



City of Leavenworth

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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 Festhalle – 1001 Front Street

January 24, 2017 - 6:30 PM

Call to Order

Flag Salute

Roll Call

Consent Agenda

1. Approval of Agenda
2. Approval of January 10, 2017 Regular Meeting Minutes and Study Session Minutes
3. 2016 Claims \$136,376.83
4. 2017 Claims \$44,017.90
5. Acceptance of 2017 Planning Commission Docket

Council Committees -4th Tuesday –

Econ. Dev. 4:00 Finance 5:00

Councilmember and Committee Reports

Mayor/Administration Reports

Comments from the Public on Items Not on the Agenda

Port of Chelan County

Public Hearings on Leavenworth Municipal Code Amendments @ 6:45 PM

1. Amendments to clarify and update the Bed and Breakfast (short-term / vacation / overnight rentals in residential neighborhoods) regulations, criteria, and standards within LMC Chapter 18.52;
2. Amendments to clarify Duplex and new ADU regulations and other miscellaneous updates within LMC Chapters 18.20, 18.21, 18.22, and 18.23; and
3. Amendments to varied sections and chapters of the LMC to consolidate land use and development definitions into a single title. Amendment to LMC Chapter 21.90 Common Definitions, Chapter 18.08 Definitions (Zoning), 14.10.210 Definitions (Signs), 14.04.020 Definitions (Developer Reimbursement And Collection Agreements), 14.16.040 Definitions (Residential Structure Design Standards), 14.17.020 Definitions (Flags, Flagpoles, Towers, And Tower Structures), 14.28.040 Definitions (Lighting Standards), 18.50.020 Definitions (Manufactured Home Parks), 21.01.040 Definitions (Introduction), 16.04.040 Additional Definitions (State Environmental Policy Act – WAC).

Resolutions, Ordinances, Orders and Other Business

1. Action: Ordinance 1542
2. Action: Ordinance 1543
3. Action: Ordinance 1544
4. Action: Mayor Pro Tempore Standing Committee Assignments
5. Action: Mayor Ad Hoc Committee Assignments

Information Items for Future Consideration

1. Group Funding Applications Due by March 1st

Adjournment

(Next Ordinance is 1545 - Next Resolution is 02-2017)

SUPPLEMENTAL COUNCIL AGENDA

1. Ordinance 1542 – Amendments to the LMC to Section 18.52.120 Conditional Use Permit – Bed and Breakfast

The City Council is being asked to adopt Ordinance No. 1542. On January 10, 2017, the City Council studied an amendment to Leavenworth Municipal Code (LMC) to clarify and update the Bed and Breakfast (short-term / vacation / overnight rentals in residential neighborhoods) regulations, criteria, and standards within LMC Chapter 18.52 (specifically Section 18.52.120).

These amendments are a part of the Planning Commission 2016 Amendment Docket; the Planning Commission has been asked to review and study “1. LMC - Residential uses review and update. A. Review and study Overnight / Vacation Rentals in the residential neighborhoods. Vacation / overnight rentals are not allowed in residential districts except by CUP. The “black market / underground” conversions exist, and the Council desires to address this topic.”

The Planning Commission held many public study sessions, workshops, and/or forums (February 3, 2016, March 2, 2016, April 6, 2016, May 4, 2016, July 6, 2016, August 3, 2016, September 7, 2016, October 5, 2016, and October 19, 2016); and one public hearing (November 2, 2016). The Planning Commission amassed considerable information, public comments (written and oral), public testimony, organization’s presentations, studies, reports, memorandums, and white papers in preparation for their hearing and subsequent deliberations. Within the Planning Commission’s staff report, the Council will see a reflection of the information derived within the Findings of Fact that the Commissioner’s transmit to the Council for consideration.

Throughout the public participation process, the Planning Commission revised the LMC to reflect public sentiment. During the hearing, the Planning Commission voted unanimously to recommend adoption of the amendment to the City Council.

Some of the following key aspects of the amendments were discussed at the Council’s Study Session, and are reiterated herein:

- A) Vacation / overnight / short-term rental in the residential neighborhoods are allowed by permit.
 - A Bed and Breakfast Conditional Use Permit is the only permit that allows for vacation / overnight / short-term rental in the residential neighborhoods.
 - Renting the entire home as a vacation / overnight / short-term rental in the residential neighborhoods is prohibited.
- B) One of the key criteria for obtaining the Bed and Breakfast Conditional Use Permit is occupancy of the home by the owner; and many Councilmembers wanted to clearly state that the “property owner” must be in the building during occupancy of a patron. Although, many Councilmembers understood the need for emergency absences of the owner; there was discussion regarding the desire for the owner being away from the bed and breakfast for a limited duration. *Development Services has included optional motions for consideration of the Council with these discussions in mind.*
- C) Protection of neighborhood character and safety is at the forefront of the new regulations.

D) Based on public input, new and more stringent criteria for Bed & Breakfast, a Conditional Use Permit is required.

- Contact information is clear and readily available.
- Life health and safety inspections are clearly outlined.
- Neighborhood nuisances are reduced or removed.
- Operation plan is necessary.
- Strong and clear compliance measures are articulated.
- Licensing, taxes, and monitoring is built into the permit

The Council has considered the entire record of materials transmitted from the Planning Commission deliberations. The Council desired a public hearing to receive any testimony; and hear from the public on the matter.

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

- Ordinance No. 1542
 - Impacts of Short-term Rentals – Ana Gabriela Jacob Lopes
 - Planning Commission / Development Services Staff Report
 - Planning Commission Minutes
 - Additional Public Comment
- **Optional MOTION A:** *The Leavenworth City Council moves to adopt Ordinance No. 1542.*
 - **Optional MOTION B:** *The Leavenworth City Council moves to adopt Ordinance No. 1542 with the following modifications / amendments: All references to “host”, ”resident(ce),” “permittee (or permit holder)” and/or other related term shall be struck and replaced with “property owner.”*
 - **Optional MOTION C:** *The Leavenworth City Council moves to adopt Ordinance No. 1542 with the following modifications / amendments: LMC Subsection 18.52.120 (H) shall include a provision for the allowance of a designated temporary operator (a single person or couple) who may replace the owner and assume all requirements of the bed and breakfast for a duration not to exceed _____ days within a calendar year.”*

2. Ordinance 1543 – Amendments to the LMC to clarify Duplex, ensure consistency with Accessory Dwelling Units, update Allowed Uses, and other miscellaneous changes within Chapters 18.20, 18.21, 18.22, and 18.23

The City Council is being asked to adopt Ordinance No. 1543. On January 10, 2017, the City Council studied an amendment to Leavenworth Municipal Code (LMC) to clarify duplex, ensure consistency with accessory dwelling units, update allowed uses, and other miscellaneous changes within Chapters 18.20, 18.21, 18.22, and 18.23.

These amendments are a part of the Planning Commission 2016 Amendment Docket; the Planning Commission has been asked to review and study “1. LMC - Residential uses review and update. D. Clarify distinction of Duplex and new ADU regulations. F. Update listed uses.”

The Planning Commission held many public study sessions, workshops, and/or forums (February 3, 2016, March 2, 2016, April 6, 2016, May 4, 2016, July 6, 2016, August 3, 2016, and October 5, 2016); and two public hearings (October 19, 2016, and continued to November 2, 2016). The Planning Commission amassed considerable information, public comments (written and oral), public testimony, organization's presentations, studies, reports, memorandums, and white papers in preparation for their hearing and subsequent deliberations. Within the Planning Commission's staff report, the Council will see a reflection of the information derived within the Findings of Fact that the Commissioner's transmit to the Council for consideration.

Throughout the public participation process, the Planning Commission revised the LMC to reflect public sentiment. During the hearing, the Planning Commission voted unanimously to recommend adoption of the amendment to the City Council.

Chapters 18.20, 18.21, 18.22, and 18.23 are the "Residential Zoning Districts;" and include the allowed uses for Residential Low Density 6,000 District (RL6), Residential Low Density 10,000 District (RL10), Residential Low Density 12,000 District (RL12), and Multifamily Residential District (not in order). The Council's review of the overnight rental aspect within each of the residential zoning districts is highlighted below. In addition, the Council concurred with the recommendations of the Planning Commission regarding the minor updates and addressing duplexes in the residential districts.

Some of the following key aspects of the amendments were discussed at the Council's Study Session, and are reiterated herein:

- E) Vacation / overnight / short-term rental in the residential neighborhoods are allowed by permit.
 - A Bed and Breakfast Conditional Use Permit is the only permit that allows for vacation / overnight / short-term rental in the residential neighborhoods.
 - Renting the entire home as a vacation / overnight / short-term rental in the residential neighborhoods is prohibited.

- F) One of the key criteria for obtaining the Bed and Breakfast Conditional Use Permit is occupancy of the home by the owner; and many Councilmembers wanted to clearly state that the "property owner" must be in the building during occupancy of a patron. Although, many Councilmembers understood the need for emergency absences of the owner, there was discussion regarding the owner being away from the bed and breakfast for a limited duration. *Development Services has included optional motions for consideration of the Council with these discussions in mind.*

- G) Protection of neighborhood character and safety is at the forefront of the new regulations.

The Council has considered the entire record of materials transmitted from the Planning Commission deliberations. The Council desired a public hearing to receive any testimony; and hear from the public on the matter.

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

- Ordinance No. 1543
- Planning Commission / Development Services Staff Report

- Planning Commission Minutes
 - **Optional MOTION A:** *The Leavenworth City Council moves to adopt Ordinance No. 1543.*
 - **Optional MOTION B:** *The Leavenworth City Council moves to adopt Ordinance No. 1543 with the following modifications / amendments: All references to “Host”, ”Resident(s),” “permittee (or permit holder)” and/or other related term shall be struck and replaced with “property owner” when linked to bed and breakfast.*

3. Ordinance 1544 – Adopting amendments to the LMC to consolidate land use and development definitions into a single chapter; specially, Chapter 21.90 Common Definitions, Chapter 18.08 Definitions (zoning), 14.10.210 Definitions (signs), 14.04.020 Definitions (developer reimbursement and collection agreements), 14.16.040 Definitions (residential structure design standards), 14.17.020 Definitions (flags, flagpoles, towers, and tower structures), 14.28.040 Definitions (lighting standards), 18.50.020 Definitions (manufactured home parks), 21.01.040 Definitions (introduction), 16.04.040 Additional Definitions (state environmental policy act – wac).

The City Council is being asked to adopt Ordinance No. 1544. On January 10, 2017, the City Council studied an amendment to Leavenworth Municipal Code (LMC) to varied sections and chapters of the LMC to consolidate land use and development definitions into a single Chapter. Specially, Chapter 21.90 Common Definitions, Chapter 18.08 Definitions (Zoning), 14.10.210 Definitions (Signs), 14.04.020 Definitions (Developer Reimbursement And Collection Agreements), 14.16.040 Definitions (Residential Structure Design Standards), 14.17.020 Definitions (Flags, Flagpoles, Towers, And Tower Structures), 14.28.040 Definitions (Lighting Standards), 18.50.020 Definitions (Manufactured Home Parks), 21.01.040 Definitions (Introduction), 16.04.040 Additional Definitions (State Environmental Policy Act – WAC) as a part of the Planning Commission 2016 Amendment Docket.

These amendments are a part of the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study “6. LMC - Definitions - consolidation (Compile definitions of LMC Title 21 and Title 18). For ease of use definitions can be consolidated into one section of the LMC. In addition, the existing LMC uses same terms with differing definitions.”

The Planning Commission held many public study sessions, workshops, and/or forums (April 6, 2016, May 4, 2016, July 6, 2016, and August 3, 2016); and two public hearings (October 19, 2016 and continued to November 2, 2016). The Planning Commission amassed considerable information, public comments (written and oral), public testimony, organization’s presentations, studies, reports, memorandums, and white papers in preparation for their hearing and subsequent deliberations. Within the Planning Commission’s staff report, the Council will see a reflection of the information derived within the Findings of Fact that the Commissioner’s transmit to the Council for consideration.

Throughout the public participation process, the Planning Commission revised the LMC to reflect public sentiment. During the hearing, the Planning Commission voted unanimously to recommend adoption of the amendment to the City Council.

How terms are defined adds structure, clarity and consistency within the Code. The Council's review of the overnight rental is directly linked to the definitions. To be consistent regarding "property owner" for a bed and breakfast, development Services has included optional motions for consideration of the Council with these discussions in mind.

The Council has considered the entire record of materials transmitted from the Planning Commission deliberations. The Council desired a public hearing to receive any testimony; and hear from the public on the matter.

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

- Ordinance No. 1544
- Planning Commission / Development Services Staff Report
- Planning Commission Minutes

- **Optional MOTION A:** *The Leavenworth City Council moves to adopt Ordinance No. 1544.*

- **Optional MOTION B:** *The Leavenworth City Council moves to adopt Ordinance No. 1544 with the following modifications / amendments: All references to "Host", "Resident(s)," "permittee (or permit holder)" and/or other related term shall be struck and replaced with "property owner" when linked to bed and breakfasts.*

4. Mayor Pro Tempore Standing Committee Assignments

The City Council is being asked to confirm Mayor Pro-Tempore Wilson's appointments of City Council Members to the Council Standing Committees of Public Works, Public Safety, Parks, Economic Development, and Finance. Under the authority provided in RCW 35A.12.120, the City Council may enact rules and regulations to govern the conduct and operations of the City Council. This authority includes the ability to determine if and when standing committees will be utilized, what the committees will be, how they will conduct their business, and how their members will be appointed. Under Resolution 1-2012 Section 4, the City Council Procedures and Rules; the Mayor Pro-Tempore makes appointments to the standing committees with confirmation by the City Council.

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

- RCW 35a.12.120: Council – Quorum – Rules – Voting
- Resolution 1-2012: Rules of Conduct
- 2017 Appointments to the City Council Standing Committees

- **MOTION:** *The Leavenworth City Council moves to confirm the City Council appointments by Mayor Pro-Tempore Wilson to the City Council Standing Committees for 2017.*

5. Mayor Ad Hoc Committee Assignments

The Council is being asked to reconfirm Mayor Farivar's appointments to the Ad Hoc Committees and City representatives to other agencies where City representation is necessary.

The City has various representatives on local and regional boards; the City's past practice is for the Council to review and confirm the Mayoral appointments.

- A. The City Council is being asked to confirm the Mayor's appointment of Councilmember Sharon Waters to the Festhalle Oversight Committee. Councilmember Waters took over for former Councilmember Robert Francis upon his resignation; this term will expire on December 31, 2018.
- B. The second motion is to reconfirm the Mayoral appointments of Council Member Elmer Larsen and Mr. Craig Hess to the Festhalle Oversight Committee for another three-year term.
- C. The third motion is to confirm the appointment of City Administrator Joel Walinski to the Festhalle Oversight Committee. Mr. Walinski would be the Mayor's Representative on the Festhalle Oversight Committee; this appointment is made annually.
- D. The final motion is a confirmation of the Mayor's appointment to Ad Hoc Committees and City Representative Assignments. The appointment to these committees is at the discretion of the Mayor; the confirmation by the City Council is to confirm that Council has reviewed the Mayor's appointments.

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

- 2017 Appointments to the City Council Ad Hoc Committees
- Festhalle Oversight Committee Membership
 - **MOTION 1:** *The Leavenworth City Council moves to confirm the Mayor's appointment of Councilmember Sharon Waters to the Festhalle Oversight Committee for the remaining two years of a three-year term.*
 - **MOTION 2:** *The Leavenworth City Council moves to confirm the Mayor's appointment of Councilmember Elmer Larsen and Mr. Craig Hess to the Festhalle Oversight Committee for a term of three years.*
 - **MOTION 3:** *The Leavenworth City Council moves to confirm the Mayor's reappointment of Joel Walinski to the Festhalle Oversight Committee for a term of one year.*
 - **MOTION 4:** *The Leavenworth City Council moves to confirm the Mayor's appointments to Ad Hoc Committees and the City Representatives on other agency boards.*