>
2020	Surry Connection	Impact Fees/City		10,483
2020-2022	North Road - S-Curve	Impact Fees/City		14,490
2020-2022	Balance of Imp. (North Road & Sage Hills)	Impact Fees/City		716,027
TOTAL			\$ -	\$ 741,000

City match includes in-kind engineering and fund from misc. and minor Arterial Streets line item.

CONVENTION CENTER

The Convention Center is a City-owned facility that is operated under agreement with The Coast Wenatchee Center Hotel. Not only is the Convention Center an anchor facility to Wenatchee's Historic Downtown, but it is particularly important to the City's economy, ~~during the shoulder seasons by bringing people to town during the week for multi-day conventions.~~ The success of the Convention Center has a direct impact on lodging and food service businesses and therefore, revenue from the operation of the facility and revenue from lodging taxes from hotels within the City are used to operate and maintain the facility as well as pay off long-term capital debt and provide for facility and equipment upgrades and replacements. This funding is reviewed and approved during the annual application process carried out by the City's Lodging Tax Advisory Committee. Additionally, ~~In 2008 the City formalized an agreement with Chelan County for the distribution of \$65,000 of Chelan County's unincorporated hotel/motel tax to the City to help pay for upgrades to the Convention Center.~~

The original Convention Center was built and equipped in 1980 and has had many renovations throughout the years to keep the facility competitive. With guidance from the Lodging Tax Advisory Committee, lodging tax funds have been directed to continue facility upgrades and pay off existing capital bonds. It is expected that in order to keep the Convention Center competitive into the future, a study needs to be completed to look at expansion of the facility once the current bonds are paid off. ~~In 1997, the Convention Center was expanded and a portion of the facility remodeled. As the facility has aged, it has become necessary to replace much of the original equipment; especially in high use area like the food service facilities and common areas. Historically, each year \$75,000 is dedicated to the ongoing capital maintenance of the facility. These funds are used to replace aging equipment or make major repairs to the facility. based on a current convention center market analysis.~~

~~In 2006, the City engaged CH Johnson Consulting to provide an analysis of the current convention center facilities and amenities as they relate to business retention and competition with newly constructed and renovated facilities throughout Washington. This analysis yielded the recommendation that the City provide upgraded audio, video and signage amenities immediately. Additionally, the consultant's report provided a list of recommended architectural and aesthetic improvements as well as long term plans for the expansion of the convention center. These improvements are deemed important to keep the facility competitive with newer and larger venues across the state.~~

~~In 2008, a complete replacement of the audio, video and presentation equipment and infrastructure was undertaken at a cost of approximately \$550,000. In 2015 the facility received a 3.2 million dollar upgrade which improved the facilities mechanical system as well as provided for some architectural upgrades for the Exhibit Hall and Ballroom. This project also included the replacement of carpet and other miscellaneous improvements. Currently there is a project underway to remodel the four public restrooms in the facility and this project is expected to be completed in the spring of 2017. Many of the 33-year old kitchen appliances were replaced in 2016.~~

Recent capital planning has focused on upgrading the A/V system, improvements to the plaza area that include making this area ADA accessible, as well as exploring facility expansion.

Convention Center Projects

<i>Year</i>	<i>Project</i>	<i>Fund Source</i>	<i>Funded</i>	<i>Unfunded</i>
2018-2021	Minor Capital/Equipment (\$200,000/yr)	106 Reserves	800,000	
2016	Convention Center Restroom Remodel	LTAC	220,000	
2017	Convention Center Expansion Study	LTAC		75,000
Total			\$ 1,020,000	\$ 75,000

<i>Year</i>	<i>Project</i>	<i>Fund Source</i>	<i>Funded</i>	<i>Unfunded</i>
2017-2020	Minor Capital/Equipment (\$75,000/yr)	106 Reserves	225,000	
2016	Convention Center Restroom Remodel	LTAC	50,000	
2017	A/V Upgrades	LTAC		130,000
2017	Plaza Upgrades Study	LTAC		30,000
2017	Exhibit Hall Sconce Lighting	LTAC		30,000
2021-2023	Minor Capital/Equipment (\$75,000/yr)	106 Reserves		225,000
Total			\$ 275,000	\$ 415,000

CEMETERY

Over the past 10 years, some necessary improvements have occurred including the construction of a Niche Wall and re-platting of several areas to allow more availability of side-by-side graves and in areas which allow upright memorial markers. Additionally, several rate increases have helped enhance revenue; most significantly, a 6% rate increase was adopted in 2015 as well as the postponement of any additional capital improvements. However, even with the rate increases, overall revenues have not kept pace with the modest rate of increased expenditures and the Cemetery Fund has continued to rely on General Fund transfers in order to continue to operate.

The long term Cemetery capital plan includes additional improvements to the Home of Peace Mausoleum on Miller Street and the installation of additional facilities at the Cemetery including crypt walls, roadway drainage improvements, Veterans Section improvements and eventually opening of a new full interment section with double depth lots. ~~The new Niche Walls constructed in 2005 have sold very well and are over 90% sold.~~ In 2017 the funding was authorized and construction was completed ~~for two~~ for two additional Niche Walls a total of 160 spaces. The Cemetery office building has been in disrepair and is currently under construction with completion planned for spring of 2018.

Cemetery Projects

<i>Year</i>	<i>Project</i>	<i>Fund Source</i>	<i>Funded</i>	<i>Unfunded</i>
2018	Cemetery Expansion	Fund 430		400,000
2019	Section M Irrigation	Fund 430		30,000
Total			\$0	\$430,000

VEHICLES

Most vehicles in the city's fleet are part of the Equipment Revolving and Replacement Fund (ER&R). Those vehicles with a useful life of at least ten years are considered as capital assets. There are no anticipated vehicle purchases in 2018 (other than those included in the ER&R Fund.)

<i>Year</i>	<i>Project</i>	<i>Fund Source</i>	<i>Funded</i>	<i>Unfunded</i>
2018	Replace Vehicle 1-18	Fund 503	32,000	
2018	Replace Vehicle 1-23	Fund 503	26,000	
2018	Replace Vehicle 2-8	Fund 503	23,000	
2018	Replace Vehicle 4-19	Fund 503	30,000	
2018	Replace Vehicle 7-3P	Fund 503	70,000	
2018	Replace Vehicle 7-8P	Fund 503	70,000	
2018	Replace Vehicle 7-11P	Fund 503	70,000	
	Total		321,000	

<i>Year</i>	<i>Project</i>	<i>Fund Source</i>	<i>Funded</i>	<i>Unfunded</i>
2017	Replace Vehicle 7-3S	Fund 503	12,000	
2017	Replace Vehicle 7-33	Fund 503	16,000	
2017	Replace Vehicle 9-7	Fund 503	83,000	
2017	Replace Vehicle 9-12	Fund 503	25,000	
2018	Replace Vehicle 1-18	Fund 503	30,000	
2018	Replace Vehicle 4-3	Fund 503	43,000	
2018	Replace Vehicle 5-1	Fund 503	43,000	
Total			\$ 136,000	\$ -

REAL ESTATE EXCISE TAX

The State Legislature authorized cities to impose an excise tax that is paid by the seller of a piece of real estate. The authorization is in two separate sections, with two separate sets of limitations. The authorization (RCW 82.46) has specific limitations and responsibilities for jurisdictions planning under the Growth Management Act.

The 1st quarter percent Real Estate Excise Tax (REET) has fewer limitations, but still must be used for projects included in the Capital Facilities Plan. This tax was first enacted by the city in 1996. The city of Wenatchee has used this funding to pay a portion of the debt service on the 1998 ~~councilmatic~~ councilmanic bonds for the street overlay program, and now this fund source is being looked to for a portion of the funding of the pavement management program.

The 2nd quarter percent REET has more limitations. The list of capital projects is not as inclusive as the 1st Quarter. This tax was first enacted by the city in 1999. The city has previously dedicated this entire portion of the Real Estate Excise Tax to the Street Overlay program, which is authorized under the legislation.

RCW 82.46.010(7) and 82.46.035(7) allow the City to ~~In the 2011 Legislative Session, HB 1953 provided additional flexibility for the use of REET: For both REET 1 and REET 2, a city or county may use the greater of \$100,000 or 35-25 percent of available REET funds annually, but not to exceed \$1 million per year, for the operation and maintenance (O&M) of existing capital facilities. This authority is available through December 31, 2016.~~

Below is an overview of the two different legislative authorizations:

1st Quarter percent REET -- RCW 82.46.010

The legislative authority of any city may impose an excise tax on each sale of real property in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. After April 30, 1992, revenues generated from the tax imposed under RCW 82.46.010 in cities over five thousand population that are required or choose to plan under RCW 36.70A.040 shall be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

As used in this section, "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities; river and/or waterway flood control projects by those jurisdictions that, prior to June 11,

1992, have expended funds derived from the tax authorized by this section for such purposes; and, until December 31, 1995, housing projects for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes.

1st Quarter percent Projects

In ~~2017~~2018, the City anticipates it will receive approximately ~~\$375,000~~600,000 from the 1st quarter percent real estate excise tax. This tax was first enacted by the city in 1996. The city of Wenatchee has used \$236,000 per year to pay a portion of the debt service on the 2007 councilmanic bonds for the construction of the City's Public Service Center. ~~In addition, the City historically used approximately \$170,000 per year to pay a portion of debt service on the 1998 councilmanic bonds for the street overlay program, which has now been retired. That allocation~~Real estate excise tax not used for debt service will be reserved for transportation projects until future bonds have been issued.

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
<u>1st ¼% REET</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>
<u>Bond Payments</u>	<u>239,850</u>	<u>241,250</u>	<u>237,550</u>	<u>237,000</u>	<u>236,300</u>	<u>220,450</u>
<u>Revenues over (under)</u>	<u>360,150</u>	<u>358,750</u>	<u>362,450</u>	<u>363,000</u>	<u>363,700</u>	<u>379,550</u>
<u>Beginning Fund Balance</u>	<u>100,000</u>	<u>460,150</u>	<u>818,900</u>	<u>1,181,350</u>	<u>1,544,350</u>	<u>1,908,050</u>
<u>Ending Fund Balance</u>	<u>460,150</u>	<u>818,900</u>	<u>1,181,350</u>	<u>1,544,350</u>	<u>1,908,050</u>	<u>2,287,600</u> <small>[BP1]</small>

1st 1/4% REET	2017	2018	2019	2020	2021	2022
Revenue						
1st 1/4% REET	375,000	375,000	375,000	375,000	375,000	375,000
Interest income						
Transfer-in						
Total revenues	375,000	375,000	375,000	375,000	375,000	375,000
Projects						
Bond payments	235,119	237,719	236,119	236,119	236,119	236,119
Capital projects						
Total projects	235,119	237,719	236,119	236,119	236,119	236,119
Revenues over (under) projects	139,881	137,281	138,881	138,881	138,881	138,881
Beginning fund balance	66,717	206,598	343,879	482,760	621,641	760,522
Ending fund balance	206,598	343,879	482,760	621,641	760,522	899,403
*Overlay Bond Issuance pending for 2017						

2nd Quarter percent REET-- RCW 82.46.035

The legislative authority of any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the corporate limits of the city for the city tax at a rate

not exceeding one-quarter of one percent of the selling price. Revenues generated from the tax imposed RCW 82.46.035 shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

As used in this section, "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, and planning, construction, reconstruction, repair, rehabilitation, or improvement of parks.

The 2nd Quarter percent REET is proposed to be used primarily for the city's street overlay program/pavement management program. In ~~2016~~2017, the city is forecasting revenues of ~~\$375,000~~600,000; see table in Street Overlay section above.

HOMELESS/HOUSING/CDBG PROGRAMS

The City of Wenatchee administers homeless and affordable housing programs on behalf of Chelan and Douglas Counties. Funding is received from three main sources which include:

1. Local Homeless Funding collected thru local recording fees. Typical annual revenue is approximately \$600,000
- ~~2.~~ 2. State Consolidated Homeless Grants distributed by the State Department of Commerce. These funds originate from recording fees, state, and federal resources. This program generally distributes approximately \$5200,000 annually to the two county areas. ~~These funds have been reduced significantly over for 2016.~~
- ~~3.~~ 3. Local Affordable Housing Funds are collected thru local recording fees. This funding source yields approximately \$40,000 per year to the City.

The City typically passes these funds through to partner agencies that operate social service programs such as shelters, food banks, rent assistance, counseling, and other similar programs. Occasionally, these funds help construct capital facilities and thus this description is included in the Capital Facilities Plan. At this time there are no capital projects planned with these funding sources; however, with housing supply and costs being identified as a crisis, the city anticipates investment in housing as detailed in the Partnerships section of this plan.

During 2014, the City performed a reserve analysis of this fund. The Homeless Steering Committee whom provides recommendations for expenditures of these funds agreed upon a reserve policy to account for the variability of revenues and to address emergency needs. The reserve policy is \$250,000 in total of which \$150,000 is held in reserve to address variable revenues and \$100,000 is held for one-time emergency projects or needs for providers. As an example, one-time expenses could be for capital associated with a provider's facilities. Capital investments for homeless services are rarely city owned, but are important to the provision of social services in the City.

In 2005, the City became a CDBG Entitlement Community. Federal funding for this program began to rise in 2014 after a period that saw a large decline in award funding. Recent funding levels have been in the low \$200,000's for the program year April 1 through March 31 annually. These funds are used for grant administration and staff time, public service programs, small-scale neighborhood revitalization projects and largely public infrastructure along highly utilized pedestrian paths. Funding is being utilized in the South Central Wenatchee neighborhood where the highest amount of low- to moderate-income individuals live as well as where the highest rates of crime have been identified. Efforts are designed to enhance positive neighborhood attributes and discourage the challenges the neighborhood faces from expanding. The City has successfully leveraged CDBG funding for Safe Routes to School projects and coordinates efforts to align with the "Ten-Year Plan to Reduce Homelessness in Chelan & Douglas Counties" around housing needs.

The current public infrastructure project is the Chelan Avenue Sidewalk Project that began in 2014 with design and analysis and is planned to have construction be completed in the fall of 2017. In addition to sidewalk infrastructure, this project includes pedestrian scale lighting, public art, landscaping and incorporates traffic calming. In order to complete the project in a timely and

efficient manner, the city has requested a pre-award allocation and will be utilizing future grant funds to reimburse the general fund through the 2019 program year with the expectation that funding will be available.

As of 2017, CDBG programs are required to include in the Consolidated Plan update a plan for Affirmatively Further Fair Housing (AFFH). In order to complete this plan in a cost effective and collaborative way, the City of Wenatchee is partnering with the City of East Wenatchee and the Housing Authority of Chelan County and the City of Wenatchee to complete a regional Assessment of Fair Housing (AFH). This requires the City to extend their CDBG Consolidated Plan by two years. The following table illustrates a list of projects consistent with the current 2013-2017 Consolidated Plan as well as what will be in the updated 2013-2019 Consolidated Plan Amendment. As aforementioned, this projection assumes available funding and has been outlined in the required Annual Action Plan.

<u>YEAR</u>	<u>PROJECT</u>	<u>FUNDING SOURCE</u>	<u>FUNDED</u>	<u>UNFUNDED</u>
<u>2018</u>	Chelan Avenue	CDBG Entitlement		85,000
<u>2018-2020</u>	Chelan Avenue	CDBG Entitlement		85,000
<u>2021-2023</u>	<i>No Capital Project Planned</i>			
<u>TOTAL</u>				<u>170,000</u>

~~In 2005, the City became a CDBG Entitlement Community. Federal funding through this program has been on a decline. Current funding levels are approximately \$200,000 per year. A portion of these funds are used for public services, administration, and code enforcement. However, the majority of these funds have been used to build sidewalks in areas of the city meeting the national objective of serving low to moderate income households. These projects have been focused in South Wenatchee in an effort to improve neighborhoods and prevent further decline. The city has been successful in using these funds to leverage Safe Routes to Schools grants for sidewalk construction near Lincoln Elementary School in recent years. In 2015 another neighborhood sidewalk project was constructed along South Chelan Avenue. In addition, the 2014 adopted Action plan includes \$40,000 for street lighting. In 2014, the City Council approved a neighborhood grant program with an eligibility cap of \$10,000 for neighborhood projects. These projects often include public infrastructure such as traffic calming, park amenities, street lights, artwork, etc. The following table illustrates a projection of projects consistent with the 2013 Consolidated Plan update. This projection assumes a stable revenue source. It is noted that this assumption is visited annually through a required CDBG action plan update.~~

<i>Year</i>	<i>Project</i>	<i>Funding Source</i>	<i>Funded</i>	<i>Unfunded</i>
2017	Sidewalks/Street Lights	CDBG - Entitlement	115,000	
2017-2019	Sidewalks/Street Lights	CDBG - Entitlement	230,000	
2020-2022	Sidewalks/Street Lights	CDBG - Entitlement		360,000
TOTAL			\$ 345,000	\$ 360,000

LOCAL REVITALIZATION FINANCING DISTRICT

The City was awarded a state rebate in 2009 presenting opportunities to fund and complete additional projects on the waterfront utilizing the State Local Revitalization Financing (tax increment financing) program. These projects must be used for public improvements that stimulate economic growth within the District. In concert with this award, ordinance 2009-26 established the local revitalization district entitled “Wenatchee Waterfront” which includes the area bounded by the Columbia River to the east and the railroad tracks and Walla Walla Avenue to the west. The District is bounded by Thurston Street to the South and Walla Walla Park to the North. The ordinance was amended in 2013 with ordinance 2013-14 to add eligible projects. It is anticipated that the ordinance will need to be modified again to accomplish other projects identified in the waterfront subarea plan or projects that arise that will directly support redevelopment. Several projects associated with the Pybus Market Charitable Foundation, Port of Chelan County, and the Chelan County PUD have already been completed and the City is currently using LRF proceeds to pay down associated debt. Projects completed to date include the Wastewater Treatment Plant odor and visual mitigation, the Pybus Public Market, parking behind the public market, improvements to the PUD access road, park expansion at the former Public Works site, improvements to Worthen Street, and the Worthen/Orondo stairs project. The sales tax annual rebate of up to \$500,000 will be received by the City until year 2037. The rebate may only be used to pay for debt on public improvement projects. With this revenue stream in place, the City anticipates carrying out additional projects to increase economic activity on the waterfront. The City ~~anticipates issuing~~ issued a General Obligation Bond prior to 2017 in 2016 to refinance and maximize the use of LRF funds. Some of the following projects are taken from directly from the waterfront subarea plan if they can be used to incentivize redevelopment. Other projects have been developed based on needs that have arisen due to successful development, such as parking around the Pybus Market area. This parking will be needed to further economic growth in the South Node with the anticipated construction of a hotel on the former Public Works property. Included in the list of projects is a development fund that could be used for public private partnerships where public improvements are needed. Funding for this development fund includes unused debt capacity associated with the LRF rebate and local property tax increment. The LRF statutes authorize expenditures of local increment broadly in support of redevelopment.

Year	Project	Fund Source	Funded	Unfunded
2018	Ninth Street Parking Expansion	PUD/LRF/Row and Paddle Club		350,000
2019	Pybus Area Parking - EQ Basin	LRF/Loan		3,000,000
2019	Gateways (Thurston, Fifth, Ninth) S1, S6, S7	LRF/Loan		400,000
2020-2022	Dev. Support Funds	LRF/Loan/Developer		300,000
2017	Pybus Land Purchase	LRF		2,000,000
Total			\$ -	\$ 6,050,000

[SK1]

ECONOMIC DEVELOPMENT/ PARTNERSHIP PROJECTS

Economic Development is identified in the Comprehensive Plan as a community goal to enhance the quality of life of citizens. In addition, the Wenatchee Valley serves as a regional commerce hub for North Central Washington and portions of the Columbia Basin. Beginning early in 2000, the City began to see major sales tax generators either moving out of the city or locating primarily in East Wenatchee and Douglas County. Most of the growth for these large sales tax generators is expected to occur where land is plentiful outside the City limits. In addition, streamlined sales tax laws, implemented in 2008, have hurt the city's tax base especially in the sectors of construction, appliances, and furniture. As a result economic development efforts have become a focus of the City in order to sustain public services. Becoming a standard of practice, cities are targeting economic development s-through public private partnerships and/or through strategic investments from public agencies working together. The Pybus Public Market is a great example of a partnership project. From time to time, there may be a need to cooperate on community facilities or economic development projects that provide a regional benefit or projects that fall outside of the traditional infrastructure projects anticipated for a City. These projects are discussed below:

1. The City is working closely with the Wenatchee Downtown Association to develop projects identified in the adopted Central Business District subarea plan including improvements to downtown parking, streetscape (LID), utility improvements, truck traffic re-rerouting, bike facility, public space improvements, the development of a new workforce housing project, redevelopment of the vacant upper stories of historic buildings, improvements to the Convention Center as discussed earlier and development of connections to the South Node of the Waterfront. The City performed a downtown parking study in 2016 . This parking study analyzed existing parking capacity, usage, and current opportunities to better utilize parking. The study also identified management strategies areas of surplus supply and deficiencies of parking in the downtown and South node of the waterfront. In general, the plan identified a surplus of parking in the study area equating to approximately 1,500 stalls. At the same time, the study illustrated a need for additional parking in the area of the Convention Center and Public Market due to high peak demands. In order to improve the vitality of downtown, the study suggests the city focus on management of the on street system and encourage redevelopment of surface lots to increase business activity until the sweet spot of 70-85% utilization rates are achieved. Over the long term, it is the goal to improve vitality and the demand for parking to warrant construction of parking garages rather than using surface parking for employees and residents, while the on street system is focused to serve customers and visitors. This means that the city will need to maximize on-street parking and discourage surface lots. This plan identifies a funding estimate to increase on street supply and additional funding for off street parking for city employees within the Police Station and City Hall in the General Facilities Section. This plan also includes parking expansion near Pybus in the LRF section of the plan. Partnership projects will likely arise in the development of public private partners for shared parking of underutilized city and private parking lots.
2. The city's Waterfront Subarea Plan that was adopted in 2004 and has been a key economic development initiative for the city of Wenatchee. With recent successes in the South Node around the Pybus Market and in the Central Node with construction of Riverside9, the city will continue further developing waterfront projects as well as encouraging redevelopment.

A number of projects are included in the LRF section of this report. Additional projects included in the waterfront plan are located outside the LRF boundary both to the North and South. Some of these are included in other sections of this plan such as the development of Hale Park. With development of the South Wenatchee Subarea Plan and Master Planning North Wenatchee, some of these projects overlap and are reinforced or slightly modified based on those planning processes. Considerable land remains available for redevelopment within the waterfront subarea planning area. The city continually markets the waterfront given the economic development value to the City.

3. A long term goal of the City has been to facilitate to relocation of the Burlington Northern Santa Fe (BNSF) switch terminal located at the intersection of Columbia and Thurston Streets to the Appleyard. Recent development of the Pybus Public Market has demonstrated to the community the importance of this project. Presently, BNSF uses the terminal to service trains with crew changes. During periods of train service, trains park on the tracks often for periods of more than one hour at a time. In 2013, the Orondo crossing was monitored for several days to verify train patterns. Upon discussion with BNSF staff, train traffic is expected to increase with the improving economy. With increased activity on the waterfront and these blockages of specifically the Orondo and Ninth Street crossings, there is a community desire to address the problem. The Chamber of Commerce, Wenatchee Downtown Association, and Pybus Market requested that the City take a closer look at relocation options. In 2014, the City partnered with Chelan County, Chelan County Port District, Link Transit, the Chelan Douglas Transportation Council, Wenatchee Downtown Association, Wenatchee Valley Chamber, and the Pybus Market to raise \$35,000 for a relocation study. BNSF presented the results of this study in March of 2015. The study provided results that were different from originally anticipated in that it recommended moving the switching operation to a new 22,500 foot siding in Malaga. The total cost of this project is estimated at \$32 Million. This revised outcome not only accomplishes the original goal of preventing blockage of the crossings in Wenatchee, but also addresses access problems along the Malaga Waterfront. This project could have the added benefit of opening up 190 acres for development in Malaga. Currently, the City and County are exploring options for next steps based on the outcome of this study and interest from the public and the original partner organizations. It is noted that BNSF is interested in this project and has been a proactive partner. This project as currently defined appears to be a good fit to the current Federal TIGER grant programs.
4. ~~The~~ The City continues to successfully partner with the Trust for Public Lands and Chelan Douglas Land Trust to realize projects in the foothills west of the City implementing the Foothills Trails Plan. Projects are designed to not only protect habitat areas in perpetuity but also provide readily accessible, outdoor recreation opportunities for residents and visitors of the community. Projects range from gateways, trailheads and outdoor education areas to natural area and trail acquisition projects. Specific partnership projects related to the Wenatchee Foothills are contained in the Parks and Recreation portion of this document.
5. In October of 2012, a Sustainable Design Assessment Team sponsored by the American Institute of Architects visited South Wenatchee to perform an assessment and make

unbiased recommendations of what could be done to improve South Wenatchee. The team developed a report suggesting transportation improvements, public art ideas, neighborhood enhancements, and economic redevelopment suggestions. The community is followed this process with the development of a subarea plan. The subarea plan was adopted in 2017 as part of the City's comprehensive plan update and it includes a number of improvements including a pedestrian bridge connection between the Pipeline Bridge and Columbia Street at Bridge Street, intersection improvements on SR 285 at the intersection of Chehalis, sidewalks, park improvements, gateways, public art and lighting within neighborhoods and a number of other specific items. For a detailed list, please refer to the subarea plan. This plan identifies these improvements in a lump sum item until they can be distributed throughout the city capital plans. Note: Some duplication will occur in the total provided in this section until all of the other sections can be updated to include these improvements after the 2017 Comprehensive Plan Update.

6. During the summer of 2015, the Sleepy Hollow Fires burned 3 major industrial facilities in North Wenatchee. In order to facilitate the best redevelopment opportunities, the City ~~plan~~ engaged in developed a Master Planning effort for approximately 50 acres of the impacted area during 2016. This area also includes the 7.5 acre Washington State Department of Transportation (WSDOT) Administrative offices property scheduled to be vacated in the spring of 2018.. The Master Plan identifies road and utility work totally \$37 Million which will enable an estimated ~~\$300~~ 245 Million in private investments including up to 850 residential units, office, light industry flex space, and retail space along Wenatchee Avenue. The city is pursuing disaster recovery funding and tax increment financing from the State to assist with typical grant funding sources. The city will pursue funding for elements of this work and anticipates submitting for a Federal Grant that will tie North Wenatchee Avenue improvements in with Confluence Parkway. Note that some of these costs are duplicated with the transportation improvements portion of this plan.
7. A national campaign to develop makerspaces to foster innovation in manufacturing and promote workforce development in the trades is currently underway. The City is working with other economic development agencies, the school district, and community college to explore the development of makespaces in the region. For example, The Apple Valley STEM network is applying for a grant to secure a space for FabLab. While makerspaces are not typically owned and operated by cities, the capitalization requirements for the development of a space may require a public private partnership. The City may also help facilitate the acquisition of grants to help develop and achieve this emerging goal. The City helped facilitate the development of a small makerspace in the Museum in 2016. Additional makerspace for different demographics are still needed.
8. During 2016, the City invested \$15,000 on behalf of the region to address a burgeoning housing crisis. The study found that there is a lack of market rate housing stock and a housing mismatch in terms of housing sizes. The result of this deficiency is inflated housing prices and down renting which is placing considerable pressure on units that should be affordable. Thus, the study recommended a number of actions to help facilitate the construction of both market rate housing and affordable housing. Investing in capital improvements identified in this plan is recommended to increase the supply of readily

developable land. The city anticipates using the general fund and utilities to assist in preparing infrastructure to support development of housing market rate and affordable housing. In addition, to this investment, the city ~~will evaluate surplus~~ surplussed one of its downtown parking lot properties's of property for the use of downtown podium style housing to help with housing supply through a public private partnership. This type of housing is expensive and thus partnerships are typical to address the cost of below grade parking. Market rate housing is easier to achieve in the short term benefit for all housing affordability ranges. Longer range efforts are also needed to support the development of subsidized and affordable housing stock. Partnerships with non-profit entities that utilize State and Federal tax credits and incentives create the best opportunities for developing projects that will supply 100 units or more.

Economic Development / Partnership Projects

Year	Project	Fund	Funded	Unfunded
2017	Market Rate Housing	General Fund/In-kind/Private		750,000
2018	Downtown Parking Partnerships	General Fund/Downtown/Private		500,000
2019-2022	Burlington Northern Relocation	CERB/TIF/MTCA/Freight/TIGER		32,000,000
2019-2022	Affordable Housing Project	In-kind/Housing/State/Partnerships		15,000,000
2019-2022	North Wen Master Plan Infrastructure	PWTF/TIB/FED/TIB/Utility/Other		37,000,000
2019-2022	Maker Space Support (Capital Support)	In-kind/Museum/Community Center		100,000
2019-2022	South Wenatchee Subarea Plan Projects	PWTF/TIB/FED/TIB/Utility/Other		25,000,000
TOTAL			\$ -	\$ 110,350,000

CONCLUSIONS AND RECOMMENDATION

The total value of the capital improvements identified in this plan is ~~\$366,174,054~~ update. The distribution of identified needs make it difficult to prioritize where the limited funds the city has for capital should be applied. The city has historically relied ~~mainly~~ on grants for much of the infrastructure especially related to road, parks, and economic development related improvements, and has been very successful in obtaining them. General facilities maintenance capital and new facilities are the hardest to fund and often require issuance of bonds or the use of reserves to make improvements. As the city looks forward, it's continued creativity and use of using tools such as tax increment financing, private partnerships, tax credit incentive programs, and local tax options ~~is~~ will continue to be needed ~~recommended~~. Having a good understanding of public policy, developing implementation plans, and being highly proactive in discovering and using these tools will help address the city's capital needs. It is the intent of this capital facilities plan to prioritize and look for creative solutions to support the City's Urban Area Comprehensive Plan and stay concurrent with the governing laws of the city, state, and nation.

**COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

TO: Mayor Frank Kuntz
City Council Members

FROM: Stephen Neuenschwander, Planning Manager
John Ajax, Senior Planner

SUBJECT: Public Hearing – Ordinance 2017-31; Small Cell Wireless Facilities

DATE: December 1, 2017 **MEETING DATE:** December 7, 2017

I. OVERVIEW

The attached Ordinance 2017-31 establishes new regulations related to the wireless communication technology commonly referred to as ‘small cell wireless’ or ‘DAS’. In general terms, small cell wireless facilities are micro towers / antennas designed to fill in area coverage gaps and to increase data throughput in conjunction with larger macro towers.

Permitting for these facilities involves a significant level of complexity when taking into account the various applicable Federal and State laws and regulations. The facilities are often placed in the right-of-way on or near existing utility infrastructure such as power poles, street lights, or traffic signals. It is anticipated that each provider will initially require approximately fifteen individual locations to serve the current City limits.

The new code being proposed allows these facilities to be permitted all zoning districts, up to a maximum height of fifty feet; consistent to the height of existing utility poles. Aesthetic requirements include consideration of the surrounding environment, flush mounting, color matching, and stealth / camouflaging. Placement within the Grandview Historic District is limited to alleys, unless a public hearing is conducted before the Historic Preservation Board.

II. PLANNING COMMISSION RECOMMENDATION

The Wenatchee Planning Commission issued a recommendation of approval following a Public Hearing on November 15, 2017.

III. BUDGET IMPACTS

No direct impacts to the City Budget

IV. ATTACHMENT(S)

Ordinance 2017-31

V. SAMPLE MOTION

I move to adopt Ordinance 2017-31 amending Wenatchee City Code (WCC) Title 10 Zoning to add new regulations for Small Cell Wireless Facilities.

VI. ADMINISTRATIVE ROUTING

Tammy Stanger
Kim Schooley

ORDINANCE NO. 2017-31

AN ORDINANCE, amending Wenatchee City Code (WCC) Title 10 Zoning to add new regulations for Small Cell Wireless Facilities.

WHEREAS, City Staff proposed new zoning regulations for the establishment and placement of Small Cell Wireless Facilities within the City of Wenatchee.

WHEREAS, a completed environmental checklist and Determination of Nonsignificance was issued on October 25, 2017; and

WHEREAS, a copy of the draft land use and development code additions/changes was sent to the Department of Commerce, State of Washington, with a request for expedited review granted on November 13, 2017; and

WHEREAS, the proposed code additions/changes are consistent with the City of Wenatchee Urban Area Comprehensive Plan; and

WHEREAS, RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.

WHEREAS, the Wenatchee Planning Commission held a duly advertised public hearing on the proposed changes on November 15, 2017, to which interested persons were invited to appear and comment in accordance with Title 13 WCC; and

WHEREAS, the Wenatchee City Council, upon receiving an affirmative recommendation to approve the proposed amendments to the current Zoning Code from the Planning Commission, conducted a duly advertised Public Hearing on December 7, 2017 on the proposed additions/changes to the City's Zoning Code.

WHEREAS, the Wenatchee City Council adopts the Findings of Fact and Conclusions as set forth in Exhibit “A” and incorporate them in this Ordinance by this reference as though fully set forth herein.

WHEREAS, the City Council finds that all applicable and substantive requirements of the law have been met, the adoption of this ordinance promotes the public health, safety, and general welfare, and that the adoption of this ordinance serves the public interest.

NOW, THEREFORE, the City Council of the City of Wenatchee do ordain as follows:

SECTION I

That the amendments to the Wenatchee City Code as set forth in Exhibit “B” attached hereto and incorporated by this reference shall be and hereby are approved and adopted.

SECTION II

Except as modified herein, the City’s Zoning Code codified at Title 10 WCC, shall remain in full force and effect in its current form.

SECTION III

The moratorium imposed on microcell, minor facilities and/or small cell facilities imposed by prior Ordinance No. 2017-02 and extended by prior Ordinance No. 2017-15 shall be and hereby is terminated on the effective date of this Ordinance.

SECTION IV

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this Ordinance, or the

invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

SECTION V

This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force thirty (30) days from and after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE this ____ day of December, 2017.

CITY OF WENATCHEE, a municipal corporation

By _____
FRANK KUNTZ, Mayor

ATTEST:

By _____
TAMMY L. STANGER, City Clerk

APPROVED:

By _____
STEVE D. SMITH, City Attorney

EXHIBIT “A”

FINDINGS OF FACT

1. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
2. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
3. The City of Wenatchee Planning Commission held public workshops on the proposed amendments on May 17 and October 18, 2017.
4. In accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on October 25, 2017 with a request for expedited review.
5. An environmental checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Administrative Code Chapter 197-11, and a determination of Non-Significance (“DNS”) of the SEPA checklist and determination of non-significance (DNS) was issued on and posted to the Department of Ecology SEPA Register on October 25, 2017
6. Notice of the Planning Commission Public Hearing, SEPA DNS, and request for comments were published in the Wenatchee World on October 26, 2017.
7. Public comments related to this matter were received from the following groups or individuals:
 - 7.1. Mr. Ken Lyons on behalf of At&t, received via email 7/2/17
 - 7.2. Ms. Meridee Pabst on behalf of At&t, received via email 10/18/17
 - 7.3. Ms. Kim Allen on behalf of Verizon, received via email 7/7/17
 - 7.4. Mr. Justin Blackwell on behalf of Mobilitie, received via email 9/22/17
 - 7.5. Ms. Meridee Pabst on behalf of At&t, received via email 11/14/17
8. On November 15, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
9. The City of Wenatchee Planning Commission reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
10. Small cell facilities, micro-cells, and Distributed Antenna Systems (DAS) are a new and emerging wireless communication technology previously not regulated within the Wenatchee City Code.

11. The proposed regulations for small cell facilities, micro-cells, and Distributed Antenna Systems (DAS) allows placement within all zoning districts subject to a Type I administrative review. Within the Grandview Historic District, a Type III review is required for placement of facilities outside of the District's alleys.
12. The proposed regulations for small cell facilities, micro-cells, and Distributed Antenna Systems (DAS) establishes height requirements such that the proposed facilities to not exceed ten (10) feet above the surrounding average height of support structures within 500 feet; up to a maximum of fifty (50) feet in height.
13. The proposed regulations for small cell facilities, micro-cells, and Distributed Antenna Systems (DAS) requires construction standards such that the proposed facilities are designed to be compatible with an underlying support structure through matching colors, flush mounting of equipment, concealing cabling in conduit. Ground based support equipment shall be undergrounded or where infeasible, designed to be blend into the surrounding environment through camouflaging, disguise, or other techniques to minimize the visual impact.
14. The City of Wenatchee Urban Area Comprehensive Plan provides guidance Wireless Communication Facilities as follows: The Federal Telecommunications Act of 1996 places some restrictions on the ability of communities to regulate wireless telecommunications facilities. The net effect of the Act is that communities: 1) Cannot enact a blanket ban on all wireless facilities, but can place reasonable restrictions on facilities in certain zones or areas; 2) Cannot unreasonably discriminate among equivalent service providers; 3) Cannot regulate placement, construction and modification of wireless facilities on the basis of environmental effects, provided the facility complies with Federal emissions regulations; 4) Can exert reasonable control over tower aesthetics, including height restrictions, co-location, setbacks, other design issues, and safety.
15. RCW 80.36.375 regulates personal wireless services including siting microcells, minor facilities, or a small cell network and encourages local governments to allow the applicant, at the applicant's discretion, to file a single set of documents for land use permits that will apply to all the microcells and/or minor facilities to be sited; and (ii) to render decisions regarding land use permits for all the microcells and/or minor facilities in a single administrative proceeding.
16. RCW 35.99 regulates the use of right-of-way for telecommunications and cable television services, allowing a city or town to regulate the placement of facilities through its local zoning or police power, if the regulations do not otherwise:
 - a) Prohibit the placement of all wireless or of all wireline facilities within the city or town;
 - b) Prohibit the placement of all wireless or of all wireline facilities within city or town rights-of-way, unless the city or town is less than five square miles in size and has no commercial areas, in which case the city or town may make available land other than city or town rights-of-way for the placement of wireless facilities; or
 - c) Violate section 253 of the telecommunications act of 1996, P.L. 104-104 (110 Stat. 56).

CONCLUSIONS OF LAW:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments designed to be consistent with the City of Wenatchee Urban Area Comprehensive Plan, State, and Federal laws and regulations.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.

EXHIBIT “B”

10.08.150 ‘W’

“Wireless communication antenna” means any exterior apparatus and supporting structures, less than 20 feet in height, designed for communication through the sending and/or receiving of electromagnetic waves for the purpose of providing the distribution of signals to other customers.

“Wireless communication facilities” or “WCF” means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets. Small cell facilities and networks are included within the definition of wireless communication facilities; see specific definition(s) under WCC 10.08.130.

“Wireless communication tower” means any structure, greater than 20 feet in height, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular towers, alternative tower structures, and the like. This definition does not include utility support structures such as utility poles, streetlights, traffic signals, or structures of a similar nature.

10.08.130 “S”

"Small cell facility" means a personal wireless services facility that meets both of the following qualifications:

(i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

"Small cell network" means a collection of interrelated small cell facilities designed to deliver personal wireless services through an interrelated network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Including facilities similar in nature to small cell facilities, micro-cells, and Distributed Antenna Systems (DAS).

10.48.230 Wireless communication facilities.

All wireless communication facilities, where allowed by Chapter [10.10](#) WCC, District Use Chart, shall meet the following standards unless otherwise regulated within this code:

(1) Wireless Communication Antennas. Wireless communication antennas are allowed ~~as~~

~~accessory uses in the RS, RL, RM, RH, and RMU zones,~~ with the following minimum conditions:

- (a) Antennas may be attached to any existing building or tower, except for one-, two-, three-, and four-unit dwellings.
- (b) Installing of an antenna may be permitted, so long as the addition of said antenna adds no more than 20 feet to the height of said existing building or tower.
- (c) In residential zones, all transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
- (d) In residential zones, any roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.
- (e) In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.

(2) Amateur Radio, Receive-Only Antennas, Personal Wireless Services and Antennas. Amateur radio, receive-only antennas, personal wireless services and antennas are allowed in all Wenatchee zoning districts, but must adhere to the standards as defined in WCC [10.48.030](#) for accessory structures and placement behind residential setbacks.

(3) Personal Satellite Dishes. Personal satellite dishes are allowed in all Wenatchee zoning districts, but must adhere to the standards as defined in WCC [10.48.030](#), for accessory structures and for placement behind residential setbacks.

(4) Small Cell Wireless Facilities and Networks. *[Entire new subsection]*

- a) A single permit may be used for multiple Small Cell Facilities that are part of a larger overall network; provided a right-of-way permit, building permit and/or SEPA compliance may be required.
- b) Small Cell Facilities located within the right-of-way are allowed in all land use zones, subject to the criteria and following conditions:
 - i) All installation of Small Cell Facilities and appurtenance equipment shall be installed and maintained with good engineering practices and performed by experienced maintenance and construction personnel. Attention to aesthetics shall be required with equipment being installed in a neat, orderly, and compact fashion with quality and durable materials representing a high level of workmanship, subject to the following:
 - (1) Facilities shall employ design techniques in order to ensure compatibility with underlying support structures and the surrounding environment through the use of matching color(s), flush mounting of equipment to greatest extent possible,

scaling equipment in proportion to the support structure, and concealing cabling or wires within conduit.

- (2) Ground based equipment shall be undergrounded. Where equipment cannot be placed underground, enclosures shall be architecturally compatible with the surrounding environment using appropriate techniques to camouflage, disguise, and/or blend into the environment, including landscaping, color, and other techniques to minimize the visual impact.
 - (3) Facilities shall be located such that views from a residential structure are not significantly impaired.
- ii) Type I review is required when a new utility support structure is proposed or an existing utility support structure is modified, including replacement. In no event shall such a modified, replacement, or new utility support structure or pole exceed:
 - (1) Ten (10) feet above the average existing utility support structures in the right-of-way in place as the effective date of this Ordinance located within 500 feet of the new pole, up to a maximum of fifty (50) feet above ground level.
 - (2) Within the Grandview Historic District, alleys shall be the preferred location and take priority over street frontage right-of-way. In the event installation cannot be accommodated by a modified or new support structure within an alley, Type III review shall be required for approval by the Historic Preservation Board if utilities are to be relocated or added to a fronting street rather than in an alley.
 - c) Small Cell Facilities located outside of the right-of-way are allowed in all land use zones, subject to requirements of this section and 10.48.230(1).
 - d) In addition to the application form requirements identified in Chapter 5.06 WCC applications for wireless communication facilities shall include the following information:
 - i) Requirement for FCC Documentation. The applicant shall provide a copy of:
 1. its documentation for FCC license submittal or registration, and
 2. the applicant's FCC license or registration.
 - ii) Site plans. Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.

- iii) Structural Assessment. The applicant or owner of a proposed WCF shall provide a structural construction assessment of the support facility or tower, conducted by a professional engineer, licensed in the State of Washington, which shall be submitted with the application for a building permit.
- iv) Visual analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.
- v) Statement of Purpose/RF Justification. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to- scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Washington-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.
- vi) Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.
- vii) Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

- viii) Noise study, where applicable. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for a proposed WCF and all associated equipment, consistent with WCC Chapter 6A.40.
- ix) Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
- x) Other published materials. All other information and/or materials that the City may, from time to time, make publicly available and designate as part of the application requirements.

WCC 10.10.020 – District Use Chart

Uses	Commercial Districts				Mixed Use Districts			Residential Districts				Overlay Zones						
	CBD	NWBD/SWBD	CN	I	WMU	OMU	RMU	RF	RS	RL	RM	RH	HEO	CSO	MRC	IO	PO	RRO
Wireless communication antenna	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU
Wireless communication tower	~	C	~	C	~	C	~	~	~	~	~	~	~	~	~	C	~	~
Small Cell Wireless Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

10.65.350 Wireless communication towers.

- (1) Wireless communication towers shall be restricted to 150 feet in height for commercial zoning districts (CBD, NWBD, SWBD, I, and WMU) and 90 feet in height for residential zoning districts (RS, RL, RM, RH, CN, OMU, and RMU);
- (2) Security fencing shall enclose all facilities, shall be no less than six feet in height, and shall be equipped with an appropriate anti-climbing device;
- (3) Perimeter and street frontage landscaping shall be located outside of the fenced area;
- (4) Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped in conformance with Chapter 10.62 WCC, as amended;
- (5) Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the underlying zoning district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated

through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;

(6) A study shall be provided showing that the structure is required for present and future network coverage, that the height requested is the minimum necessary to provide for the function and potential collocated antennas and why the antennas could not be collocated on an existing structure;

(7) Visual impacts shall be minimized to the greatest extent possible by maximum feasible use of camouflage or screening, including but not limited to fencing, landscaping, strategic placement adjacent to existing buildings or live or simulated vegetation, undergrounding of accessory equipment structures, incorporation of wireless communications support structures, antennas and other appurtenances into the architectural features of existing buildings or structures and by requiring compatibility with key design elements in the surrounding area; for example, use of brick or other material similar to that used in adjacent buildings or structures, incorporation of support structures into compatible architectural features such as flag poles, bell towers or cornices, or use of simulated vegetation to camouflage support structures.

From: Meridee Pabst
To: [John Ajax](#)
Cc: [Ken Lyons](#); [GIPSON, CARL](#)
Subject: Small Cell Code Update
Date: Wednesday, October 18, 2017 2:59:34 PM

Hi John,

Thank you for providing the latest draft of the City's small cell ordinance.

AT&T is unable to attend tonight's work session, and we ask that the Planning Commission consider the following comments:

- Small cell review process – We continue to suggest that the code exempt from land use review existing and replacement poles that add no more than 15 feet in height, and reserve zoning review for new poles, poles located on streets other than alleys in the Grandview Historic District, and those exceeding height limitations for replacements.
- Pole height – Pole height is often determined by NESC safety clearance standards, which require that antennas be separated from utility lines, and the applicable standard may be as much as 10 feet (for transmission lines). We suggest that the code allow the minimum additional height necessary to meet clearance standards as an alternative to otherwise applicable limitations on pole height.
- Undergrounding of equipment – We suggest a clarification that undergrounding is an alternative approach for siting equipment, particularly because placement underground is often not feasible. Small cell equipment may be installed in various ways – attached to poles and wires, placed within poles, placed on the ground in the right-of-way, placed on the ground adjacent to the right-of-way, and underground. We suggest that Wenatchee's code be flexible enough for all of these options.
- Submittal requirements – We continue to suggest that the City tailor submittal requirements for small cells. The draft list, borrowed from Spokane, was intended for towers.
- Eligible Facilities Requests – We continue to suggest that the City update its code to incorporate the federal requirements for modifications to existing facilities.

Thank you for your consideration of these comments. We look forward to reviewing the City's next draft.

Talk to you soon,

Meridee Pabst
Wireless Policy Group LLC
113 Cherry St. #75604
Seattle, WA 98124-2205
meridee.pabst@wirelesspolicy.com
425-628-2660 Direct
360-567-5574 Wireless



July 2, 2017

John Ajax
Senior Planner
City of Wenatchee
129 South Chelan Ave.
Wenatchee, WA 98801

SENT VIA EMAIL: jajax@wentacheewa.gov

**Re: Small Cell Wireless Facilities
Code Update**

Dear John:

Thank you for providing the opportunity to comment on the City's proposed changes to its zoning code to specifically address small cell facilities. We submit these comments on behalf of AT&T.

AT&T supports code changes that facilitate the installation of small cell facilities in Wenatchee's rights-of-way to serve the community's growing need for quality wireless service. Small cells provide wireless service with minimal visual impact and usually rely on infrastructure (such as utility and light poles) that is already part of the built environment. Due to these significant benefits, other communities have adopted measures to encourage small cells or exempt them from land use review. Appropriate regulations for Wenatchee's rights-of-way can similarly guide the installation of small cell improvements.

AT&T supports the City's proposed exemption of certain small cells from land use review, but suggests that the exemption allow additional height for existing and replacement poles in the right-of-way. AT&T further suggests that the small cell code recognize that utility poles are exempted from each zone's otherwise applicable maximum heights (see WMC 10.46.020(2)(d) for exception in residential zones). Given this general exemption, small cell attachments to utility poles should not be capped at the maximum height in each zone because this could easily prohibit the use of utility poles.

AT&T's concerns are discussed below in more detail, and we have provided suggested changes to proposed new WMC 10.48.230 in the enclosed redline.

Skyrocketing Demand for Wireless Service

AT&T and other carriers are responding to a significant increase in demand for wireless services. For example:

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- Since 2007, AT&T has seen data usage on its network increase by 250,000 percent.¹
- Over half (50.8%) of American homes no longer use traditional landline telephone service and instead choose to be wireless only.²
- More than two-thirds of American adults aged 25–29 (72.7%) and aged 30-34 (71%) live in households with only wireless telephones.³

Furthermore, mobile communications are a critical tool for first responders in emergency situations. According to the Federal Communications Commission (“FCC”), nearly 70 percent of 911 calls are made from wireless phones and that percentage is expected to continue to grow.⁴

To meet the skyrocketing demand in residential areas, better serve businesses, and enhance public safety, carriers need viable options for siting new facilities in a way that will provide meaningful coverage and capacity and high-quality service. Small cells can add much-needed capacity, and in some cases coverage, to targeted areas with minimal impacts to the community.

Small Cell Provisions

AT&T supports an approach that establishes volumetric size parameters for a “small cell” facility and then regulates these facilities in a manner commensurate with their minimal impacts. We note that the City’s proposed draft code defines small cell facilities in this manner, using the standards from RCW 80.36.375. AT&T suggests that the new code simply incorporate the statutory definition by reference.

Together with enacting a definition for small cell, other communities have established a streamlined review process or exempted small cells from zoning review entirely, even in residential zones. Other communities have also allowed a small cell applicant to combine multiple small cells into one network permit. AT&T supports the City’s batching provision in proposed WMC 10.48.230(4), and we suggest that the City’s exemption language and threshold for Type II review be modified as shown in detail in the enclosed redline.

AT&T suggests that the City’s exemption allow up to 15 feet of additional height to existing and replacement utility poles in order to allow sufficient space for the required clearance from electric utility wires and other likely designs. AT&T suggests that Type II review be reserved for new utility support structures and small cell attachments that exceed the threshold for an exempt proposal.

In the City’s historic districts, we suggest that small cells be allowed on streets other than alleys if approved through a Type II review. Often there is a concentration of pedestrians and other traffic in historic districts, and small cell facilities must be located near this demand in order to adequately serve it. A Type II process would allow the City to review the small cell designs to ensure compatibility with historic areas.

¹ http://about.att.com/story/att_details_5g_evolution.html

² CDC Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2016 (released May 2017).

³ *Id.*

⁴ FCC 911 Wireless Services Consumer Guide <https://www.fcc.gov/consumers/guides/911-wireless-services>

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Other Specific Comments on Draft Code

Definitions.

AT&T supports the City's proposal to expressly include small cells in its definition of "wireless communication facilities." AT&T suggests that the definitions for small cell facilities and networks simply incorporate the statutory definition by reference, as noted above.

Requirements for Rooftop Attachments.

Proposed subsections (c) and (d) of WMC 10.48.230(1) use language from the Spokane code, but do not include Spokane's distinction between residential and nonresidential zones. AT&T suggests that the City adopt Spokane's language more completely, as shown in the enclosed redline.

Submittal Requirements.

The draft code adopts submittal requirements that generally mirror those of Spokane's wireless code, with some exceptions. The most important distinction is that Spokane's submittal list primarily applies to *new towers*, not to all wireless facilities, consistent with the more rigorous review standards for towers. We suggest that Wenatchee's new code clarify that the detailed submittal items are only required for proposed new towers.

With regard to proposed Item (E), RF Justification, the City's code already describes the study required to show compliance with its zoning standards for new towers. See WMC 10.65.350(6). Item (E) was written for compliance with Spokane's code, which regulates wireless facilities somewhat differently. We suggest you replace Item (E) with a restatement of WMC 10.65.350(6).

Eligible Facility Requests.

In 2012, Congress passed the Middle Class Tax Relief and Job Creation Act ("Spectrum Act"), and Section 6409(a) of the Spectrum Act⁵ mandates approval of certain modifications to existing wireless facilities:

[A] State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

The FCC has issued a rule that regulates Section 6409(a) modifications, codified in 47 C.F.R. §1.40001. This rule establishes a maximum 60-day timeframe for review and approval and provides for a deemed grant remedy if the timeframe is not met.

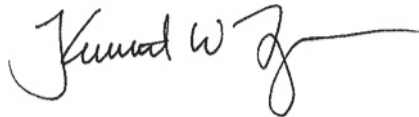
⁵ 47 U.S.C. §1455(a).

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Page 4

AT&T suggests that the City amend its WCF code to define when a modification “substantially changes” an existing WCF, provide for a 60-day review period, and otherwise incorporate by reference the definitions and requirements of the new FCC rule. Please see the suggested subsection for WMC 10.48.230 in the enclosed redline.

Thank you for your consideration of these comments. We look forward to working with the City as you develop the next draft.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ken Lyons", with a long horizontal flourish extending to the right.

Ken Lyons
206.227.0020
ken.lyons@wirelesspolicy.com

Enclosure

cc: Glen DeVries, Community Development Director

10.48.230 Wireless communication facilities.

All wireless communication facilities, where allowed by Chapter [10.10](#) WCC, District Use Chart, shall meet the following standards unless otherwise regulated within this code:

(1) Wireless Communication Antennas. Wireless communication antennas are allowed ~~as accessory uses in the RS, RL, RM, RH, and RMU zones,~~ with the following minimum conditions:

(a) Antennas may be attached to any existing building or tower, except for one-, two-, three-, and four-unit dwellings;

(b) Installing of an antenna may be permitted, so long as the addition of said antenna adds no more than 20 feet to the height of said existing building or tower.

(c) In residential zones, a~~All~~ transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.

(d) In residential zones, any roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.

(e) In all other zones, antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting and/or host structure.

(2) Amateur Radio, Receive-Only Antennas, Personal Wireless Services and Antennas. Amateur radio, receive-only antennas, personal wireless services and antennas are allowed in all Wenatchee zoning districts, but must adhere to the standards as defined in WCC [10.48.030](#) for accessory structures and placement behind residential setbacks.

Commented [MP1]: We understand the intent here is to prohibit attachment to SF, duplex, triplex, and fourplex dwellings no matter the zone. ATT supports this change subject to the additional clarifications of proposed (c)-(e), as shown below.

Commented [MP2]: Proposed subsections (c) and (d) are from the Spokane code, but without Spokane's distinction for design standards within residential zones vs. other zones. AT&T suggests that Wenatchee follow Spokane's distinction for residential zones.

(3) Personal Satellite Dishes. Personal satellite dishes are allowed in all Wenatchee zoning districts, but must adhere to the standards as defined in WCC [10.48.030](#), for accessory structures and for placement behind residential setbacks.

(4) Small Cell Wireless Facilities and Networks.

(a) A single permit may be used for multiple Small Cell Facilities that are part of a larger overall network; provided a right-of-way permit, building permit and/or SEPA compliance may be required.

(b) Small Cell Facilities located within the right-of-way are allowed in all land use zones.

i) Land use review is not required for any Small Cell Facilities proposed for location on existing or replacement utility support structures within the right-of-way that do not increase the height of the existing pole by more than fifteen (15) feet.

ii) ~~Small Cell Facilities are prohibited from being in the right-of-way within the Grandview Historic District and Historic Entertainment Overlay, excluding alleys.~~

~~Small Cell Facilities are prohibited from being in proposed in the rights-of-way other than alleys are allowed within the Historic Entertainment Overlay, excluding alleys only after Type II review.~~

iii) ~~Type II review is required when a new utility support structure or pole is proposed within the right-of-way or when an existing utility support structure is replaced or modified for increased height in excess of that allowed by subsection (i). In no event shall such a modified, replacement, existing or new utility support structure or pole be increased in height more than fifteen (15) feet or exceed the zoned maximum height, whichever is less.~~ exceed the greater of:

- a. Ten (10) feet above the tallest existing utility support structure in the rights-of-way in place as of the effective date of this Ordinance located within 500 feet of the new pole; or,
- b. Fifty (50) feet above ground level.

(c) Small Cell Facilities located outside the right-of-way are allowed in all land use zones, subject to requirements of 10.48.230(1).

(5) Eligible Facility Requests.

(a) Existing WCFs may be modified according to this subsection and consistent with 47 C.F.R. § 1.40001, so long as the modification does not substantially change the physical dimensions of the WCF.

(b) A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

iv) It entails any excavation or deployment outside the current site;

v) It would defeat the concealment elements of the eligible support structure; or

vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections (b)(i)-(b)(iv) above.

(c) The city shall prepare and make publicly available an application form that is limited to the information necessary for the city to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification. The city will review the application form concurrently with its review of the applicant's building permit application.

(d) Within 60 days of the date on which an applicant submits an application seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by this section.

(e) The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the city and the applicant, or in cases where the city determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.

i) To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

ii) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the department's notice of incompleteness.

iii) Following a supplemental submission, the city will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (E) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(f) In the event the city fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(g) This section shall be interpreted and applied with reference to 47 C.F.R. § 1.40001.

From: Justin Blackwell
To: [John Ajax](#)
Cc: [Rachel Fenton](#); [Erik Nelson](#)
Subject: RE: Mobilitie, LLC - Wenatchee, WA
Date: Friday, September 22, 2017 8:34:56 AM
Attachments: [image001.png](#)

Hi, John,

We have had a chance to review the draft copy of Wenatchee's small cell materials; thank you for providing us with this opportunity. I have copied my colleagues, Rachel Fenton and Erik Nelson, on this e-mail. If you would, please add Rachel and Erik to your Mobilitie distribution list; depending on schedules, it will likely be one of them, or perhaps our permitting manager, Steven Berke, who will attend any City meetings.

Overall, our comments to the draft materials are similar to those provided by AT&T and Verizon; we did not have a substantial number of comments:

- One major issue that we do have is regarding the language concerning Application Submittal Requirements, specifically the requirement contained in paragraph A provides a requirement for the applicant's FCC documentation. Only wireless carriers themselves will have an FCC license; infrastructure companies such as Mobilitie, Crown Castle, and Extenet, although performing the same small cell work in the ROW, are not required to hold FCC licensure.
- Also on the Application Submittal Requirements, (E) and (G) seem to be a bit excessive. A noise study (at (H)) should not be required for a small cell site, which does not contain the same noise generating cooling equipment that is present at a standard macro site. A collocation consent (at (I)) will be inapplicable for sites that are attachments to third-party owned infrastructure.
- At 10.48.230(1)(d), it would be nice to see some flexibility on the set back requirement as the preferred mounting location for equipment efficacy is at the edge, the further toward the centerline of the roof an antenna is the less effective it becomes.
- At 10.48.230(4)(a), SEPA compliance for a small cell site in a built-out area seems a bit extensive; in fact, it appears that most small cell projects should be exempted from SEPA under Washington law.
- At 10.48.230(4)(b)(i)(1), there should be some permissiveness as to the employment of undergrounding; small cell antennas and wireless backhaul equipment cannot be undergrounded and maintain their functionality; powerlines can be undergrounded when and as necessary.
- At 10.48.230(4)(b)(ii), Mobilitie would request that this be increased to "Fifteen (15) feet above the average existing utility support structure...". From the Company's experience, this is a more commonly used distance.

Thank you again, and please do not hesitate to let us know if you need anything further from us.

Best,

Justin

From: John Ajax [mailto:JAjax@WenatcheeWA.Gov]

Sent: Tuesday, September 12, 2017 4:25 PM

To: Justin Blackwell

Subject: RE: Mobilitie, LLC

[Hi Justin,](#)

The Wenatchee Planning Commission will be conducting a workshop for discussion on 9/20; no formal action will be taken. I have attached a copy of small cell materials for you review. If you have comments or edits before next Wednesday, I will make sure to pass them along.

Best,
John

From: Justin Blackwell [<mailto:JBlackwell@mobilitie.com>]

Sent: Tuesday, June 13, 2017 10:04 AM

To: John Ajax <JAjax@WenatcheeWA.Gov>

Subject: RE: Mobilitie, LLC

Hi, John,

I attach for your reference and consideration the five following files:

1. A new pole installation (i.e., the Company installs a new pole within the right-of-way to support the equipment);
2. An attachment to an existing concrete street light;
3. A street light attachment (I am confirming, but this appears to me to be a photo-simulation);
4. A diagram showing the component parts of a typical installation; and
5. A generic set of construction drawings showing the concealment and shrouding usually favored by the Company in installations.

Unfortunately, I have not been able to determine exactly where these photos were taken; however, I will certainly let you know should I be able to track down such information.

I still have questions out to a few of my colleagues, including regarding Washington specific equipment, and will pass along what they may share with me.

Best regards,
Justin

From: John Ajax [<mailto:JAjax@WenatcheeWA.Gov>]

Sent: Monday, June 12, 2017 3:39 PM

To: Justin Blackwell <JBlackwell@mobilitie.com>

Subject: RE: Mobilitie, LLC

Justin,

Thank you for the email follow-up. It would be most helpful if a small number of photo examples could be provided - showing the current technology Mobilitie is using or prefers. A real world example from anything within Washington State would be an added bonus.

Thanks again,

John Ajax
City of Wenatchee
1350 McKittrick Street
Wenatchee, WA 98801
(509) 888-3249

From: Justin Blackwell [<mailto:JBlackwell@mobilitie.com>]

Sent: Monday, June 12, 2017 3:22 PM

To: John Ajax <JAjax@WenatcheeWA.Gov>

Subject: Mobilitie, LLC

Good afternoon, John,

It was a pleasure to speak with you just now. As we discussed, I will do some digging on my end and

see what resources and information I can compile that may be of help to the City.
I'll be in touch, and thank you for your time.

Best regards,

Justin

Justin Blackwell | Agreements

jblackwell@mobilitie.com

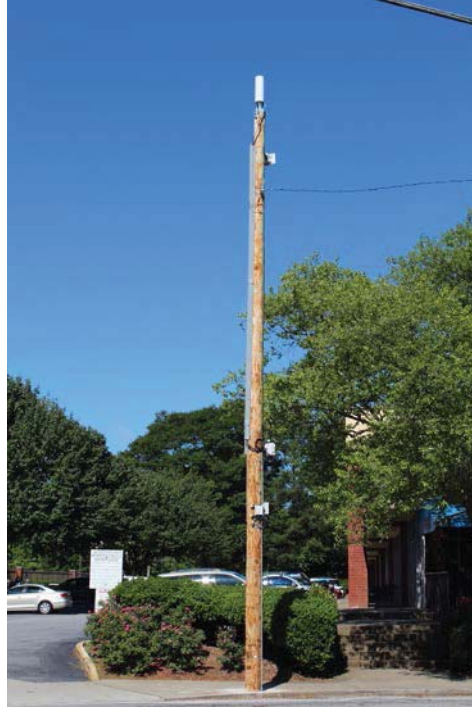


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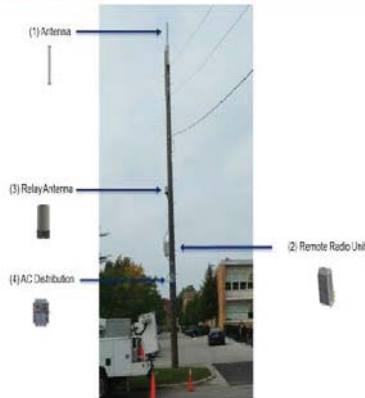
657 261 3872 office

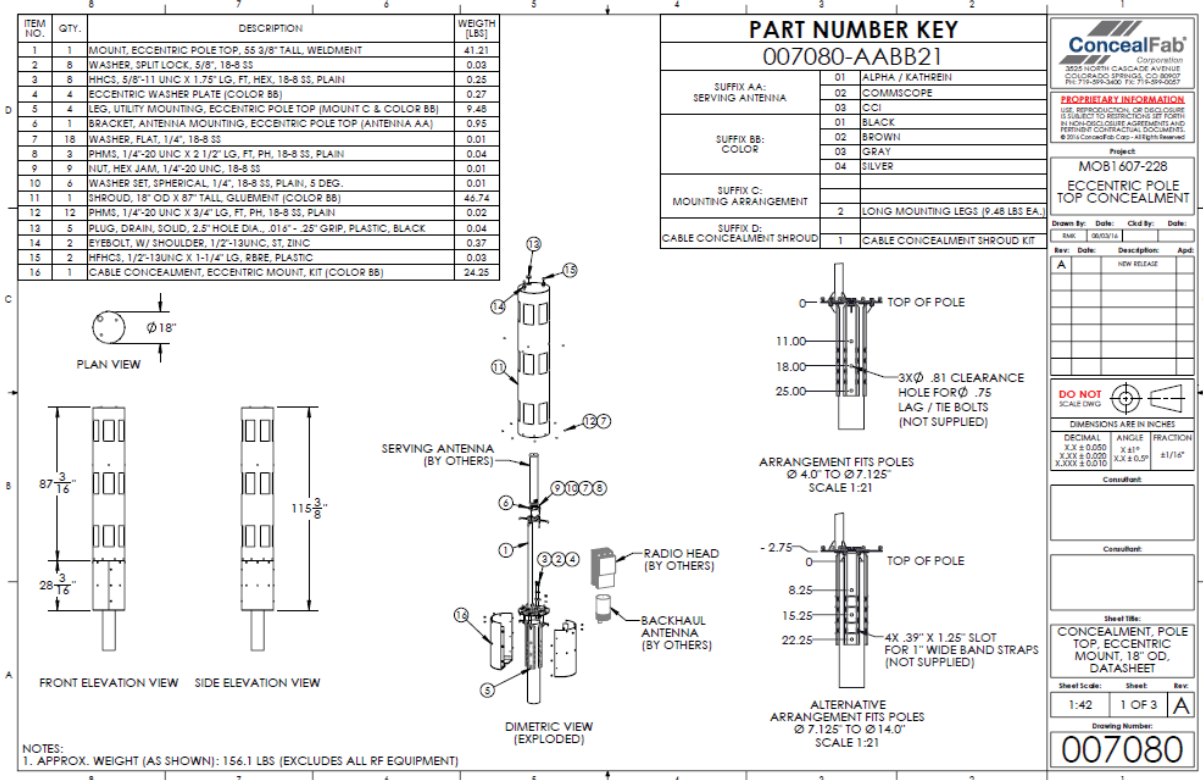
www.mobilitie.com

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Small cell facility installation





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Project: MOB1407-228
ECCENTRIC POLE TOP CONCEALMENT

Drawn By: Date: Ckd By: Date:
Rev: Date: Description: App:

Rev	Date	Description	App
A		NEW RELEASE	

DO NOT SCALE DRAW

DIMENSIONS ARE IN INCHES
DECIMAL: .XX ± 0.005 X ±1°
XXX ± 0.005 XX ± 0.01°
XXXX ± 0.010 XX ± 0.01° ±1/16"

Consultant: _____

Consultant: _____

Sheet Title:
CONCEALMENT POLE TOP, ECCENTRIC MOUNT, 18" OD, DATASHEET

Sheet Scale: Sheet Rev:
1:42 1 OF 3 A

Drawing Number:
007080



July 7, 2017

John Ajax
Senior Planner
City of Wenatchee
129 South Chelan Ave.
Wenatchee, WA 98801

SENT VIA EMAIL: jajax@wentacheewa.gov

Re: Small Cell Code Update

Dear John-

Thank you for the opportunity to comment on the proposed update to your wireless code to address small cells.

This new technology is vital to address the coverage and capacity needs of Verizon's customers. More people are using more wireless devices to do more things than ever before, like streaming video, and uploading images. In fact, wireless data usage tripled from 2013 to 2015 and is forecast to grow 7-fold from 2015 to 2019.

Verizon is working to stay ahead of the demand by adding fiber optic capacity and small cells to connect people where they need it most. Small cell antennas are usually mounted on existing utility and street light poles. The low visual profile of small cells makes them an excellent solution for delivering capacity and coverage to residential neighborhoods. Small cells will also deliver connections for "smart communities" services to boost the flow and safety of vehicle traffic, manage resources like light, power and water and do even more to improve the quality of life. This technology is also the key to offering 5G wireless connections at speeds up to 100 times faster than today's wired broadband services.

Verizon supports the city's overall direction to exempt small cells from land use review, and submits the attached redline of the proposed code and the comments below to address a few logistical concerns. Other communities have amended their wireless codes to exempt small cells from land use to encourage this kind of infrastructure investment. Because of the low visual impacts of small cell technology and the preference for placement on existing utility poles and light standards, aesthetic concerns can be addressed in agreements governing the use of the right of way.

July 7, 2017
Page 2

Verizon also supports the inclusion of batch permitting, which creates efficiencies for both the city and the applicant.

Verizon's suggested changes to the draft code provisions are as follows:

- The definition of wireless antenna is confusing and could be read to limit the height of support structures to 20 feet. Verizon suggests using the definition found in Spokane's code.
- Small cell attachments to utility poles should not be capped at the maximum height in each zone because pole owners very often require that the height of the pole be extended from 5-15 feet to achieve necessary clearance from the lines. The visual impact of this modest height increase is minimal, and Verizon requests that replacement or extended poles be permitted up to 15 feet, without land use review, and that the Type 2 process be reserved for new poles in the right of way, or replacement poles or pole extensions that exceed 15 feet.
- The city's historic districts are destinations for tourists and residents, which can create additional demand for wireless capacity. Other communities are recognizing the need for small cells in historic districts and have agreed to permit them with heightened design review of available stealth options. Verizon suggests that the city consider small cells in historic districts with a Type 2 review process.
- The submittal requirements mandate a noise study from a professional engineer. Unlike macro towers, that have air conditioning units and fans, small cells are often passively cooled with no moving components. Verizon suggests alternatively allowing submittal of the specification sheet for the radio units to demonstrate that there will be no noise from the small cell equipment.

Thank you for the opportunity to provide input on the small cell code update. Verizon appreciates the city's collaboration with members of the wireless industry to develop an efficient and effective process to provide wireless infrastructure to serve the needs of Wenatchee's residents, businesses and visitors.

Sincerely,



Kim Allen
Wireless Policy Group, LLC, on behalf of Verizon Wireless.

Enclosure

cc: Glen DeVries, Community Development Director

10.08.150 'W'

"Wireless communication antenna" means any exterior apparatus and supporting structures, less than 20 feet in height, designed for communication through the sending and/or receiving of electromagnetic waves for the purpose of providing the distribution of signals to other customers.

"Wireless communication facilities" or "WCF" means a staffed or unstaffed facility or location for the transmission and/or reception of radio frequency (RF) signals or other wireless communications or other signals for commercial communications purposes, typically consisting of one or more antennas or group of antennas, attachment support structure, transmission cables and other transmission equipment, and an equipment enclosure or cabinets. Small cell facilities and networks are included within the definition of wireless communication facilities; see specific definition(s) under WCC 10.08.130.

"Wireless communication tower" means any structure, greater than 20 feet in height, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular towers, alternative tower structures, and the like. This definition does not include utility support structures such as utility poles, streetlights, traffic signals, or structures of a similar nature.

10.08.130 "S"

"Small cell facility" means a wireless communication facility that meets both of the following qualifications:

(i) Each antenna is located inside an antenna enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and

(ii) Primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: Electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

"Small cell network" means a collection of interrelated small cell facilities designed to deliver personal wireless services through an interrelated network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Including facilities similar in nature to small cell facilities, micro-cells, and Distributed Antenna Systems (DAS).

10.48.230 Wireless communication facilities.

All wireless communication facilities, where allowed by Chapter 10.10 WCC, District Use Chart, shall meet the following standards unless otherwise regulated within this code:

(1) Wireless Communication Antennas. Wireless communication antennas are allowed in residential zones as accessory uses in the RS, RL, RM, RH, and RMU zones, with the following minimum conditions:

(a) Antennas may be attached to any existing building or tower, except for one-, two-, three-, and four-unit dwellings;

(b) Installing of an antenna may be permitted, so long as the addition of said antenna adds no more than 20 feet to the height of said existing building or tower.

(c) All transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be proportional to the

Commented [KA1]: This definition could be read to limit support structures, such as utility poles, to 20 feet. Suggest using the Spokane definition:

"Antenna" means one or more rods, panels, discs or similar devices used for wireless communication, which may include, but is not limited to, omnidirectional antenna (whip), directional antenna (panel), and parabolic antenna (dish).

Commented [JA2]: From Spokane Code Purpose: The current zoning code section is named 'wireless communication facilities' without defining what that means. Added definition for clarity.

Commented [JA3]: Purpose: Language added to avoid confusion between utility poles and cell towers.

Commented [JA4]: Definitions (from RCW 80.36.375) Purpose: Definition included to be consistent with RCW.

Commented [KA5]: We suggest adding a residential qualifier. These provisions were taken from the Spokane code, which provides these limitations for residential zones.

Commented [JA6]: Purpose: Not allow commercial wireless antennas on residential structures throughout the entire city vs. only residential zones.

~~existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.~~

~~(d) Any roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible.~~

(2) Amateur Radio, Receive-Only Antennas, Personal Wireless Services and Antennas. Amateur radio, receive-only antennas, personal wireless services and antennas are allowed in all Wenatchee zoning districts, but must adhere to the standards as defined in WCC [10.48.030](#) for accessory structures and placement behind residential setbacks.

(3) Personal Satellite Dishes. Personal satellite dishes are allowed in all Wenatchee zoning districts, but must adhere to the standards as defined in WCC [10.48.030](#), for accessory structures and for placement behind residential setbacks.

(4) Small Cell Wireless Facilities and Networks.

~~a) A single permit may be used for multiple Small Cell Facilities that are part of a larger overall network; provided a right-of-way permit and a building permit and/or SEPA compliance may be required.~~

~~b) Land use review is not required for any Small Cell Facilities proposed for location on existing or replacement utility support structures within the right-of-way that do not increase height more than 15 feet. The limitation to 15 feet applies to cumulative increases and any previously approved additions to height made under this section must be included in its measurement.~~

~~i) Small Cell Facilities may be prohibited from being located permitted in the right-of-way within the Grandview Historic District, excluding alleys with a Type II review.~~

~~ii) Small Cell Facilities may be prohibited from being located permitted in the right-of-way within the Historic Entertainment Overlay, excluding alleys with a Type II review.~~

~~c) Type II review is required when a new utility support structure is proposed within the right-of-way or an existing utility support structure is modified for increased height. In no event shall an existing or new utility support structure, in the right-of-way, be increased in height more than fifteen (15) feet, or exceed the zoned maximum height, whichever is less.~~

~~d) Small Cell Facilities located outside of the right-of-way are allowed in all land use zones, subject to requirements of 10.48.230(1).~~

~~e) All installation of small cell antennae and appurtenance equipment shall be installed and maintained with good engineering practices and performed by experienced maintenance and construction personnel. Attention to aesthetics shall be required with equipment being installed in a neat, orderly, and compact fashion with quality and durable materials representing a high level of workmanship.~~

Commented [JA7]: From Spokane Code (removed wording for 'towers')
Purpose: Adds design criteria to lessen the visual impacts to surrounding areas.

Commented [KA8]: Small cells, as defined in your code, are exempt from SEPA per WAC 197-11-810. Suggest deleting.

Commented [JA9]: Purpose: Federal and State laws require public entities to allow for collocation of utilities in the right-of-way.

In the case of the HEO and GHD, most of the utilities are in alleys – idea is to allow but not visually impact street fronts in historic areas.

Commented [JA10]: Purpose: If an existing utility pole needs to be replaced or there is a gap in coverage, a new pole would be allowed with criteria.

Commented [JA11]: Purpose: this is intended to be consistent with current code that allows antennas on to be mounted on private property. Current buildings known to have antennas include the Coast Hotel, Hospital, and Cascadian apartments.

Commented [KA12]: Industry uses "antennas" as the plural of "antenna". Suggest revising.

Commented [JA13]: Added 5/3/17 – SK suggested

Uses	Commercial Districts				Mixed Use Districts			Residential Districts					Overlay Zones					
	CBD	NWBD/SWBD	CN	I	WMU	OMU	RMU	RF	RS	RL	RM	RH	HEO	CSO	MRC	IO	PO	RRO
Wireless communication antenna	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU
Wireless communication tower	~	C	~	C	~	C	~	~	~	~	~	~	~	~	~	C	~	~

Commented [KA14]: Suggest adding a row to address the small cell process.

10.65.350 Wireless communication towers.

(1) Wireless communication towers shall be restricted to 150 feet in height for commercial zoning districts (CBD, NWBD, SWBD, I, and WMU) and 90 feet in height for residential zoning districts (RS, RL, RM, RH, CN, OMU, and RMU);

(2) Security fencing shall enclose all facilities, shall be no less than six feet in height, and shall be equipped with an appropriate anti-climbing device;

(3) Perimeter and street frontage landscaping shall be located outside of the fenced area;

(4) Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located in buildings, equipment shelters or cabinets shall be screened and landscaped in conformance with Chapter [10.62](#) WCC, as amended;

(5) Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the underlying zoning district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;

(6) A study shall be provided showing that the structure is required for present and future network coverage, that the height requested is the minimum necessary to provide for the function and potential collocated antennas and why the antennas could not be collocated on an existing structure;

(7) Visual impacts shall be minimized to the greatest extent possible by maximum feasible use of camouflage or screening, including but not limited to fencing, landscaping, strategic placement adjacent to existing buildings or live or simulated vegetation, undergrounding of accessory equipment structures, incorporation of wireless communications support structures, antennas and other appurtenances into the architectural features of existing buildings or structures and by requiring compatibility with key design elements in the surrounding area; for example, use of brick or other material similar to that used in adjacent buildings or structures, incorporation of support structures into compatible architectural features such as flag poles, bell towers or cornices, or use of simulated vegetation to camouflage support structures. (Ord. 2010-03 § 1 (Exh. A); Ord. 2007-34 § 2 (Exh. A))

Application Submittal Requirements

In addition to the application form requirements identified in WCC 13.05.010, applications for wireless communication facilities shall include the following information.

A. Requirement for FCC Documentation. The applicant shall provide a copy of:

1. its documentation for FCC license submittal or registration, and

2. the applicant's FCC license or registration.

B. Site plans. Complete and accurate plans and drawings to scale, prepared, signed and sealed by a Washington-licensed engineer, land surveyor and/or architect, including (1) plan views and all elevations before and after the proposed construction with all height and width measurements called out; (2) a depiction of all proposed transmission equipment; (3) a depiction of all proposed utility runs and points of contact; and (4) a depiction of the leased or licensed area with all rights-of-way and/or easements for access and utilities in plan view.

C. Structural Assessment. The applicant or owner of a proposed WCF shall provide a structural construction assessment of the support facility or tower, conducted by a professional engineer, licensed in the State of Washington, which shall be submitted with the application for a building permit.

D. Visual analysis. A color visual analysis that includes to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view.

E. Statement of Purpose/RF Justification. A clear and complete written Statement of Purpose shall minimally include: (1) a description of the technical objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Washington-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.

F. Design justification. A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this chapter to the maximum extent feasible. A complete design justification must identify all applicable design standards under this chapter and provide a factually detailed reason why the proposed design either complies or cannot feasibly comply.

G. Radio frequency emissions compliance report. A written report, prepared, signed and sealed by a Washington-licensed professional engineer or a competent employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the exposure limits established by the FCC. The report shall also include a cumulative analysis that accounts for all emissions from all WCFs located on or adjacent to the proposed site, identifies the total exposure from all facilities and demonstrates planned compliance with all maximum permissible exposure limits established by the FCC. The report shall include a detailed description of all mitigation measures required by the FCC.

H. Noise study. A noise study, prepared, signed and sealed by a Washington-licensed engineer, for a proposed WCF and all associated equipment, consistent with WCC

Chapter 6A.40.

I. Collocation consent. A written statement, signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.

J. Other published materials. All other information and/or materials that the City may, from time to time, make publicly available and designate as part of the application requirements.

Commented [KA15]: Unlike macro towers, that have air conditioning units and fans, small cells are often passively cooled with no moving components. Suggest allowing submittal of the specification sheet for the radio units to demonstrate that there will be no noise from the small cell equipment.



November 14, 2017

Mr. Scott Griffith, Chair
Wenatchee Planning Commission
129 South Chelan Avenue
Wenatchee, WA 98801

SENT VIA EMAIL: jajax@wentacheewa.gov

**Re: Small Cell WCF Code Update
Hearing Agenda Item # IV.C.**

Dear Chair Griffith and Commissioners:

Thank you for providing the opportunity to comment on the City's proposed changes to its Wireless Communication Facilities ("WCF") code to specifically address small cell facilities. We submit these comments on behalf of AT&T.

AT&T supports Wenatchee's plans to update its code to provide for small cell facilities in the City's rights-of-way. As we explained in our July 2, 2017, comment letter (which is in Exhibit II in your hearing packet), AT&T supports code changes that facilitate the installation of small cell facilities in Wenatchee's rights-of-way to serve the community's growing need for quality wireless service.

With regard to the draft code before you tomorrow night, we suggest the following.

Small Cell Height Standards

AT&T has previously suggested that the City's height standard allow up to 15 feet of additional height to existing and replacement utility poles in order to allow sufficient space for the required clearance from electric utility wires and other likely designs. In the alternative, the standard in Subsection 10.38.230(4)(b)(ii)(1) could allow an additional ten feet, or the minimum additional height needed to meet safety clearance standards, as follows:

November 14, 2017
Page 2

Type I review is required when a new utility support structure is proposed or an existing utility support structure is modified, including replacement. In no event shall such a modified, replacement, or new utility support structure or pole exceed:

(1) Ten (10) feet above the average existing utility support structures in the right-of-way in place as the effective date of this Ordinance located within 500 feet of the new pole, up to a maximum of fifty (50) feet above ground level; provided that, the minimum additional height to allow for the required safety clearance from power lines is permitted for attachments to electric utility poles.

This provision will limit the additional height to circumstances in which the additional height is necessary to meet electrical safety standards.

Submittal Requirements

The draft code will adopt submittal requirements that generally mirror those of Spokane's wireless code, with some exceptions. The most important distinction is that Spokane's submittal list primarily applies to *new towers*, not to all wireless facilities, and is consistent with the more rigorous review standards for towers. We suggest that Wenatchee's new code clarify that the detailed submittal items are only required for proposed *new towers*.

In particular, because small cells are small, low-powered facilities with minimal impacts, applications for small cells should be exempt from submittal items (E) *RF Justification*, (F) *RF Emissions Compliance Report*, and (G) *Noise Study*.

Further, with regard to proposed Item (E), *RF Justification*, the City's code already describes the study required to show compliance with its zoning standards for new towers. See WMC 10.65.350(6). Item (E) was written for compliance with Spokane's code, which regulates wireless facilities somewhat differently. We suggest the City replace Item (E) with a restatement of WMC 10.65.350(6), which applies only to *towers*, so the submittal items are consistent with the City's review standards.

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Page 3

Eligible Facility Requests

As we explained in our July comment letter, in 2012, Congress passed the Middle Class Tax Relief and Job Creation Act (“Spectrum Act”), and Section 6409(a) of the Spectrum Act¹ mandates approval of certain modifications to existing wireless facilities:

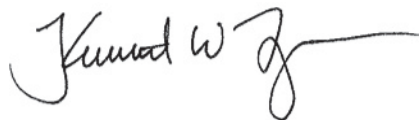
[A] State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

The FCC has issued a rule that regulates Section 6409(a) modifications, codified in 47 C.F.R. §1.40001. This rule establishes a maximum 60-day timeframe for review and approval and provides for a deemed grant remedy if the timeframe is not met.

AT&T suggests that the City amend its WCF code to define when a modification “substantially changes” an existing WCF, provide for a 60-day review period, and otherwise incorporate by reference the definitions and requirements of the new FCC rule. Please see the suggested subsection for WMC 10.48.230, provided in the redlined code enclosed in our July 2nd letter.

Thank you for your consideration of these comments.

Very truly yours,



Ken Lyons
206.227.0020
ken.lyons@wirelesspolicy.com

cc: Stephen Neuenschwander, Planning Manager

¹ 47 U.S.C. §1455(a).



November 14, 2017

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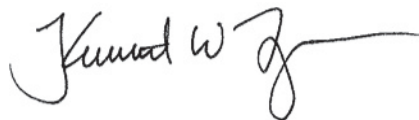
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Very truly yours,



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cc: Stephen Neuenschwander, Planning Manager

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**COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

TO: Mayor Frank Kuntz
City Council Members

FROM: Gary Owen P.E., City Engineer
John Ajax, Senior Planner

SUBJECT: Public Hearing – Ordinance 2017-32; Telecommunication Master Permits

DATE: December 1, 2017

MEETING DATE: December 7, 2017

I. OVERVIEW

The attached Ordinance 2017-32 establishes a new sub-section, 5.06, within Wenatchee City Code, Title 5 Licenses and Taxation, for 'Telecommunication Master Permits'. A master permit provides telecommunication provider's authorization to enter, use, and occupy the right-of-way or like areas, including utilities easements, and to locate facilities therein. The process is akin to the existing procedures for cable communications franchise agreement found within WCC 5.04.

The new master permit and concurrent zoning code amendments for small cell wireless facilities are intended to end the moratorium established through Ordinances 2017-02 and 2017-15. In general terms, the new sub-section for master permits requires:

- Terms established by written agreement with final approval by Ordinance before the City Council.
- Five year authorization term with amendment and renewal procedures
- Permit review timeframes and application fee
- Consistency with WCC 7.28 - Excavations for physical work within the right-of-way

In practice, the proposed permitting process for wireless facilities in the right-of-way is two-fold. First, telecommunication providers must obtain general authorization for use of the right-of-way through the approval of a master permit. Second, a Type 1 review is required to review the specific site proposal(s) for consistency with both the zoning requirements (Title 10) facilities and right-of-way excavation requirements (Chapter 7.28).

II. BUDGET IMPACTS

No direct impacts to the City Budget

III. ATTACHMENT(S)

Ordinance 2017-32

IV. SAMPLE MOTION

I move to adopt Ordinance 2017-32, amending Title 5 of the Wenatchee City Code by the addition of Chapter 5.06 relating to Telecommunications Master Permits.

V. ADMINISTRATIVE ROUTING

Tammy Stanger
Kim Schooley

ORDINANCE NO. 2017-32

AN ORDINANCE, amending Title 5 of the Wenatchee City Code by the addition of Chapter 5.06 relating to Telecommunications Master Permits.

SECTION I

That the following Chapter 5.06 “Telecommunications Master Permits”

shall be and hereby is added to the Wenatchee City Code:

Chapter 5.06

TELECOMMUNICATIONS MASTER PERMITS

Sections:

- 5.06.010 Purpose.
- 5.06.020 Definitions.
- 5.06.030 Permission required – Master Permit – Use Permit.
- 5.06.040 Master Permit application – Contents.
- 5.06.050 Permit procedures.
- 5.06.060 Use Permit – Expedited consideration.
- 5.06.070 Use Permit – Advance notice – Coordination of work in the right-of-way.
- 5.06.080 Conditions of occupancy or use of the right-of-way.
- 5.06.090 Agreement.
- 5.06.100 Nonexclusive grant.
- 5.06.110 Term of Master Permit grant.
- 5.06.120 Right granted.
- 5.06.130 Master Permit territory.
- 5.06.140 Existing franchises.
- 5.06.150 Amendment of Master Permit.
- 5.06.160 Renewal of Master Permit.
- 5.06.170 Obligation to cure as a condition of renewal.
- 5.06.180 Personal wireless facilities in the right-of-way.
- 5.06.190 City use of poles and conduit.
- 5.06.200 Limitations and reservations.
- 5.06.210 Restriction on moratorium.
- 5.06.220 Relocation.
- 5.06.230 Facilities for City use.
- 5.06.240 Fees and charges.
- 5.06.250 Imposition of taxes, fees or requirements by the City.
- 5.06.260 Other City costs.
- 5.06.270 Violations of Master Permit.
- 5.06.280 Other users, occupants outside right-of-way.

5.06.290 Conflict of laws.

5.06.010 Purpose.

A. The purposes of this chapter are to:

1. Protect the general public health and safety;
2. Provide for the orderly use of the City's scarce and valuable right-of-way by establishing clear guidelines, standards and time frames for the exercise of City authority with respect to the regulation of right-of-way use by service providers;
3. Preserve and maintain the primary purpose of the right-of-way as a means of public access and travel and emergency vehicle access;
4. Conserve the limited physical capacity of the right-of-way held in public trust by the City;
5. Comply with requirements of applicable federal and State laws, including Chapter 83, Laws of 2000 (Chapter 35.99 RCW, incorporated herein by reference), reserving as well all applicable municipal authority with respect to use and occupancy of the right-of-way;
6. Preserve the value of the public investment in the right-of-way, maximize the useful life of street, curbing, and sidewalk paving, and to maintain the integrity and quality of the paving;
7. Assure that the City's current and ongoing costs of granting and regulating private access to and use of the right-of-way are fully paid by the persons seeking such access and causing such costs to be incurred by the City, to the fullest extent permitted by State and federal law;
8. Support municipal utility and other municipal infrastructure needs as a priority use of the right-of-way, and the value of municipal infrastructure investment; and
9. Promote a healthy urban environment and the public convenience and aesthetics.

B. The purposes stated govern questions of interpretation and enforcement of this chapter, as implemented in the sound discretion of the administering officer. Notwithstanding any other provision, nothing in this chapter or any municipal action or inaction relating thereto is intended to create or expand any specific municipal duty or liability to any particular person or group or otherwise create or expand municipal tort liability for any purpose. This provision shall control all others in the event of conflict or ambiguity.

5.06.020 Definitions.

The definitions in this section apply throughout this chapter unless otherwise stated or the context clearly requires otherwise.

A. "Administering officer" means the Public Works Director or his/her designee.

B. "Cable television service" means the one-way transmission to subscribers of video programming and other programming service and subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

C. "City" means the City of Wenatchee and its legal successors.

D. "Facilities" means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, guys, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services. For parties other than

service providers, “facilities” includes “facility” and means any physical plant installed or maintained in the right-of-way by such parties.

E. “Municipal infrastructure” means the road bed and road area, street and sidewalk paving, curbing, associated drainage facilities, bike paths, and other construction or improvements pertaining to public travel. It further includes municipal water and sewer lines or other municipal utility facilities, as well as municipal traffic signal, street lighting, and communications facilities in the right-of-way or other areas or easements open for municipal use. It further includes sidewalks, street trees, plants, shrubs, lawn, and other ornamental or beautification installations owned by the City in the right-of-way or other ways open for public travel or municipal use, and accepted for municipal management or control as such. The definition is intended to encompass any municipal physical plant, equipment, fixtures, appurtenances, or other facilities located in or near the right-of-way or areas or easements opened and accepted for municipal use.

F. “Permit” refers to a grant of municipal permission or authority to an applicant to use the right-of-way to locate facilities and perform related activities therein. This chapter identifies two levels of permits, a Master Permit and a Use Permit.

1. A “Master Permit” means an agreement in whatever form whereby the City grants general permission to a service provider to enter, use, and occupy the right-of-way for the purpose of locating facilities. The term “Master Permit” includes a telecommunications franchise, but excludes a cable television franchise. A cable operator must obtain a cable television franchise pursuant to Chapter 5.04 WMC.

2. A “Use Permit” means a more limited authorization in whatever form whereby the City grants permission to a service provider to enter and use a specified area or location in the right-of-way for the purpose of installing, maintaining, repairing, or removing identified facilities pursuant to this chapter and Chapter 7.28 WMC.

G. “Personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

H. “Right-of-way” means land acquired by or dedicated to the City for public roads and streets, but does not include:

1. State highways;
2. Land dedicated for roads, streets, and highways not opened and not improved for motor vehicle use by the public;
3. Structures, including poles and conduits, located within the right-of-way;
4. Federally granted trust lands or forest board trust lands;
5. Lands owned or managed by the State Parks and Recreation Commission; or
6. Federally granted railroad rights-of-way acquired under 43 USC 912 and related provisions of federal law that are not open for motor vehicle use.

I. “Service provider” means every corporation, company, association, joint stock association, firm, partnership, person, city, or town owning, operating, or managing any facilities used to provide and providing telecommunications service or cable television service for hire, sale, or resale to the general public. “Service provider” includes the legal successor to any such corporation, company, association, joint stock association, firm, partnership, person, city, or town.

J. “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals,

pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals.

5.06.030 Permission required – Master Permit – Use Permit.

A. A service provider must obtain a Master Permit to enter, use, and occupy the right-of-way or like areas, including utilities easements, and to locate facilities therein. In the event a service provider has an existing statewide grant to occupy the right-of-way this requirement shall be deemed a request, consistent with RCW 35.99.030(1).

B. Master Permits are granted by the City Council, by ordinance, following a public hearing, on the recommendation of the administering officer.

C. In addition to a Master Permit, a service provider must obtain permission to enter and use a specified right-of-way by obtaining a Use Permit, in order to install, maintain, repair, or remove identified facilities. Unless ordered by the administering officer or otherwise provided by ordinance, a Use Permit is granted consistent with Chapter 7.28 WMC

D. Utilities or agencies of the City of Wenatchee are exempt from the Master Permit or Use Permit requirements, but the administering officer may specify conditions of use or occupancy, including the condition of user City departments to coordinate work in the right-of-way by giving appropriate notice to the municipal office issuing Use Permits. The administering officer resolves any conflicts among municipal users.

5.06.040 Master Permit application – Contents.

A. To obtain a Master Permit, a written application is filed with the administering officer, in such form as required by said official. General information requested may include, but is not limited to:

1. All of the information required under WMC 7.28 for a right-of-way use authorization application;
2. Applicant's true name, address, telephone, fax, and email, together with an identification of the true ownership of the applicant, including the names and addresses of all persons with 10 percent or more ownership interest. For a corporation or other business organization, the state of incorporation or organization and a certificate of incorporation or other proof of legal status should be included;
3. A statement of whether the applicant, or any entity controlling the applicant, has voluntarily filed for relief under any provision of the bankruptcy laws of the United States, Title 11 USC, had an involuntary petition against it pursuant to the bankruptcy code, or been the subject of any State law insolvency proceeding such as a transfer for the benefit of creditors;
4. A statement of whether the applicant or any entity controlling the applicant has had a Master Permit, franchise, or similar right-of-way use or occupancy permission ever suspended or revoked in any other jurisdiction;
5. A statement of whether the applicant or any entity controlling the applicant has been found guilty, by any federal, state, or municipal court or administrative agency in the United States, of:
 - a. A violation of a security, antitrust, or tax law; or
 - b. A felony or any other crime involving fraud, theft, or moral turpitude.

If so, the application shall identify any such person and fully explain the circumstances;

6. A demonstration of the applicant's technical, legal, and financial ability to construct and operate the proposed telecommunications services facility;

7. A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;

8. A description of how any construction will be implemented, identification of areas having above-ground or below-ground facilities, the proposed construction schedule, and a description (where appropriate) of how service will be converted from any existing facility to a new facility. To the extent practicable, the construction plan shall be coordinated with other improvement plans and municipal infrastructure needs;

9. A description of the services to be provided over the system;

10. The proposed rates to be charged, including rates for each service offered to the public, as appropriate, and charges for installation, equipment, and other services, and whether such rates are subject to regulatory or informational tariff or other rate regulation requirements from any other agency with jurisdiction;

11. Verification that the proposal is designed to be consistent with all federal and state requirements;

12. In the case of an application by an existing service provider for a renewal, a verification that said service provider has complied with all terms of the existing Master Permit (or franchise, as the case may be) and with applicable law;

13. Other information that the administering officer may request of the applicant;

14. The signature, under penalty of perjury, by the applicant or duly authorized agent thereof, certifying, in a form acceptable to the City, the truth and accuracy of the information contained in the application and acknowledging the enforceability of this chapter; and

15. Payment of a \$500.00 application fee.

B. With narrow exceptions, Washington State's Public Records Act, Chapter 42.56 RCW, precludes the City from honoring requests for confidentiality.

5.06.050 Permit procedures.

A. Master Permits.

1. This section states a formal process for the consideration of requests for Master Permits.

2. On receipt of an application and payment of the application fee from a service provider, the administering officer may notify the applicant of expected costs for processing the application that will exceed the application fee.

3. An applicant must deposit costs as notified with the administering officer within 10 days of notification as a condition of further consideration of an application. Any unexpended moneys after the application process has concluded are refunded to the applicant. Additional costs are billed by the administering officer and must be paid within 30 days of the invoice date. If an applicant fails to file a completed application, furnish requested information, or pay required fee amounts on time, the administering officer cancels the application process and notifies the applicant. No refund is allowed for the application fee.

4. Upon the filing of a complete application and payment of required fees by a service provider, the administering officer negotiates the terms of a Master Permit with the applicant and forwards the Master Permit to the City Council to request a public hearing; or determines whether to recommend to the City Council that a Master Permit be denied. If the Master Permit is recommended for denial, the administering officer explains the reasons for denial as an informational item to the City Council, which shall be supported by a written record based on substantial evidence. The City Council retains the discretion to override the administering officer's recommendation for denial, and take action consistent with the provisions of this chapter to negotiate a Master Permit with the applicant. If the City Council acts to deny the Master Permit, the applicant may utilize the procedure set forth in subsection (A)(6) of this section, for remedy and relief.

5. The City shall act upon a complete application within 120 days from the date a service provider files the complete application for a Master Permit to use the right-of-way except:

- a. With the agreement of the applicant; or
- b. Where the Master Permit requires the action of the City Council and such action cannot reasonably be obtained within the 120-day period.

6. A service provider adversely affected by the final action denying a Master Permit, or by an unreasonable failure to act on a Master Permit in accord with this section may commence an action within 30 days to seek relief in a court of competent jurisdiction, which shall be limited to injunctive relief. Venue of such a proceeding shall be in Chelan County. Upon timely appeal, the administering officer certifies the record and delivers the same to the court where filed. Said officer may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record. Any costs above the City-prepared estimate shall be paid by the service provider; conversely, any funds paid by the service provider in excess of costs shall be refunded by the City to the service provider.

B. Use Permits.

1. The City must act upon a request for a Use Permit from a service provider relating to a use of the right-of-way within 30 days of receipt of a completed application and any application fee by the official designated to issue such permits, unless a service provider consents to a different time period or the service provider has not obtained a Master Permit or cable television franchise from the City.

2. A Use Permit may not be denied to a service provider with an existing state-wide grant to occupy the right-of-way for wireline facilities on the basis of failure to obtain a Master Permit.

3. For the purposes of this section, “act” means that the City makes the decision to grant, condition, or deny the Use Permit, or notifies the applicant in writing of the amount of time that will be required to make the decision and the reasons for this time period.

4. A service provider adversely affected by the final action denying a Use Permit may commence an action within 30 days in a court of competent jurisdiction to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a Use Permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130 (Standards for Granting Relief – Renewable Resource Projects within Energy Overlay Zones), consistent with RCW 35.99.030(4).

C. In addition to any other applicable reasons, a Master Permit or Use Permit for placement of facilities of personal wireless services may further be denied consistent with the provisions of RCW 35.21.860(1)(e). and WMC 10.48.230, Wireless Communication Facilities.

5.06.060 Use Permit – Expedited consideration.

Where a service provider’s Master Permit does not contain procedures to expedite Use Permit approvals and the service provider requests action in less than 30 days, the service provider shall advise the administering officer in writing of the reasons why a shortened time period is necessary and the time period within which action by the City is requested. The City shall reasonably cooperate to meet the request where practicable.

5.06.070 Use Permit – Advance notice – Coordination of work in the right-of-way.

A. In order to facilitate the scheduling and coordination of work in the right-of-way, the administering officer shall provide as much advance notice as reasonable of plans to open the right-of-way to those service providers who are current users of the right-of-way or who have filed notice with the City Clerk within the past 12 months of their intent to place facilities in the City.

B. This obligation may be fully satisfied by publishing such plans or a description of the same in the City's official newspaper. A courtesy, individual notice may be provided to service providers by the City, but failure to provide a courtesy notice shall not be grounds for a service provider to claim lack of knowledge of plans to open the right-of-way.

C. Service providers shall subscribe to the City's official newspaper at their expense and are further responsible to maintain on file with the administering officer a current working email address.

D. The City is not liable for damages for failure to provide individual notice under this section. Where the City has failed to provide individual notice of plans to open the right-of-way to a service provider consistent with this section, a Use Permit to a service provider may not be denied on the basis that the service provider failed to coordinate with another project.

5.06.080 Conditions of occupancy or use of the right-of-way.

The following requirements apply as minimum conditions of installing, locating, using, maintaining, abandoning, or removing facilities in the right-of-way or other permitted areas, whether by a service provider or any other user:

- A. Service providers must obtain all permits required by the City for the installation, maintenance, repair, or removal of facilities in the right-of-way and pay all permit and filing fees, costs, charges, and penalties on the date of application for the permit, or within 30 days of billing, whichever is applicable.
- B. Service providers must comply with all applicable federal and State laws relating to operations in the City of Wenatchee, including safety laws and standards, as well as local ordinances, WMC Title 7, this chapter or any other applicable chapter, and the policies and standards of the City, construction codes, regulations, and orders of the administering officer, such compliance being further subject to audit or verification by the City at the service providers' expense.
- C. Service providers must always act in good faith and must engage in fair dealings with the public and must provide safe, reliable service to the public. Service providers must cooperate with the City in ensuring that facilities are installed, maintained, repaired, and removed within the right-of-way or other permitted areas in such a manner and at such points so as not to inconvenience the public use or to adversely affect the public health, safety, and welfare.
- D. Service providers must provide information and plans reasonably necessary to enable the City to comply with and enforce this chapter, including, when notified by the City, the provision of advance planning information pursuant to the procedures established by the administering officer. Service providers must keep the administering officer fully informed of any changes to information required to be supplied with any Master Permit or any Use Permit.
- E. Service providers must provide advance notice of long- and short-range needs for access to the right-of-way or other permitted areas as may be ordered by the administering officer, and otherwise, as much as reasonable in order to facilitate the scheduling and coordination of work in the right-of-way or other permitted areas.
- F. Service providers must obtain the written approval of the facility or structure owner, if they do not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way or other permitted areas, and construct, install, operate, and maintain their facilities at their sole expense and liability except as otherwise provided by law or agreement, consistent with RCW 35.99.030(6).
- G. The City is not responsible for construction or maintenance of any facilities placed and has no duty to modify the right-of-way or other permitted areas to accommodate such facilities. All areas utilized must be accepted "as is," without express or implied assurances of suitability of any area for facilities placed. Service providers must assume all risk of facility placement and occupancy, including risks now or hereafter arising because of lack of municipal resources to maintain the municipal infrastructure or any

component in current or better condition. Service providers must waive any claim against the City for loss or liability arising from acts or omissions of other users, occupants or the public, because of unstable earth or road bed, changes in ground water conditions or other natural or artificial conditions rendering the right-of-way or other permitted areas unsuitable for use for facilities placed or any other problem. This does not affect the applicability of Chapter 19.122 RCW, Washington State's underground utilities statute.

- H. The City reserves the right to vacate or abandon any right-of-way that includes a permitted area at no cost or liability to the City. Municipal infrastructure needs have first priority in all cases except and only so far as shown to be otherwise required by a preemptive right.
- I. There is no duty or liability of the City to any third-party tenant in or on a user's facilities in the right-of-way or other permitted areas, or to any customers or third-party beneficiaries of a user. The City disclaims any such duty or responsibility. Service providers must accept sole responsibility for claims of their third-party tenants, customers or third-party beneficiaries.
- J. Nothing in this chapter limits or restricts any requirement, duty, or obligation heretofore arising to the benefit of the City as a result of any municipal contract, permit, or franchise, and such provisions are supplemental and in addition to this chapter. The provisions of this chapter are supplemental and in addition to other applicable municipal ordinances, standards, and requirements. Nothing in this chapter impairs any obligation of contract in violation of the constitution of the State of Washington or the United States.
- K. Access may be limited by the administering officer at a location, considering the purpose of this chapter, where there is inadequate space or other special limitations in an area, subject also to WMC 5.06.210 (Restriction on moratorium). Minimum underground horizontal separation is five feet from municipal water facilities and 10 feet from above-ground municipal water facilities, subject to the administering officer's review and further determination.
- L. Any assignment of use or occupancy privileges requires consent of the Public Works Director.

5.06.090 Agreement.

No Master Permit shall be deemed to have been granted hereunder until the applicant and the City have executed a written agreement, adopted by ordinance, setting forth the particular terms and provisions under which the permittee has been granted the right to occupy and use right-of-way. If the City determines it is in the public interest, the City and a permittee may enter into an agreement that differs from one or more specific provisions of this chapter. Master Permits granted pursuant to this chapter shall contain substantially similar terms and conditions which, taken as a whole and considering relevant characteristics of the applicants, do not provide more or less favorable terms and conditions than those required of other Master Permits.

5.06.100 Nonexclusive grant.

No Master Permit granted under this chapter shall confer any exclusive right, privilege, license or Master Permit to occupy or use the right-of-way of the City for delivery of telecommunications service or any other purposes.

5.06.110 Term of Master Permit grant.

Unless otherwise specified in a Master Permit agreement, a Master Permit granted hereunder shall be valid for a term of five years.

5.06.120 Right granted.

No Master Permit granted under this chapter shall convey any right, title or interest in the right-of-way, but shall be deemed a Master Permit only to use and occupy the right-of-way for the limited purposes and term stated in the grant. Further, no Master Permit shall be construed as any warranty of title.

5.06.130 Master Permit territory.

Unless otherwise provided in the Master Permit agreement, a Master Permit granted under this chapter shall be limited to the specific geographic area of the City to be served by the permittee, and to the specific right-of-way necessary to serve such areas.

5.06.140 Existing franchises.

Nothing in this chapter shall preempt or amend specific provisions in existing telecommunication franchises or contracts between the City and any service provider.

5.06.150 Amendment of Master Permit.

A. If a permittee wishes to modify the conditions of the Master Permit, including the portions of the right-of-way it is authorized to use and occupy, it shall make a new application to the City pursuant to the procedures set forth in WMC 5.06.040.

B. If a permittee is ordered by the City to locate or relocate its facilities in the right-of-way not included in a previously granted Master Permit, the City shall grant an amendment making that change without further application. Relocation of facilities is governed by WMC 5.06.220.

5.06.160 Renewal of Master Permit.

A permittee that wishes to renew its Master Permit hereunder shall, not more than 180 days or less than 90 days before the expiration of the current Master Permit, make a new application to the City for an additional term pursuant to the procedures set forth in WMC 5.06.050. The fee shall be the same as for the initial Master Permit application.

5.06.170 Obligation to cure as a condition of renewal.

No Master Permit shall be renewed until any ongoing violations or defaults in the permittee's performance of the Master Permit agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the permittee has been approved by the administering officer.

5.06.180 Personal wireless facilities in the right-of-way.

A. The City may impose a site-specific charge pursuant to an agreement with a service provider of personal wireless services for:

1. The placement of new personal wireless facilities in the right-of-way regardless of height, unless the new facility is the result of a City-mandated relocation, in which case the provisions of WMC 5.06.220 shall govern;
3. The placement of personal wireless facilities on structures owned by the City located in the right-of-way.

B. The City is not required to approve a permit for the placement of personal wireless facilities that meets one of the criteria in this section absent a written agreement. If the parties are unable to agree on the amount of the charge, the service provider may submit the amount of the charge to binding arbitration by serving notice on the City. Within 30 days of receipt of the initial notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or arbitrators shall determine the charge based on comparable siting agreements involving public land and right-of-way. The arbitrator or arbitrators shall not decide any other disputed issues, including but not limited to size, location and zoning requirements. Costs of the arbitration, including compensation for the services of the arbitrator(s), must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses in connection with the arbitration proceeding.

5.06.190 City use of poles and conduit.

A. The City may, in accordance with RCW 35.99.070 and WMC 5.06.230, require a telecommunications or cable service provider that is constructing, relocating or placing ducts or conduits in the rights-of-way to provide the City with additional duct or conduit and related structures necessary to access the conduit.

B. Subject to such reasonable rules and regulations as may be prescribed by the pole owner and subject to the limitations prescribed by RCW 70.54.090 or any other applicable law, the City may post City signs on a service provider's poles within the City.

C. Subject to the service provider's prior written consent, which may not be unreasonably withheld, the City may install and maintain City-owned overhead wires upon a service provider's poles for communications purposes, subject to the following:

1. Such installation and maintenance shall be done by the City at its sole risk and expense, in accordance with all applicable laws, and subject to such reasonable requirements as the service provider may specify from time to time (including, without limitation, requirements accommodating its facilities or the facilities of other parties having the right to use the pole).
2. The service provider shall have no indemnification obligations in connection with any City-owned wires so installed and maintained.
3. The owner shall not charge the City a fee for the use of such poles in accordance with this section as a means of deriving revenue therefrom; provided, however, that nothing herein shall require the service provider to bear any cost or expense in connection with such installation and maintenance by the City.
4. The service provider shall not enter into an agreement with a third person which would require the service provider to exclude the City or any other person from use of such poles.
5. The service provider may not condition the City's use of such poles on the City's acceptance of limitations on the purpose or use of the City's facilities.

5.06.200 Limitations and reservations.

A. For convenience, this section recites certain restrictions on municipal authority from Chapter 83, Laws of 2000, now codified at Chapter 35.99 RCW. Such restrictions, which do not apply to preexisting franchises or permits, state that the City may not adopt or enforce regulations specifically relating to the use of the right-of-way by a service provider which:

1. Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in State or federal law;
2. Conflict with federal or State laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or State worker safety or public safety laws, rules, or regulations;
3. Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in State or federal law; or
4. Unreasonably deny the use of the right-of-way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications service or cable television service.

B. In addition, RCW 35.99.040(2) preserves certain areas of municipal authority. Consistent therewith, nothing in this chapter limits the authority of the City or its officials to regulate the placement of facilities through its local zoning codes, set forth in WMC Title 10, or its police power, if the regulations do not otherwise:

1. Prohibit the placement of all wireless or of all wireline facilities within the City;
2. Prohibit the placement of all wireless or of all wireline facilities within City right-of-way; or
3. Violate Section 253 of the Telecommunications Act of 1996, P.L. 104-104 (110 Stat. 56).

5.06.210 Restriction on moratorium.

A. Consistent with RCW 35.99.050, the City shall not place or extend a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, except as consistent with the guidelines for facilities siting implementation, as agreed to on August 5, 1998, by the Federal Communications Commission's local and state government advisory committee, the Cellular Telecommunications Industry Association, the Personal Communications Industry Association, and the American Mobile Telecommunications Association. In the event of a change to this State law, this section shall become void.

B. Should such a moratorium be implemented, the administering officer shall, on receipt of a written request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation. Any costs of municipal participation shall be payable in advance by the service provider.

5.06.220 Relocation.

A. Subject to the provisions of subsections (D), (E), and (F) of this section, the administering officer may require service providers to relocate authorized facilities within the right-of-way at their sole expense when reasonably necessary for construction, alteration, repair, or improvement of the right-of-way for purposes of public welfare, health, or safety as provided in Chapter 83, Laws of 2000 (Chapter 35.99 RCW).

B. The administering officer shall notify service providers as soon as practicable of the need for relocation and shall specify the date by which relocation in the right-of-way shall be completed. Notice may be given by posting the same on the City's website, publication in the City's official newspaper, or any other means. In calculating the date that relocation must be completed, the administering officer shall consult with affected service providers and consider the extent of facilities to be relocated, the services requirements, and the construction sequence for the relocation, within the City's overall project construction sequence and constraints, to safely complete the relocation.

C. Service providers shall complete the relocation by the date specified, unless the administering officer, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

D. Service providers may not seek reimbursement for their relocation expenses from the City requesting relocation under subsection (A) of this section except:

1. Where the service provider had paid for the relocation cost of the same facilities at the request of the City within the past five years, the service provider's share of the cost of relocation will be paid by the City when it is requesting the relocation;
2. Where aerial to underground relocation of authorized facilities is required by the City under subsection (A) of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the City requiring relocation; and
3. Where the City requests relocation under subsection (A) of this section solely for aesthetic purposes, unless otherwise agreed to by the parties;
4. No relocation reimbursement is paid by the City for other permitted areas outside the right-of-way where not otherwise required by Chapter 83, Laws of 2000 (Chapter 35.99 RCW).

E. Where a project in subsection (A) of this section is determined by the administering officer to be primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection (A) of this section; provided, that the recovery is consistent

with subsection (C) of this section and other applicable laws. The City has no obligation to secure the collection or payment of any funds not owed by the City.

F. The administering officer may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare consistent with RCW 35.99.060(5).

G. For users other than service providers, such parties shall relocate any facilities as ordered by the administering officer and no right of reimbursement from the City will ever be recognized.

5.06.230 Facilities for City use.

A. The administering officer may require that a service provider that is constructing, relocating, or placing ducts or conduits in the rights-of-way provide the City with additional duct or conduit and related structures necessary to access the conduit; provided, that:

1. The City enters into a contract with the service provider consistent with RCW 80.36.150. The contract rates to be charged should recover the incremental costs of the service provider. If the City makes the additional duct or conduit and related access structures available to any other entity for the purposes of providing telecommunications service or cable television service for hire, sale, or resale to the general public, the rates to be charged, as set forth in the contract with the entity that constructed the conduit or duct, shall recover at least the fully allocated costs of the service provider. The service provider shall state both contract rates in the contract. The administering officer shall inform the service provider of the use, and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the City;
2. Except as otherwise agreed by the service provider and the City, the City agrees that the requested additional duct or conduit space and related access structures will not be used by the City to provide telecommunications service or cable television service for hire, sale, or resale to the general public;
3. The City shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider;
4. The value of the additional duct or conduit requested by the City shall not be considered a public works construction contract;
5. This section shall not affect the provision of an institutional network by a cable television provider under federal law. Additional requirements may apply as determined by the City in other permitted areas, outside the right-of-way. (See RCW 35.99.070.)

B. Except where preempted by State or federal law, the City reserves the right to require the provision of facilities for City use or impose other conditions on users of the right-of-way or other permitted areas

5.06.240 Fees and charges.

Subject to the limitations under federal and State law (see RCW 35.21.860, incorporated herein by reference), the City reserves the right to require compensation for use of the right-of-way as a condition of granting permission to use and occupy the right-of-way or other permitted areas.

5.06.250 Imposition of taxes, fees or requirements by the City.

The City may impose on the service provider all fees, taxes, and requirements authorized by RCW 35.21.860, as written or hereafter amended. Each Master Permit granted under this chapter is subject to the City's right, which is expressly reserved, to annually fix a fair and reasonable compensation to be paid as reimbursement for the City's costs in connection with reviewing, inspecting and supervising the use and occupancy of the right-of-way on behalf of the public and existing or future users.

5.06.260 Other City costs.

All service providers shall, within 30 days after written demand, reimburse the City for all direct and indirect costs and expenses incurred by the City in connection with any modification, amendment, renewal or transfer of the Master Permit when such is requested by the service provider. In addition, all service providers shall, within 30 days after written demand, reimburse the City for any and all costs the City reasonably incurs in response to any emergency involving the service provider's facilities. Finally, all service providers shall, within 30 days after written demand, reimburse this City for the service providers' proportionate share of all actual, identified expenses incurred by the City in planning, constructing, installing, repairing or altering any municipal infrastructure as a result of the presence in the right-of-way of the service provider's facilities.

5.06.270 Violations of Master Permit.

Unless otherwise provided herein the administering officer interprets and enforces this chapter, resolves conflicts, and determines disputes arising under this chapter or permits or Master Permits issued in connection therewith.

A. Dispute Resolution Procedure.

1. If the administering officer believes that a service provider has failed to perform any obligation under the Master Permit, the City shall notify service provider in writing, stating with reasonable specificity the nature of the alleged default. Service provider shall have 30 days from the receipt of such notice to:

a. Respond to the City, contesting the City's assertion that a default has occurred, and request a meeting in accordance with subsection (A)(2) of this section; or

b. Cure the default; or

c. Notify the City that service provider cannot cure the default within 30 days, because of the nature of the default. In the event the default cannot be cured within 30 days, service provider shall promptly take all reasonable steps to cure the default and notify the City in writing and in detail as to the exact steps that will be taken and the projected completion date. In such case, the City may set a meeting in accordance with subsection (A)(2) of this section to determine whether additional time beyond the 30 days specified above is indeed needed, and whether service provider's proposed completion schedule and steps are reasonable.

2. If service provider does not cure the alleged default within the cure period stated above, or denies the default and requests a meeting in accordance with subsection (A)(1)(a) of this section, or the City orders a meeting in accordance with subsection (A)(1)(c) of this section, the City shall set a meeting to investigate said issues and the existence of the alleged default. The City shall notify service provider of the meeting in writing and such meeting shall take place no less than 30 days after service provider's receipt of notice of the meeting. At the meeting, service provider shall be provided an opportunity to be heard and to present evidence in its defense.

3. If, after the meeting, the City determines that a default exists, service provider and the City may agree on a plan and schedule to cure the default. Absent such agreement, the City shall order service provider to correct or remedy the default or breach within such reasonable time frame as the City shall determine. In the event service provider does not cure the default within such time to the City's reasonable satisfaction, the administering officer shall submit a report and recommendation to a Hearing Examiner who shall conduct a public hearing to determine if the service provider is in default of the Master Permit and make a recommendation to the City Council. The City Council shall act as the final decision maker for the City.

a. At least 21 calendar days prior to the public hearing, the City Clerk shall issue a public hearing notice that shall establish the issue(s) to be addressed in the public hearing; provide the time, date and location of the hearing; provide that the City shall hear any persons interested therein; and provide that the service provider shall be afforded fair opportunity for full participation, including the right to introduce evidence, to require the production of evidence, to be represented by counsel and to question witnesses, consistent with the adopted Hearing Examiner rules.

b. The Hearing Examiner shall hear testimony, take evidence, hear oral argument and receive written briefs. A transcript may be made of such proceeding and the cost shall be shared equally between the parties. The Hearing Examiner shall create for the City Council a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording.

c. Within 20 calendar days after the close of the hearing, the Hearing Examiner shall issue a written recommendation, including findings of fact upon which the recommendation is based and the conclusions derived from those findings.

4. The City Council shall, at a public meeting, consider and take final action on a recommendation of the Hearing Examiner. The City Council shall consider the complete record developed before the Hearing Examiner and the recommendation of the Hearing Examiner. The City Council may, in its sole discretion, allow further testimony, written submissions, and oral argument on the matter from City staff and the service provider.

5. The City Council shall adopt a written decision by a majority vote of the members of the City Council. The City Council's written decision shall include findings of fact and conclusions derived from those facts which support the decision of the City Council. The City Council may by reference adopt some or all of the findings and conclusions of the Hearing Examiner.

6. Service provider shall be bound by the City Council's decision unless an appeal to a court of competent jurisdiction is timely filed as allowed by applicable law.

5.06.280 Other users, occupants outside right-of-way.

Whether or not otherwise expressly provided in this chapter, the administering officer is authorized to adapt this chapter, considering its purposes, in the exercise of sound discretion in dealing with users other than service providers, or with respect to service providers in other permitted areas outside the right-of-way, recognizing that the State Legislature chose to limit the effect of Chapter 83, Laws of 2000 (Chapter 35.99 RCW) to service providers and a defined right-of-way area, but no waiver of any municipal requirement is binding unless in writing and notwithstanding any statement therein, any such waiver remains revocable at all times.

5.06.290 Conflict of laws.

In the event of any conflict between this chapter and Chapter 7.28 WMC, the provisions of this chapter shall control.

SECTION II

The moratorium imposed on microcell, minor facilities and/or small cell facilities imposed by prior Ordinance No. 2017-02 and extended by prior Ordinance No. 2017-15 shall be and hereby is terminated on the effective date of this Ordinance.

SECTION III

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this Ordinance, or the

invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

SECTION IV

This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force thirty (30) days from and after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE this _____
day of December, 2017.

CITY OF WENATCHEE, a municipal corporation

By _____
FRANK KUNTZ, Mayor

ATTEST:

By _____
TAMMY L. STANGER, City Clerk

APPROVED:

By _____
STEVE D. SMITH, City Attorney

**COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

TO: Mayor Frank Kuntz
City Council Members

FROM: Stephen Neuenschwander, Planning Manager
John Ajax, Senior Planner

SUBJECT: Public Hearing – Ordinance 2017-33; Downtown Off-street Parking Requirements

DATE: December 1, 2017 **MEETING DATE:** December 7, 2017

I. OVERVIEW

The following code update for Downtown parking amendments are an initial step in the implementation of the recommendations provided in the January 19, 2017 Downtown Strategic Parking Management Plan prepared by Rick Williams Consulting (specifically item #7 of the 'Code Related Action Strategies – Phase 1).

Based on the results of the 2017 Downtown Strategic Parking Management Plan, Wenatchee's downtown has been found to have an excess supply of available parking. The proposed amendments within Central Business District (CBD), Historic Entertainment Overlay (HEO), and Columbia Street Overlay (CSO) are designed to promote investment and revitalization by removing barriers associated with parking requirements as follows:

- **Central Business District (CBD)** – exempt all parking requirements for buildings in existence upon adoption of updated code (WCC 10.24.050 subsections (2), (10), and (11).
 - Retain existing standard for one parking space for new residential / hotel developments in new buildings (previously this only applied within the HEO).
 - Require parking to be behind buildings or in structured garages
 - Allow parking to be provided through shared parking agreements for locations up to one-half mile away or an overnight parking permit acceptable to the city.
- **Historic Entertainment Overlay (HEO)**– reference the same standards as the Central Business District (WCC 10.40.15(6).
- **Columbia Street Overlay (CSO)**– reference the same standards as the Central Business District (WCC 10.40.020(7).

II. PLANNING COMMISSION RECOMMENDATION

The Wenatchee Planning Commission issued a recommendation of approval following a Public Hearing on November 15, 2017.

III. BUDGET IMPACTS

No direct impacts to the City Budget

IV. ATTACHMENT(S)

Ordinance 2017-33

**COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

V. SAMPLE MOTION

I move to adopt Ordinance 2017-33 for the proposed code amendments related to parking requirements found in Wenatchee City Code Sections 10.24 (Central Business District), 10.40.15 (Historic Entertainment Overlay), and 10.40.020 (Columbia Street Overlay).

VI. ADMINISTRATIVE ROUTING

Tammy Stanger
Kim Schooley

ORDINANCE NO. 2017-33

AN ORDINANCE, amending Wenatchee City Code (WCC) Title 10 Zoning relating to parking requirements in Chapter 10.24 WCC (Central Business District), Section 10.40.15 (Historic Entertainment Overlay), and Section 10.40.020 (Columbia Street Overlay).

WHEREAS, City Staff proposed new zoning regulations related to reducing off-street parking requirements within the Central Business District based on the recommendations of the 2017 Downtown Strategic Parking Management Plan.

WHEREAS, a completed environmental checklist and Determination of Nonsignificance was issued on October 25, 2017; and

WHEREAS, a copy of the draft land use and development code additions/changes was sent to the Department of Commerce, State of Washington, with a request for expedited review granted on November 13, 2017; and

WHEREAS, the proposed code additions/changes are consistent with the City of Wenatchee Urban Area Comprehensive Plan; and

WHEREAS, RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.

WHEREAS, the Wenatchee Planning Commission held a duly advertised public hearing on the proposed changes on November 15, 2017, to which interested persons were invited to appear and comment in accordance with Title 13 WCC; and

WHEREAS, the Wenatchee City Council, upon receiving an affirmative recommendation to approve the proposed amendments to the current Zoning Code from the

Planning Commission, conducted a duly advertised Public Hearing on December 7, 2017 on the proposed additions/changes to the City's Zoning Code.

WHEREAS, the Wenatchee City Council adopts the Findings of Fact and Conclusions as set forth in Exhibit "A" and incorporate them in this Ordinance by this reference as though fully set forth herein.

WHEREAS, the City Council finds that all applicable and substantive requirements of the law have been met, the adoption of this ordinance promotes the public health, safety, and general welfare, and that the adoption of this ordinance serves the public interest.

NOW, THEREFORE, the City Council of the City of Wenatchee do ordain as follows:

SECTION I

That the amendments to the Wenatchee City Code as set forth in Exhibit "B" attached hereto and incorporated by this reference shall be and hereby are approved and adopted.

SECTION II

Except as modified herein, the City's Zoning Code codified at Title 10 WCC, shall remain in full force and effect in its current form.

SECTION III

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or

circumstances.

SECTION IV

This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City and shall take effect and be in full force thirty (30) days from and after publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE this ____ day of December, 2017.

CITY OF WENATCHEE, a municipal corporation

By _____
FRANK KUNTZ, Mayor

ATTEST:

By _____
TAMMY L. STANGER, City Clerk

APPROVED:

By _____
STEVE D. SMITH, City Attorney

EXHIBIT “A”

FINDINGS OF FACT

1. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
2. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
3. The City of Wenatchee Planning Commission held public workshops on the proposed amendments on October 18, 2017.
4. In accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on October 25, 2017 with a request for expedited review.
5. An environmental checklist for a non-project action was prepared under the State Environmental Policy Act (RCW Chapter 43.21.C), pursuant to Administrative Code Chapter 197-11, and a determination of Non-Significance (“DNS”) of the SEPA checklist and determination of non-significance (DNS) was issued on and posted to the Department of Ecology SEPA Register on October 25, 2017
6. Notice of the Planning Commission Public Hearing, SEPA DNS, and request for comments were published in the Wenatchee World on October 26, 2017.
7. Public comments related to this matter were received from the following groups or individuals:
 - 7.1. Mr. Steve Robinson on behalf of the Pybus Public Market., received via email on 9/14/17.
 - 7.2. Ms. Linda Haglund on behalf of the Wenatchee Downtown Association, received via email on 10/9/17.
8. On November 15, 2017, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
9. The City of Wenatchee Planning Commission reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
10. The City of Wenatchee conducted a consultant lead parking study with a group of local stake holders to examine Downtown parking management issues with the following goals:
 - 10.1. Provide insight into the current parking environment in downtown Wenatchee;

- 10.2. Get input from stakeholders and City staff to better understand needs and foster stronger public support;
 - 10.3. Assess current and future opportunities;
 - 10.4. Review and suggest changes to the parking code; and
 - 10.5. Take advantage of innovative parking management concepts to promote a vibrant and attractive downtown.
11. The proposed amendments are designed to removed parking requirements for all existing buildings within the Central Business District, Historic Entertainment Overlay, and Columbia Street Overlay and require only new residential uses and hotels to provide one (1) off-street parking space per unit or hotel room.
 12. One Hundred (100) percent of required parking is allowed to be provided through an overnight parking permit system or through shared parking agreements at an increased distance up to one-half (1/2) mile.
 13. The proposed amendments to reduce parking requirements are based on the 2017 Downtown Strategic Parking Management Plan (STRATEGY 7 - PG. 39) adopted within City of Wenatchee Urban Area Comprehensive Plan as a guidance document.
 14. The Wenatchee Urban Area Comprehensive Plan – Transportation, Goal 5: Parking states “Establish parking to be highly utilized efficient, and safe while promoting community appearance and alternative modes of transportation.” The following policies support the proposed parking amendments:
 - 14.1. *Policy 1:* Coordinate parking in a manner that supports and strengthens the unique character of existing and emerging districts and neighborhoods. Consider developing a parking matrix to establish varying parking requirements at the individual district level. Where appropriate, manage parking by defined area or district.
 - 14.2. *Policy 2:* Discourage private standalone surface parking lots; i.e. parking lots without a primary use. Encourage efficient structured parking that can be shared by multiple users.
 - 14.3. *Policy 5:* Adopt parking management strategies including better signage and enhanced pedestrian connections to optimize existing or new public parking facilities.
 - 14.4. *Policy 7:* Evaluate feasibility for implementation of a fee based residential parking permit system for overnight use of public parking lots within the Downtown.
 - 14.5. *Policy 8:* Seek to implement the code related action strategies and multi-phased parking management strategies of the Downtown Strategic Parking Management Plan.

CONCLUSIONS OF LAW:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments designed to be consistent with the City of Wenatchee Urban Area Comprehensive Plan, State, and Federal laws and regulations.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.

EXHIBIT “B”

Chapter 10.24 CENTRAL BUSINESS DISTRICT (CBD)

Sections:

10.24.005	Purpose.
10.24.010	Land uses.
10.24.050	Development standards.

10.24.005 Purpose.

These zoning and development standards are intended to implement the central business district subarea plan. The general purpose of the central business district (CBD) designation and corresponding standards are:

- (1) To build on Wenatchee’s historic identity and strengthen the vitality of downtown.
- (2) To create a cohesive identity for the CBD.
- (3) To enhance linkages to the waterfront, general commercial areas and neighborhoods.
- (4) To support and incubate new business development in a creative and artistic environment.
- (5) Increase the permanent residential population within downtown through creation of new dwelling units available to the full range of local incomes.
- (6) Encourage the transition of vacant and/or underutilized properties to new business and residential opportunities.

10.24.050 Development standards.

Development in this district shall meet all of the applicable provisions of this title and all other rules, regulations and provisions of the WCC, and shall comply with the following:

[CBD criteria 1, 3, 4, 5, 6, 7, 8, and 9 not shown; no changes proposed]

(2) Off-Street Parking. Off-street parking shall ~~be provided pursuant to Chapter 10.60 WCC, except as modified below:~~ be exempt for all buildings in existence on or before [date of ordinance];. New construction shall be subject to the following criteria:

- a) One off-street parking space for each guest room, suite, or dwelling unit for hotels, motels, and other residential units. All other uses exempt.
- b) Demonstration of off-street loading space for trucks and delivery vehicles shall be provided.
- c) One hundred percent of the required parking may be provided through

either:

- (i). A shared parking agreement as provided for in WCC 10.60.040; provided the distance required of WCC 10.60.040(4) shall be expanded up to a one-half mile radius; or
- (ii). An overnight parking permit acceptable to the city.

~~(a) In a mixed use project, consisting of commercial retail and/or service uses (as classified in Chapter 10.10 WCC, District Use Chart) on the grade level floor and a minimum of two floors of either commercial or residential development, the ground floor use(s) may be exempted from meeting the off street parking requirement.~~

~~(b) With the provision of bicycle facilities the overall parking requirement, excluding required parking for any residential dwelling unit(s), may be reduced by 25 percent. Bicycle facilities are defined as bicycle designated off street parking and/or lockers, which are protected by weather protection, provided by the project. The number of bicycle facilities provided must equal the amount of parking spaces that would otherwise be required. Bicycle facility reduction cannot be used in combination with the reduction for proximity to public parking lots or busshelters.~~

~~(c) The on street parking located directly in front of the site may be used to deduct space for space from the off street parking requirement, except when attributed to residential uses. Partial on street parking spaces located in front of more than one property shall not be counted toward any parking reduction.~~

(10) Parking Lot Location and Site Access. Surface parking areas shall not be located between the primary building and the public right-of-way (excluding alleys).

- (a) Surface parking lots that face street intersection corners are prohibited, except where the director determines that there is no other viable option based on other requirements of the WCC.
- (b) Existing curb cuts shall be used unless proposed cuts are approved by the city engineer, based on an assessment of safety and traffic considerations.
- (c) Access to State Route 285 (Mission and Chelan Avenue) is subject to Chapter 7.36 WCC, Vehicular Access to State Highway System.

(11) Parking Garage Design. Parking garages must be designed to obscure the view of parked cars. Specific standards and considerations for parking structures include:

- (a) No more than 120 feet of grade level commercial street frontage shall be occupied by parking. Parking structures wider than 120 feet must incorporate other uses along the street front to meet this requirement.

(b) Where commercial space is not provided on the grade level adjacent to the sidewalk, features such as planters, decorative grilles, or works of art as approved by the department are required:

(i) Five-foot setbacks incorporating a landscaping planter.

(ii) Where the garage wall is built to the sidewalk edge, the facade shall use a combination of artwork, grillwork, special building material treatment/design, and/or other treatments as approved by the director that enhance the pedestrian environment. In order to meet transparency requirements, garages can incorporate openings with grillwork or other treatments to resemble windows.

Chapter 10.40 OVERLAY DISTRICTS AND STANDARDS

10.40.005 Purpose.

Overlay districts are intended to provide specific controls to support the design standards desired by the community.

10.40.015 Historic/entertainment overlay (HEO).

This designation applies to the historic/entertainment overlay where the community seeks a vibrant mix of active storefronts featuring specialty stores, restaurants and entertainment. The development character is of historic buildings retained and restored. New infill structures will complement and build on the existing architectural character.

Entertainment uses will feature colorful signs, lit building fronts and inviting entries.

In addition to the general conditions set forth in the CBD zone, development projects within the historic/entertainment overlay shall meet the following additional standards.

[HEO criteria 1, 2, 3, 4, 5, and 7 not shown; no changes proposed]

~~(6) (6) Parking, when required, shall meet applicable standards of the off-street parking requirements in Chapter 10.60 WCC. The historic/entertainment overlay will provide:~~ shall be subject to the same standards as the underlying Central Business District criteria of WCC 10.24.050(2) Parking, (10) Parking Lot Location and Site Access, and (11) Parking Garage Design.

~~(a) One off-street parking space for each guest room, suite, or dwelling unit for hotels, motels, and other residential units.~~

- ~~(b) Each structure must have an off-street loading space for trucks and delivery vehicles provided at the alley level.~~
- ~~(c) One hundred percent of the required parking may be provided through shared parking agreements as provided for in WCC 10.60.040.~~
- ~~(d) Parking, if provided or required, shall be to the rear of the building or underground. Access shall be from alleys if available.~~

10.40.020 Columbia Street overlay (CSO)

[CSO criteria 1, 2, 3, 4, 5, and 6 not shown; no changes proposed]

Parking, shall be subject to the same standards as the underlying Central Business District criteria of WCC 10.24.050(2) Parking.