

LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall - Council Chambers
February 14, 2017 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 – 9:35 Dave Bartholomew – Discussion on Sustainability

This time has been set aside for a presentation and discussion with Mr. Dave Bartholomew who coordinates the Sustainable Living Farm Tour partnering with the Wenatchee River Institute. In November of 2016, Mr. Bartholomew gave the follow-up presentation to the City Council on the event which occurred on September 10 and 11, 2016. At that time, Council Member Neighbors asked that Mr. Bartholomew be invited back to discuss with the Council his thoughts on Sustainable Living and Farming as an area for future tourism promotion.

Mr. Bartholomew owns and operates Simply Living Farm Store, 11007 Hwy. 2 at Prey's Fruit Barn and resides on White River Road, near Lake Wenatchee with his spouse Nancy.

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

9:35 – 9:50 Utility Regionalization Study

This time is set aside to provide an update on the Utility Regionalization Study that is being initiated by the City of Leavenworth, City of Cashmere, and Chelan County PUD. As the City of Leavenworth moves forward with the Wastewater Facility Plan and Water System Plan, one of the issues that is identified is the cost of operating and capital improvements associated with these utilities. The cities of Cashmere and Leavenworth, Chelan PUD and Peshastin Water District each own individual water and wastewater systems along the Wenatchee River. Each entity individually plans, improves, operates, maintains, and manages its respective utilities. When services are provided by a single operator, potential savings can arise from reduced labor requirements, eliminated duplication of services, and improved planning and coordination of services provided. In addition to the sustainable operating model, water and sewer utilities are two major factors in planning for and addressing economic development and growth within the Upper Valley.

In late 2015, the Chelan PUD invited its customer-owners to submit proposals for projects that enhance the quality of life in Chelan County. The cities of Cashmere and Leavenworth and the Chelan County Board of Commissioners submitted a request to study and identify the advantages and difficulties in a regional approach to providing water and wastewater services in the upper Wenatchee Valley. The original request did not name a preferred regional operator; however, through further discussions with the proposers it was deemed Chelan PUD would be the logical

regional operator. This proposal was amongst those approved for funding in 2017. In the discussions since the initial request, the Peshastin Water District was added as a member of the study.

In moving forward, a group of community advisors will be identified; three representatives from Cashmere, Leavenworth, and Chelan County. Community advisors will be selected by their respective service provider to assist the process. Community advisors must be motivated by the common good as opposed to any particular special interest, represent the perspectives of their communities, and bring an informed voice to the process. Regular public meetings will be scheduled to share progress and solicit community feedback.

In addition to identifying and selecting community advisors, a consultant will be selected to assist in identifying advantages and challenges. The study will look at the current financial status of the utility operations, regulatory and agency controls, and the potential opportunities to address future issues facing the Upper Valley.

The City's commitment at this time is to recommend three individuals to be part of the Community Advisor group, provide staff resources when needed, and have a Utility Rate Study completed for the City in a timely process to be used for the study.

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

- Chelan County PUD Public Power Benefit Program Application
- August 30, 2016 Meeting Summary

9:50 – 10:05 Parking Study Update

One of the items on the 2017 work plan is the completion of a Parking Study and Assessment. This time is given to provide the City Council with an update on the process. At the January Economic Development Committee meeting, representatives of the Chelan County PORT and Chamber of Commerce met with the Econ Committee members to discuss the process and procedure. At this time, staff is scheduled to give a brief presentation to the PORT Commissioners on February 21, 2017.

Goal:

The need for a parking study and assessment is necessary for the City to incorporate best management practices for existing parking locations and gain an understanding of future parking needs. An undersupply of spaces may compromise access and circulation, and create spillover problems for adjacent uses. Conversely, an oversupply of parking is costly for the City and businesses, is visually unattractive, and may negatively impact urban design and streetscape. It is; therefore, important for the supply of parking to strike a balance between oversupply and undersupply. To this end, a Downtown Parking Assessment and Study would provide the City the information necessary to achieve the following:

- Improving parking availability for customers.
- Assist in developing modifications to the existing management and regulations.
- An evaluation of parking supply and demand based on today's "normal" peak use.

- An evaluation of parking supply and demand based on expected land use changes/development.
- Parking opportunities in the context of a multi-modal downtown.

Study Process. The following are tasks typically included in a parking study. The extent of the study process and number of tasks does drive the cost of a study:

- Define the parking area and update inventory of private, public and on-street parking locations.
- Onsite parking counts and field observations. Assessment of on-street and off-street parking demands of both public and private locations. An occupancy assessment is just a count of how many spaces are used at what time of day. A utilization study gives information on occupancy and some information on length of time a parking space is used by a unique vehicle. A utilization study is more expensive than the occupancy study. The appropriate number of survey days and times will vary depending on the use; however, reoccurring peak parking demand should be captured in the timeframe of the utilization study.
- Stakeholder interviews: individual meetings with business owners, employees, and residents.
- Survey, emails, questionnaires from town residents, customers, employers, and employees.
- Steering committee meetings and public open houses.

The following items are also areas that have been identified for consideration to be included in a Parking Study:

1. High level cost estimates to build and operate parking garage. The following are items to include in a high level estimate:
 - Land acquisition.
 - Design & construction.
 - Lighting, Power, Signage, Access control.
 - Safety & security, perimeter control, landscaping.
 - Pedestrian links to/from destination.
 - Ongoing maintenance (snow & litter removal, power sweeping, resurfacing, landscaping, line painting, lighting and insurance).
 - Enforcement (to achieve compliance).
 - Marketing & promotion.
2. Employee Parking:

In a traditional downtown area, employee parking is combined with the numbers for the occupancy count for the “normal” peak use. Separating out an employee use count is difficult and an expensive task undertaking; this is especially true in Leavenworth given the various shifts

and time periods within the Leavenworth downtown area. Many traditional downtowns have typical office personal with traditional hours that make this an easier assessment and inclusion within the study. To get some sense of the numbers of employee parking use, a utilization study tracking license plate numbers and time could provide some level of count on this type of use.

3. Special Events:

The outcome of a typical study is to address and find solutions for “normal” peak parking use. In Leavenworth, the parking related to Oktoberfest and Christmas Lighting is the events that spark much of the parking discussion or complaints on congestion. Parking solutions for “normal” peak use could be quite different than those solutions needed for Christmas Lighting and Oktoberfest celebrations. For both of these events, a number of public and private parking spaces are out of use because of needed bus parking or event use of parking areas. To address this issue would be an addendum to the study.

The outcome of the discussion today is to get a consensus from the Council on a suggested scope of the Assessment and Study. This will allow for the development of a presentation to the PORT and the development of the Request for Proposal for the Parking Assessment and Study.

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

10:05 – 10:20 Short-Term Rental Enforcement

This time is provided to discuss “short-term rental enforcement.” Throughout the public outreach and deliberation process for the Council to amend the Leavenworth Municipal Code (LMC) regarding short-term rentals, the Community has expressed the need to include hand-in-hand regulations and the follow-up of enforcement. Implementation of the Code includes enforcement as routine, but this particular code enforcement needs attention.

Currently, the public has provided the City with approximately 40 potential violations of the LMC. The Council has expressed a commitment to take action to address these potential violations. To proactively tackle this level of immediate active enforcement, Development Services needs support and/or bolstering of resources to effectively manage. A strong ‘out-of-the-gate’ and temporary approach is being sought. Below is an outline for an enforcement strategy for the Council to consider:

- (1) Educational Notice in City Newsletter.
- (2) Public service announcements in Newspaper of Record and Local Radio.
- (3) From citizen list of potential violators that the City currently has on file, send a focused “educational” letter from Development Services noting that the property and activity has been brought to the City’s attention as the site of potential overnight rentals in a residential zone in violation of city code. Invite inquiry from the property owner. Advise of date after which active enforcement may occur.

- (4) Establish chain of command for enforcement. Employ or contract for an enforcement officer. At this time, the preference is for contracting of an enforcement/investigation officer. If contracting is pursued, establish terms of contract and scope of work.
 - a. This Contract would be limited in time; and seek professional(s) with expertise in the investigation process / field. This focus and emphasis on investigation has two benefits: (1) the evidence and proof of violation needs to be solid; and (2) allow for establishing a template / process for future enforcement. This is due to the relatively new “platform” and flexibility (speed of change, evolution, and/or ability to morph) of this type of the violation. Services would include receipt of citizen complaints, prompt visit to sites of alleged violations, and monitoring of overnight rental websites.
 - b. The Enforcement Officer would *not* be authorized to issue notices under 21.13 LMC. All voluntary compliance agreements and notices of violations and orders would be issued by the City Administrator or Development Services Manager.
- (5) After determining that adequate evidence exists to prove a violation (based on the work of the investigation and documenting of the violation), the City will send the “voluntary correction agreement” letter from the City Administrator. The City Attorney would review the evidence developed and any proposed letter and tendered voluntary correction agreement.
- (6) If voluntary correction is not achieved, and/or if a voluntary correction agreement is not received, continued monitoring by the contract enforcement officer for a period specified by the contract. If violation persists or returns, initiate the “notice of violation and order” as prepared by Thom H. Graafstra with Weed, Graafstra & Associates, Inc., P.S. per LMC 21.13.080. The Notice of Violation and Order would be issued by the City Administrator or Development Services Manager.
- (7) If the Notice of Violation and Order is not appealed, but correction does not occur, pursue penalties under LMC 21.13.090 B. Consult with City Attorney on form of notices. If penalties are appealed, consult with the City Attorney concerning the penalties and any appeal to the Hearing Examiner. Prior to any action to reduce penalties to judgment by action in the Chelan County Superior Court, secure approval of Mayor and City Council.
- (8) If the Notice of Violation is appealed, consult with City Attorney concerning defense of the Notice of Violation and Order before the Hearing Examiner. Defend strong cases before the Hearing Examiner.
- (9) Publicize notable enforcement successes.

Also, the Council should be aware that the City does not have a “citation or ticketing” option for this type of violation of the code. The enforcement process is 1) resource driven with a need to keep meticulous records, 2) has to be tracked, and complete (thorough), and 3) time consumptive. Finally, it has been suggested that the City consider shutting off City water service to gain compliance. This course of action is not allowed in the State of Washington at this time.

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

- LMC 21.13.080 Notice of violation and order
- LMC 21.13.090 Violations – Civil enforcement and penalties

10:20 – 10:40 Alleyway Setback Follow-up Discussion

This time is set aside as requested by Councilmember Larsen for the Council to continue the discussion regarding the topic of a change of use and; in particular, Councilmember Larsen asked how to review how this pertains to setbacks. During Council meetings, many and varied previous study sessions, and at the December 13, 2016 Study Session, the discussion of “Change of Occupancy” remains a topic.

At the December 13, 2016 Study Session, Mayor Farivar stated that she is in support of another discussion on this item and added that she would like to ensure that the City Attorney be invited to help answer questions as they arise during the discussion. The City Attorney and many Councilmembers met to discuss the legal parameters regarding a change of occupancy and/or use. Councilmember Bretz stated that after receiving the clarification from the City Attorney, it appears that the real question to explore is regarding setbacks rather than the change of use thresholds or definitions.

As understood and directed, the Development Services Department has prepared a draft text amendment specific to garages and accessory dwelling units and reduction of setbacks upon addressing life safety and operational components that relate to the encroachment of the setback to an alley. This draft is being presented for Council consideration and review. This drafted regulatory (code language) change may be an option as to how such change may “unfold,” and the Department is seeking direction as to the policy for a future amendment (if agreed by Council).

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

- Draft Text Amendment (track changes version)
- International Fire Code Section 312 - Vehicle/Heavy Object Impact Protection

10:40 – 11:00 Development Services Department 2016 Year End Review

This time is provided for update and status reporting to the Council regarding development activities through the 2016 calendar year. The year-end report from the Development Services Department includes permit / construction, legislative, and design activities tabulations. Although counted within the department, the Hearing Examiner report is distinct and provided to the Council annually. Attached and provided to the Council are the summary documents with narratives to reflect 2016.

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

- Development Services Department 2016 Year End Report
- Hearing Examiner 2016 Year End Report

11:00 – 11:10 2017 Project Tracker

The City Council is being provided the 2017 Project Tracker that will be updated with progress for the Council's review at the April Study Session.

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

- 2017 Project Tracker

11:10 – 11:15 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” –
- Vacation / Overnight Rentals in the Residential Neighborhoods – Nathan Pate
- Planning Commission Subcommittee Upcoming Meetings – Sue Cragun / Nathan Pate
- Spring Clean-up Coming Soon – Herb Amick / Sue Cragun
- Detecting Water Leaks – Sue Cragun
- 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

11:15 – 11:30 Council Open Discussion

- Confirm Retreat Meeting Date and Location Preferences

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