

**LEAVENWORTH CITY COUNCIL**  
**Study Session Agenda**  
**City Hall - Council Chambers**  
**February 13, 2018 9:00 a.m.**

**9:00 – 9:15      Chamber Report**

This time is provided for a Chamber of Commerce representative to provide an update to the City Council on items of interest to the Chamber and City.

**9:15 – 9:30      Cascadia Foundation**

During this time period, Mr. Mike Cushman of the Cascadia Conservation District will provide the City Council with an update on the organization. The Cascadia Conservation District is a non-regulatory, grant-funded organization dedicated to encouraging the wise stewardship and conservation of all-natural resources in Chelan County. In 2016, the City of Leavenworth partnered with the District on the successful award of an Oregon-Washington Drinking Water Providers Partnership grant. The project outlined in the grant proposal was for public education at the Forest Service entrance areas along the Icicle Creek, to inform people on the Icicle Creek Watershed the importance of the City of Leavenworth water supply. The focus was to educate users and hopefully curtail pollution to the stream caused by outdoor recreational use. In 2018, Cascadia Conservation, the Forest Service, and the City of Leavenworth applied for and have received \$30,000 in funding to continue this public education outreach.

There are no items included under **TAB A**.

**9:30 – 10:00      PUD Presentation on Power Demands**

This presentation will be provided by Mr. Andy Wendell and Mr. Chad Rissman, staff members from the Chelan County Public Utilities District (PUD). The presentation will focus on customer growth and expansion of power demands and the strategies that the PUD will employ moving forward to address these issues.

The following item is included under **TAB B**:

- Electrical Load Growth Slide Presentation

**10:00 - 10:20      Commercial Cardboard Recycling**

This time has been set aside for Council discussion and review of proposed changes and revisions to the City's cardboard recycling policy and fee schedule. Currently the City offers cardboard collection for commercial accounts who sign up with the City for a nominal fee of \$7.23 per month, regardless of the frequency of service. At the present time, the City has 45 registered cardboard accounts which amount to \$325.35 per month in recovered fees. The City receives a yearly average of \$3,635 for this cardboard taken to the recycling center. In review of actual Public Works hours and equipment required to perform the service, the average monthly

cost to the City for the service is approximately \$5,950. As a result, the City burdens a net approximate loss of \$64,719 per year providing the service to commercial accounts. Additionally, the dumpsters located in the downtown core commercial alley are being used by businesses that are not signed up for the service, creating overflow conditions throughout the alley areas and resulting in continual complaints and phone calls to Public Works.

In lieu of this, Public Works has researched and reviewed policies and fees implemented by other cities and companies to find a solution to resolve these issues. These findings were presented to the Public Works Committee on several occasions for discussion and refinement and are now being presented to the full Council at Study Session for further review prior to being finalized. Details of what is being proposed may be found in the packet materials.

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

- Service Pricing Update & Definitions
- Commercial Cardboard City Costs
- Cardboard Revenue vs Cost
- Rate and Fee Schedule Draft

### **10:20 – 10:50 Comprehensive Plan Review Continued**

This time is provided for the City Council to conduct the final reading of the 2017 Comprehensive Plan Update. Due to the review process, the Development Services Department is prepared to answer questions of the Council or make specific changes prior to the adoption hearing on February 27, 2018. An overview of the Planning Commission changes and update to the Comprehensive Plan is attached.

#### Background

During the Council's September 12, 2017 Study Session, the Council was presented with an early introduction to the 2017 Comprehensive Plan. During the Council's September 26, 2017 Study Session, the Transportation Element was reviewed in detail. During the December 12, 2017 City Council Study Session, the City Council conducted their first reading of the 2017 Comprehensive Plan Update, and provided guidance on how to proceed with the review. During the Council's January 9, 2018 Study Session, the City Council conducted the second reading of the 2017 Comprehensive Plan Update with a focus on the Transportation Element, Housing Element, and Goals and Policies. From this meeting, the **Council affirms that the Comprehensive Plan appeared substantively ready for adoption.**

As a part of the process, the Planning Commission created subcommittees, invited the public to review each element with a small workgroup, and met on the following: Jan 12, Jan 20, Jan 25, Feb 2, Feb 8, Feb 15, Feb 23, Mar 2, and Mar 9, 2017. Subsequently, the Planning Commission conducted open public "Workshops and/or Open Houses" presenting the subcommittee recommendations to the body of the Commission and the public. These Planning Commission workshops invited the public to work with the Commission and review the draft Comprehensive Plan on: Feb 1, Mar 1, April 5, May 16, June 7, July 5, Aug 2, and Sept 8, 2017. From May, the Planning Commission invited the public to begin the review of the compiled entire final draft of the Comprehensive Plan.

The Planning Commission conducted its first Public Hearing on November 1, 2017 with a continuation for final minor edits. On January 3, 2018, the **Planning Commission conducted their final Public Hearing with a unanimous vote to recommend to the Council the adoption of the Comprehensive Plan update.**

Adopting a Comprehensive Plan is a key element in the land use planning process. The Comprehensive Plan expresses a community's vision of itself, the community it would like to become, its hopes and dreams, and the philosophical underpinning for any planning activity. It is an expression of the "public interest," in the sense of exercising the public authority of a municipality. Since the Growth Management Act (GMA) was enacted, it has become an enforceable blueprint or framework for all subsequent land use regulation activity. The Comprehensive Plan is now the centerpiece of local planning in Washington State.

The Comprehensive Plan is now the centerpiece of local planning in Leavenworth. **Other agencies and organizations equate the Comprehensive Plan as their "Strategic Master Plan."** The Comprehensive Plan is the starting point for any discussion of the local land use process. It is also the touchstone for measuring community actions, and the policy framework by which all community planning enactments will be judged. Comprehensive planning identifies community or "public" interest through a public and political process. The resulting plan reflects the political compromises needed to forge consensus for a community plan. *While not everyone will be satisfied with the end result, the Comprehensive Plan as adopted should deal with the many conflicting forces that shape a community. It is not the purpose of a comprehensive plan to eliminate conflict. Rather, it provides the framework for considering and resolving conflicting issues in the community.* The Comprehensive Plan is a broad statement of the community's vision for the future and contains policies primarily to guide the physical development of the City of Leavenworth, as well as certain aspects of its social and economic character. **The Comprehensive Plan directs regulations, implementation actions and services that support the vision.** The Comprehensive Plan reflects the long-term values and aspirations of the community as a whole and shows how various aspects, such as land use, housing, transportation, capital facilities and services work together to achieve the desired vision.

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

- Overall summary of changes to create 2017 Comprehensive Plan  
2017 Comprehensive Plan <http://cityofleavenworth.com/city-government/development-services-department/2017-comprehensive-plan-update/>

### **10:50 – 11:00 Housing Committee Formation**

The City Council has considered a standing committee on housing affordability; this time period is provided for a discussion on the goals and objectives of the committee, areas of discussion and focus and on the makeup and membership of the committee.

There are no items included under **TAB E.**

### **11:00 – 11:15 Enforcement Policy Review**

This time is set aside to discuss the code compliance process. The Development Services Department believes the best approach to enforcing local codes is voluntary compliance. The

Development Services Department works with residents to resolve violations before enforcement actions are necessary.

The following steps are taken to resolve code violations:

1. Complaint review - When a complaint is received, it is reviewed by the Development Services Department to determine whether a violation of code may have occurred.
2. Investigation - If the issue is a violation of code, a City employee will visit the property or conduct research to verify the problem.
3. Property owner notification - If the City finds a violation, property owners receive a phone call or letter detailing the violation/s, necessary corrective actions, and a deadline to make the corrections. This is called “voluntary compliance,” and a preferred option.
4. Re-inspection - The City again inspects the property at the end of the time frame. If violations still exist, further enforcement is taken.
5. Notice and Order - If voluntary compliance is not achieved, a Notice and Order is issued, giving property owners a timeline (for example -10 days) to comply before fines begin.
6. Appeals - Property owners may appeal a Notice and Order to the Hearing Examiner. If the Hearing Examiner affirms the Notice and Order (or no appeal is requested), fines are imposed and will continue each day until the violation is corrected. Unpaid fines are recorded as a lien on the property.
7. First new letter – This is confirmation of the Notice and Order, and the first level of fines in the amount of \$250 for failure to comply.
8. Second new letter - This is confirmation of the Notice and Order, the First new letter, and the next level of fines of the amount of \$1,000 for failure to comply.
9. Third new letter - This is confirmation of the Notice and Order, the First new letter, the Second new letter, and the highest level of fines of the amount of \$1,500 for failure to comply.
10. Fines and Notice and Order repeats – At this time, the City will repeat the process, and fines are cumulative for each day of non-compliance.
11. Legal action - When compliance cannot be reached, the case is forwarded to the Prosecuting Attorney for legal action.

#### Distinction - Development Services compared to Chelan County Sheriff Office.

Civil law and criminal law are two broad and separate entities of law with separate sets of laws and punishments. According to William Geldart, Introduction to English Law 146 (D.C.M. Yardley ed., 9th ed. 1984),

“The difference between civil law and criminal law turns on the difference between two different objects which law seeks to pursue - redress or punishment. The object of civil law is the redress of wrongs by compelling compensation or restitution: the wrongdoer is not punished; they only suffer so much harm as is necessary to make good the wrong he has done. The person who has suffered gets a definite benefit from the law, or at least he avoids a loss. On the other hand, in the case of crimes, the main object of the law is to

punish the wrongdoer; to give him and others a strong inducement not to commit same or similar crimes, to reform him if possible and perhaps to satisfy the public sense that wrongdoing ought to meet with retribution.”

Land Use and Building Code Enforcement is a special type of law enforcement that regulates land use and construction. The City obtains its authority to regulate land use from the police powers conferred upon it by the Washington State Constitution, which permits cities to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws of the land. Unless in conflict with state law, the courts generally view land use ordinances as valid exercises of police power when reasonably related to public health, safety, and welfare.

City Council has adopted several land use ordinances to combat public nuisance including but not limited to:

- Zoning ordinance
- Public nuisance ordinance
- International building and fire codes including dangerous buildings

Development Services’ philosophy is that **compliance is our primary goal** and education is the key to reaching that goal. Many citizens do not realize that they are violating local ordinances. However, most people are willing to ‘play by the rules’ if they know them. This system is not based on punitive measures or punishment, but gaining compliance to promote and maintain a safe and desirable living and working environment.

Criminal violations that the Sheriff’s Office handles are defined within RCW 9A. Primarily, these criminal violations would be noise, littering, trespass, malicious mischief, and public street parking violations. These are more related to “behavior” and not land use or construction.

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

- Resolution No. 7-2012
- Chapter 21.13 Enforcement and Penalties

### **11:15 – 11:20 2018 Project Tracker**

The City Council is being provided the 2018 Project Tracker that will be updated quarterly. The first update will be at the April Study Session.

The following item is included under **TAB G**:

- 2018 Project Tracker

### **11:20 – 11:25 Quarterly City Newsletter Recommendations – Distribution in March**

The City will be publishing the quarterly Mayor and City Council Newsletter in late February – early March. Article topics at this time include but are not limited to:

- “A Minute With the Mayor” – To be determined
- Spring Clean-up Coming Soon – Herb Amick / Sue Cragun

- Whitman, Commercial, and Enchantment Way Street Improvement Project – Herb Amick / Sue Cragun
- Overnight Rental – Nathan Pate
- Upcoming Festivals and Events – Sue Cragun
- Leavenworth Recycle Center – Sue Cragun
- Update on current / upcoming City projects – Herb Amick / Sue Cragun

Staff is requesting any additional suggestions from the Council at this time.

The following item is included under **TAB H:**

- 2017 Spring Newsletter

**11:25 – 11:45 Council Open Discussion and Committee Reports**

- a. Confirm Retreat Meeting Date of March 23, 2018 and Location Preferences**
- b. Committee & Meeting Reports**
- c. Open Discussion**

The remainder of this time slot allows for Council discussion of items not on the agenda.