



City of Leavenworth

700 HIGHWAY 2 / POST OFFICE BOX 287
LEAVENWORTH, WASHINGTON 98826
(509) 548-5275 / FAX: (509) 548-6429
Web: www.cityofleavenworth.com

City Council
Cheryl K. Farivar - *Mayor*
Elmer Larsen
Carolyn Wilson - *Mayor Pro-Tem*
Gretchen Wearne
Mia Bretz
Margaret Neighbors
Richard Brinkman
Sharon Waters
Joel Walinski - *City Administrator*

LEAVENWORTH CITY COUNCIL AGENDA

Leavenworth City Hall - Council Chambers
January 10, 2017 - 6:30 PM

Call to Order
Flag Salute
Roll Call

Council Committees - 2nd Tuesday

Public Safety 3:00 Parks 4:00
Public Works 5:00

Consent Agenda

1. Approval of Agenda
2. Approval of December 13, 2016 Regular Meeting Minutes
3. Approval of December 13, 2016 Study Session Minutes
4. December 2016 Payroll \$194,032.23
5. 2016 Claims \$278,969.05
6. 2017 Claims \$273,120.00
7. Motion to Set Public Hearings for LMC Amendments at 6:45 PM at Festhalle

Public Safety Report: Sergeant Bruce Long, Liaison Officer
Councilmember and Committee Reports
Mayor/Administration Reports

Comments from the Public on Items Not on the Agenda

Public Hearing cont. from 10/25/16 for Developer Reimbursement Agreement at 6:30 PM

Public Hearings beginning at 6:45 PM:

1. Private Map amendment from RL6 to LI / Ida Allen Trust (withdrawn)
2. Private Map amendment from RM to GC / Willkommen Village, LLC
3. Private Map amendment from RL 12 to RL 10 / Willkommen Village, LLC
4. Private Leavenworth Municipal Code amendment to increase building the height of the GC district from 35' to 50'
5. Amendment to LMC 18.44.020 TC listed uses to include "recreational vehicle parks;" and amendment to the criteria, standards, and specification for recreational vehicle parks within 18.51

Resolutions, Ordinances, Orders and Other Business

1. Action: Ordinance 1537 – Complete Streets
2. Action: Ordinance 1538 – Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Multifamily Residential (RM) district to General Commercial (GC) district
3. Action: Ordinance 1539 – Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district

4. Action: Ordinance 1540 – Private Leavenworth Municipal Code amendment to increase the building height of the General Commercial (GC) district from 35' to 50'
5. Action: Ordinance 1541 – Amendment to LMC 18.44.020 Tourist Commercial (TC) listed uses to include "recreational vehicle parks." Amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51
6. Action: Resolution 1-2017 – Water SMART Grant
7. Action: Hartwig Easement Agreement
 - a) Approval of the Easement for Utilities
 - b) Approval of the Easement for Buffer
 - c) Approval of the Easement for Electric Meter and Light Control
 - d) Approval of the Development Agreement
 - e) Approval of the Promissory Note
8. Action: Motion to Elect Mayor Pro-Tempore

Information Items for Future Consideration

1. Mayor & Mayor Pro Tem Committee Assignments

Adjournment

(Next Ordinance is 1542 - Next Resolution is 2-2017)

SUPPLEMENTAL COUNCIL AGENDA

1. Ordinance 1537 – Complete Streets

The City Council is being asked to approve Ordinance 1537 which is the Complete Streets Policy previously adopted by the Leavenworth City Council. This action is being requested on behalf of the Transportation Improvement Board (TIB) which requires the format of the Complete Streets Policy be in the form of an Ordinance. The passage of the ordinance is a requirement for the City to accept an award the amount of \$250,000 from the Transportation Improvement Board within their Complete Streets Funding Program

The following items are included under **TAB 1**:

- Ordinance 1537 – Complete Streets
- Resolution #12 - 2016
- **MOTION A:** *The Leavenworth City Council moves to adopt Ordinance 1537 – Complete Streets.*

2. Ordinance 1538 – Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village, LLC from Multifamily Residential (RM) district to General Commercial (GC) district

The City Council is being asked to uphold the Planning Commission recommendation to deny the amendment to City of Leavenworth Comprehensive Land Use Designation and zoning District Map for property owned by Willkommen Village, LLC identified herein and further described as: approximately 4.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.

On January 25, 2016, Thomas Lin with Willkommen Village applied to amend the official Leavenworth Comprehensive Plan Land Use Designations and Zoning District Maps.

On October 19, 2016, the Planning Commission held a public hearing to deliberate upon the impacts and accept public testimony for the proposed amendments. The purpose of this hearing was to receive public testimony and establish findings regarding: Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village, LLC from Multifamily Residential (RM) district to General Commercial (GC) district.

In order to make a change to the Comprehensive Plan, pursuant to LMC 21.31.040(E), the following must be answered:

- A. Is the proposed amendment necessary to resolve inconsistencies in the provisions of the Comprehensive Plan and/or development regulations or to address state or federal mandates?
- B. Is the proposed amendment consistent with the Growth Management Act, the Countywide planning policies, and the Leavenworth Comprehensive Plan?
- C. Is the proposed amendment consistent with the existing Comprehensive Plan (encompassing any other documents incorporated therein), including the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc. contained in

the Comprehensive Plan? If the proposed amendment is inconsistent with any existing aspects of the Comprehensive Plan, what new or revised assumptions, background information changes, goals, policies, objectives, etc. must be made, and what conditions have changed that warrant such modification?

- D. For those proposed amendments, which relate to a change in the Comprehensive Plan Land Use Map, is the proposed designation adjacent to property having a similar and/or compatible designation?
- E. Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas?

During the hearing, considerable testimony was received and considered (see the Planning Commission Minutes found in the packet materials).

Upon final deliberation, the Planning Commission recommends denial of the identified property to amend the Comprehensive Plan Land Use Designation Map and Zoning District Map. The Planning Commission Report and supporting materials are hereby transmitted to the Council for consideration.

The City Council, as an alternative, can approve the amendment as submitted. If the Council is inclined to grant an approval, the Council should receive public testimony and discuss the merits of approval during the Public Hearing to develop findings in support of the approval. If an approval is determined, Development Services will return (at the next Council meeting) for action to adopt an Ordinance (alternative motion below).

The following items are located under **TAB 2**:

- Planning Commission / Development Services Staff Report
- Planning Commission Minutes
- "Before and After" Map
- Alternative (Ordinance 1538)
- **MOTION:** *The Leavenworth City Council moves to uphold the Planning Commission recommendation to deny the amendment to City of Leavenworth Comprehensive land use designation and zoning district from Multifamily Residential (RM)) district to General Commercial (GC) district for property owned by Willkommen Village, LLC identified herein and further described as: approximately 4.39 in acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.*
- **ALTERNATIVE MOTION:** *The Leavenworth City Council moves to approve the amendment to City of Leavenworth Comprehensive land use designation and zoning district maps from Multifamily Residential (RM)) district to General Commercial (GC) district for property owned by Willkommen Village, LLC identified herein and further described as: approximately 4.39 in acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050; and directs Development Services to prepare and finalize Ordinance 1538 to amend the land use designation and zoning district maps for adoption by the Council.*

3. Ordinance 1539 – Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village, LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district

The City Council is being asked to adopt Ordinance No. 1539. This Ordinance amends the Comprehensive Plan Land Use Designations and Zoning District Map amendment from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district for portions of properties along Riverbend Drive. The subject property is approximately 2.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050. The surrounding properties are undeveloped General Commercial, Recreational (Pine Village KOA), and Residential zone.

On January 28, 2016, Thomas Lin with Willkommen Village applied to amend the official Leavenworth Comprehensive Plan Land Use Designations and Zoning District Maps as described herein.

In summary: This map amendment creates no inconsistencies with the GMA or the Countywide Planning Policies. This zoning is consistent with the Growth Management Act, the Countywide Planning Policies, and the Leavenworth Comprehensive Plan. This map amendment supports the recently updated Housing Element, Land Use Element, and Land Capacity Analysis as cited within the Ordinance; and

On Wednesday, October 19, 2016, the Planning Commission held a public hearing upon notice for the properties listed herein for amending the Comprehensive and Zoning District Maps. Testimony was considered, and the Planning Commission recommends approval of the identified properties. The Planning Commission Staff Report and supporting materials are hereby transmitted to the Council for consideration and included within Council Packet material.

The following items are located under **TAB 3**:

- Ordinance 1539
- Planning Commission / Development Services Staff Report
- Planning Commission Minutes
- "Before and After" Map

- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1539 - Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village, LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district.*

4. Ordinance 1540 – Private Leavenworth Municipal Code amendment to increase the building height of the General Commercial (GC) district from 35’ to 50’

The City Council is being asked to adopt Ordinance No. 1540. On January 10, 2017, the City Council studied a new amendment to the Leavenworth Municipal Code (LMC) regarding the increase of the building height for the General Commercial (GC) district from 35’ to 50’.

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study this private amendment. The applicant is Thomas Lin with Willkommen Village.

Pursuant to LMC Section 21.31.040 (D), by January 31 of each year, all required application materials for proposed map amendments (excluding the unincorporated portions of the urban growth area) which are not city-initiated (i.e., those which are requested by private persons, organizations, agencies, etc.) must be submitted to the City. Map amendments within the unincorporated portions of the urban growth area that are not required to be initiated by the City shall be submitted to Chelan County per the requirements outlined in the Chelan County Code. According to LMC Section 21.31.020 (D) "Map amendment" is a proposed change to the land use designation on a property and typically involves a specific piece of property or affects relatively few specific properties. These amendments typically impact a specific property and may be applied for by a property owner or initiated by the Leavenworth City Council.

On October 19, 2016, the Planning Commission held a public hearing to receive public testimony on the amendment; and voted unanimously to recommend adoption of the amendment to the City Council.

The Planning Commission has provided findings within the staff report in support of the amendment; and spoke to the amendment as found within the minutes. One key Planning Commission statement is for consideration: *"We have a limited amount of land in the commercial zone. We have a limited amount of land, period. And, again, it comes right back to density as far as I'm concerned. If we're going to build, we should build as densely as we can see fit to do it. We should do that from an environmental standpoint so that we're affecting less ground. We should go up instead of out for that reason."*

The following items are located under **TAB 4**:

- Ordinance 1540
- Planning Commission / Development Services Staff Report
- Planning Commission Minutes
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1540 – Private Leavenworth Municipal Code amendment to increase the building height of the General Commercial (GC) district from 35' to 50'.*

5. Ordinance 1541 - Amendment to LMC 18.44.030 Tourist Commercial (TC) listed uses to include "recreational vehicle parks." Amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51

The City Council is being asked to adopt Ordinance No. 1541. On January 10, 2017, the City Council studied an amendment to LMC 18.44.030 Tourist Commercial (TC) listed uses to include "recreational vehicle parks." Amendment to the criteria addresses Park Models, and updates other standards, specification and criteria for recreational vehicle parks within Chapter 18.51.

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study "1. LMC - Residential uses review and update. C. Address Park Models and other existing uses / criteria for Camp Grounds. Criteria for CUP updated to reflect current trends and the industry. 4. City Map Amendments. A. Return Camp Grounds to the TC listed uses. Review CUP criteria."

Recreational vehicle parks are regulated in the Conditional Use section and were previously listed as a “conditional use” in the Tourist Commercial Zoning District. Over time, the use was removed from the allowed uses of the Tourist Commercial District; and the regulations remained. The “return” of the use removed an inconsistency, whereby the LMC intentionally regulated a non-listed (or allowed) use. In addition, the requirements, criteria, and standards within the Conditional Use Chapter (18.51) were found to be outdated; not consistent with industry standards; and not in line with community desires.

This text amendment has been reviewed and deliberated upon by the Planning Commission on July 6, 2016, August 3, 2016, September 7, 2016, and October 5, 2016.

On October 19, 2016, the Planning Commission held a public hearing to receive public testimony on the amendment. During this hearing, and throughout the public participation process, the Planning Commission revised the LMC to reflect public sentiment. This new LMC makes substantial changes in the way and how Recreational Vehicle Parks are allowed and permitted. During the hearing, the Planning Commission voted unanimously to recommend adoption of the amendment to the City Council.

The following items are located under **TAB 5**:

- Ordinance 1541
- Planning Commission / Development Services Staff Report
- Planning Commission Minutes
- **MOTION:** *The Leavenworth City Council moves to adopt Ordinance 1541 – Amendment to LMC 18.44.030 Tourist Commercial (TC) listed uses to include “recreational vehicle parks”, amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51.*

6. Resolution 1-2017 – WaterSMART: Water and Efficiency Grant

The City Council is being asked to adopt Resolution 1-2017 Federal WaterSMART: Water and Efficiency Grant Application. This resolution designates and authorizes the Mayor to submit the application in accordance and compliance with the Department of Interior, Bureau of Reclamation, Policy and Administrative grant application requirements, and must be included in the application submittal. The City is pursuing the grant to assist in the funding of the proposed Citywide water meter replacement and reading capability upgrade project as shown as part of the City’s Six-Year Capital Facilities Plan. The grant, if awarded, could fund up to 50% of the projects proposed cost of \$840,739.32 with the City agreeing to provide the non-Federal share of the project costs at the same or greater rate as the Federal share, including up to \$30,000 of City in-house installation assistance. The cost of the project proposal has been provided and presented August 9, 2016 to Council Study Session for review by Ferguson Waterworks Meter & Automation Group after extensive review of the City’s current system.

The following item is located under **TAB 6**:

- Resolution 1-2017 WaterSMART: Water and Efficiency Grant
- Draft estimate of costs
- **MOTION:** *The Leavenworth City Council moves to approve Resolution 1-2017-WaterSMART Grant.*

7. Action: Hartwig Easement Agreement

The City Council is being asked to review and consider for approval a number of agreement documents related to the Hartwig Construction Project. The construction project is located east of the Book For All Seasons bookstore building. The south boundary of the property abuts Front Street Park. Mr. Hartwig purchased the property last year and working with Syndicate Smith, is considering developing a multipurpose retail building at the location. The building would be double fronted, with entrances on the Hwy. 2 and Front Street Park sides. The design of the building is for just under 10,000 SF and the buildout is to the property lines abutting Front Street Park. The building would have a deck and roof eaves that would penetrate the City Property line on the Front Street side of the Hartwig Building. The building would meet all design standards of the Old World Alpine Bavarian Theme and the design elements on the building have been approved by the City's design Review Board. To accomplish the buildout of the building design, Mr. Hartwig requested that the City consider providing him a "no-build" easement or "Easement for Buffer"; the easement is necessary for compliance with the International Building Code; this easement would limit any future City building in the no easement area. In addition, utility easements for the new building are needed across Front Street Park for water, sewer, electrical and fiber which will be accessed via Front Street. The final easement on the City property will be for a temporary construction easement on this portion of Front Street Park while the building and improvements are being constructed. In exchange for the granting of easements, the City's electrical controls and power boxes currently located on the property boundary will be relocated within the new Hartwig building. An easement is provided that allows for the relocation of these utilities and future access by City staff. Mr. Hartwig will also make a number of improvements to this area of Front Street Park. The improvements to Front Street Park will conform with the Downtown Master Plan specifications and final approval of the design elements will be considered by the Downtown Steering / Revitalization Committee. In addition to the improvements, Mr. Hartwig will make a one time payment of \$60,000 to the City within a one year period.

This project has been reviewed by the Design Review Board, Downtown Steering Committee and presented to the Economic Development Committee. The Economic Development Committee recommended presenting the concept for the construction and easements to the full Council. The Council met in closed session twice to discuss the parameters and progress of the negotiations. The documents have been reviewed and approved as to form and language by the City Attorney and applicants attorney.

This piece of property has been vacant for a number of years, unfortunately the location of the property is also front and center within the downtown commercial core. At one point in time, a temporary Ice Cream Sales booth was located at the site and up until several years ago, the property was used for unauthorized parking. The proposed project meets and exceeds the standards within the Old World Alpine Bavarian Theme; the project once completed will add another very elegant commercial aesthetic component to the downtown core. The City did explore the potential purchase of this property for the expansion of Front Street Park, however the price of the property was exceptionally high for converting the property to park property given the location and topography of the property. The City Administrator recommends approval of the agreement and easements for this project as it meets the Council Goals of enhancing the Old World Bavarian Theme and improving the economic vitality of the Leavenworth economy.

a) Development Agreement between the City and 458, LLC

The Development Agreement provides the framework for the agreements for the easements, future improvements to this area of Front Street Park and potential future use of the area. One of the issues that is unique to this project is the property borders Front Street Park. Front Street Park is a parcel of property owned by the City and is not Right of Way. The agreements and easements are necessary for the project to move forward. If the property were to border Front Street, the easements and future use could be addressed

using the City's current policies and code language regarding the use of Right of Way. The Development Agreement identifies the future improvements to Front Street Park which will be completed with the project; and as a responsibility of the developer, always for the future easements, identifies a payment of \$60,000 to the City and does allow for consideration of the future plaza area for use by the future occupants of the building, subject to approval of a Special Use Permit by the City.

- **MOTION:** *The Leavenworth City Council moves to approve the Development Agreement between the City of Leavenworth and 458, LLC for the Hartwig Development and authorizes the Mayor to sign the agreement upon final review of the City Attorney.*

b) Easement for Buffer – Front Street Park

The Easement for Buffer agreement prohibits the City from the construction of any buildings or other facilities in the future within the 10 FT by 125 FT area of Front Street Park and provides use of the area to the Grantee (458, LCC/Hartwig). The easement does allow for a 4 FT elevated deck and eave extensions into the Buffer Area by the Grantee (458, LCC/Hartwig), however the area identified within the easement is still open for public use.

- **MOTION:** *The Leavenworth City Council moves to approve the Easement for Buffer between the City of Leavenworth and 458, LLC for the Hartwig Development and authorizes the Mayor to sign the agreement upon final review of the City Attorney.*

c) Easement for Utilities – Front Street Park

The Easement for Utilities agreement establishes a permanent easement for underground utilities from Front Street across Front Street Park to the Hartwig Property.

- **MOTION:** *The Leavenworth City Council moves to approve the Easement for Utilities Agreement between the City of Leavenworth and 458, LLC for the Hartwig Development and authorizes the Mayor to sign the agreement upon final review of the City Attorney.*

d) Easement for Temporary Construction – Front Street Park

The Easement for Temporary Construct establishes a temporary construction easement on the area of Front Street Park for a period of 9 months during the construction period of the Hartwig Project.

- **MOTION:** *The Leavenworth City Council moves to approve the Temporary Construction Easement Agreement between the City of Leavenworth and 458, LLC for the Hartwig Development and authorizes the Mayor to sign the agreement upon final review of the City Attorney.*

e) Easement for Electric Meter and Light Control – Hartwig Property

The Easement for Electric Meter and Light Control establishes a permanent easement for construction and placement of the City's light control and utility boxes within the Hartwig Building and provides access to these utilities and controls by the City.

- **MOTION:** *The Leavenworth City Council moves to approve the Easement for Electric Meter and Light Control Agreement between the City of Leavenworth*

and 458, LLC for the Hartwig Development and authorizes the Mayor to sign the agreement upon final review of the City Attorney.

f) Promissory Note

The Promissory Note is for payment of \$60,000 to the City of Leavenworth within a 24 month period after an occupancy certificate has been issued for the Hartwig Building

- **MOTION:** *The Leavenworth City Council moves to approve the Promissory Note Agreement between the City of Leavenworth and 458, LLC for the Hartwig Development and authorizes the Mayor to sign the agreement upon final review of the City Attorney.*

The following items are located under **TAB 7:**

- Map of Area
- Development Agreement between the City and 458, LLC
- Easement for Buffer – Front Street Park
- Easement for Utilities – Front Street Park
- Easement for Temporary Construction – Front Street Park
- Easement for Electric Meter and Light Control – Hartwig Property
- Promissory Note

8. Motion to Elect Mayor Pro-Tempore

The Council is being asked to consider the appointment and designation of a Mayor Pro Tempore. The action could be the confirmation of the standing Mayor Pro Tempore or the selection and confirmation of another sitting council member. Councilmember Carolyn Wilson served as the Mayor Pro Tempore in 2014, 2015 and 2016.

The duties of the Mayor Pro Tempore include the recommendation of council members to standing committees with the appointments approved by the City Council and to serve as the presiding officer at the Council Meetings in the Mayor's absence.

At this time, the following procedure is recommended:

- Mayor: Nominations are now in order for the office of Mayor Pro-Tem.
- Nominations taken from the floor.
- Mayor calls for any further nominations - if none, announces nominations are closed.
- Election then occurs by show of hands in support of each nominee.
- A full majority of four (4) is needed for the confirmation.

The following items are located under **TAB 8:**

- RCW 35A.12.065 Pro tempore appointments
- RCW 35.27.160 Mayo-Duties-Powers- Mayor Pro Tempore
- **MOTION:** *The Leavenworth City Council moves to nominate Councilmember _____ as Mayor Pro Tempore.*