

**LEAVENWORTH CITY COUNCIL**  
**Study Session Agenda**  
**City Hall - Council Chambers**  
**April 12, 2016 9:00 a.m.**

**9:00 – 9:20 Chamber Report**

- A. 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.
  
- B. Special Use Permit – Maifest Bier Garten.

This time is provided to discuss the request by the Chamber of Commerce to operate a Bier Garten in conjunction with the Maifest Celebration. Included with the Maifest Celebration this year will be the rising of the town Maibaum, in addition the Small Towns of Across America film crew will be in town filming the event. Because of the uniqueness of the Maibaum rising, once every 15 years, and having the film crew in town, extra emphasis is being explored to present a true Bavarian Maifest presentation. The Council is being asked to approve the Bier Garten Special Use Permit for the Front Street Park.

Under the Leavenworth Municipal Code (LMC 12.24.070) the Council has some latitude in allowance of different commercial activities within Front Street Park. Previously the City Council has approved the Glühwein Tent during Christmas Lighting for the sale of alcohol. The limited use, limited visual access, security provisions, and limited consumption of a Bavarian drink that promoted the Bavarian Theme, were considered when Council approved that use.

In this case, with the use of tents an argument can be made that similar to the Glühwein tent, there is the creation of a private space on public property out of view of the general public. In addition, a beer garden and the consumption of beer at this traditional Bavarian Celebration could be argued consistent with the Bavarian Tradition which may be allowable under LMC 12.24.070.

The Council should be aware that the LMC 12.24.140 prohibits the consumption of alcohol in City of Leavenworth parks and the State of Washington RCW prohibits the public consumption of alcohol. Although as noted above, previous City Councils have made allowances within Front Street Park with very specific conditions.

The following items are included under **TAB 5** for the evening meeting:

- LMC Chapter 12.24 Park Regulations
- Special Use Permit – Maifest 2016
- Resolution No. 16-2012

**9:20 – 9:40 Update on School District Project Regarding the Skatepark**

This time is set aside to discuss the status of the skate park. The skate park is generally located northwest of Chumstick Highway. This park is located at 10190 Chumstick Highway (Highway 209). The Cascade School District is redeveloping this 34.82-acre parcel for the newly renovated

and improved Cascade High School. As part of this project, the park is to be removed for the installation of a required emergency access to the building and necessary egress route / sanctuary. This access will also serve as delivery and other necessary building / school operations. Attached is the preliminary construction site plan, and as noted, the "remove skate park" is near the Chumstick Highway.

This park was constructed with use of Recreation and Conservation Office (RCO) grant dollars, and placed with a use agreement. Attached is the "Interlocal Agreement between the City of Leavenworth and the Cascade School District for the operation of a skateboard/in-line skate facility at Cascade High School." As such, the park is governed by two binding agreements.

The first is the "Interlocal Agreement between the City of Leavenworth and the Cascade School District for the operation of a skateboard/in-line skate facility at Cascade High School." The City Council and Cascade School District will need to terminate this contract by motion per the agreement.

The second is removal of the skate park, which is on school land, must comply with the General Provisions of the applicable grant agreement. RCO's compliance policy manual Section 19 addresses compliance and conversions. In an effort to address this requirement, the City, on behalf and supported by the District, transmitted the January 22, 2016 (attached) request for policy waiver to the RCO Director. This request outlined elements to satisfy the grant obligation and render the park obsolete. On February 12, 2016, the City and the District received a letter denying the request for obsolescence. The next step is to begin the "conversion" process before the RCO Board. Two pieces of the conversion need to be addressed.

- 1) Replacement per the RCO manuals. The Cascade School District has proposed to replace the park with an in-kind (same monetary value) recreational facility. This will be one or more of the on-site tennis courts. In meeting with RCO Outdoor Grants Manager, such would comply with the RCO conversion requirements upon review of the RCO Board.
- 2) Address the community needs. The park was created and partially paid for/by an active segment of the community that desired a skate facility. This commitment to serve this group and community need for this specific type of recreational facility may remain.

The City Council is being asked to review this information, and provide guidance.

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

- Site Plans
- Interlocal agreement between the City of Leavenworth and the Cascade School District for the operation of a skateboard/in-line skate facility at Cascade High School
- Request for policy waiver
- Request for obsolescence denial

#### **9:40 – 10:10 Ad Hoc Housing Affordability Committee**

This time has been set aside to discuss an initiative being brought forward by Mayor Cheri Farivar to form an ad hoc Housing Affordability Committee. The efforts of the committee would be to

evaluate programs and initiatives to produce affordable units and preserve existing ones; make recommendations to the City Council and Planning Commission to create initiatives and codes to promote mixed-income development in neighborhoods across the city; and ensure a vibrant mix of housing options for people of all income levels.

Areas of investigation and evaluation may include the following:

- Study and determination of the demographic market sector(s) needing housing in and around Leavenworth. (Is the greater need rental housing or ownership?)
- Study of the many types of need for workforce housing, including:
  - ✓ long-term rental apartments and homes
  - ✓ short term rental apartment units
  - ✓ single-family homes available for purchase
- Initial data collection and identification of the existing housing stock within Leavenworth and the Leavenworth area.
- Modifications of regulations and development standards that strive to reduce land and building costs.
- Implementations of incentives that address housing affordability – Stimulate the development of new affordable rental and ownership housing units through incentive-based and cash-based cost offsets. Examples include providing additional housing units or reduced parking requirements in exchange for investor/owner commitment that units will remain affordable long-term or expedited permit review, impact fee, or utility connection fee reductions in exchange for affordable housing units.
- Modifications of regulations and development standards that expand the range of housing types – smaller stand-alone homes, multiplex units, ADU, Small/Tiny homes, low rise apartment complexes, and micro apartments (apartments less than 500 square feet).
- Efforts that can be made to retain older housing stock – These units constitute a large portion of the existing housing supply that is affordable.
- Explore affordable housing investment funding: this fund would provide financing necessary to meet the funding gaps. Funding source could be grant programs or agencies currently working with housing affordability programs.

The task force would also research housing affordability initiatives in other small cities similar in population size and the Leavenworth economic model to glean their experience and their relative success at alleviating the affordability gap in housing.

The ad hoc Housing Affordability Committee would be established and appointed by the Mayor, and staff support would be provided. The City Council may need to allocate some funds to support the Task Force which could include the use of 2060 Low Income Housing funds. The City may also seek additional grant funds for this planning activity through the Department of Commerce

and other agencies. It is anticipated that the task force's commitment would be for a 9 – 12 month period.

There are no items included under **TAB B** for this topic.

### **10:10 – 10:30 Council Selection for Filling Vacancy**

This time has been set aside to confirm the process to be used for filling the vacancy on the City Council with the resignation of City Councilmember Michael Molohon. As of this time the City has provided a public press release to all news agencies, advertised in the Leavenworth Echo with a paid display ad on March 30<sup>th</sup>, 2016, and provided postings on the City website and the City's Facebook page. The initial period for the submittal for a letter of interest is through April 12, 2016. At that time a follow-up application will be provided to the applicants for additional information.

The uniform procedures in RCW 42.12.070 for filling vacancies on the "governing body" of a city or town (other than a first class or charter code city) merely state that "the remaining members of the governing body shall appoint a qualified person to fill the vacant position." (There are additional procedures that apply if the governing body fails to fill the vacancy within 90 days.)

The following would be a recommendation for proceeding with the candidate selection:

1. Letters of Interest and Applications reviewed by Council.
2. Public Interview of Candidates.
3. Executive Session on Candidates.
4. Open debate and vote selection of Candidate. A process for voting on candidates may need to be identified depending on the number of applications submitted.

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

- MRSC: Filling a Vacancy in a City or Town Council
- Follow-up Application

### **10:30 – 10:50 Discussion Site Development Permits**

This time has been set aside to study a new amendment to the Leavenworth Municipal Code (LMC) regarding a new "Site Development Permit."

As included within the Planning Commission 2015 Amendment Docket, the Planning Commission has been asked to review and study "Add Site Development permit" (including: Permit for improvements that do not rise to higher level permitting (need a process to capture review and approvals. Define such permit). From time to time, updates and edits to the LMC may be necessary to reflect appropriate changes and where necessary. This text amendment has been reviewed and deliberated upon by the Planning Commission on May 6, 2015, June 3, 2015, July 1, 2015, August 5, 2015, September 2, 2015, and December 2, 2015. During the December 2, 2015 public hearing, the Planning Commission heard testimony and continued the action to March 2, 2016.

The Planning Commission deliberated on the topic of adding a permit to the list of existing permits allowed and issued by the City of Leavenworth. The Planning Commission did not want to inadvertently create more layers of “bureaucracy” which would delay projects or be an additional burden to the development community. Many Planning Commission study sessions included discussions of the purpose, intent, and functionality of this new type of permit.

Currently, contractor’s activities for any earth movement are issued a grading, excavation and earthwork permit. This is an awkward and ill-fitting permit for projects that include, but are not limited to: infrastructure installation outside of a Permit to Perform Work in City Street Right-of-Way, wetland, or other critical area enhancements.

The Site Development permit is intended to be a tool within the permit spectrum that fits below the International Building Code Appendix J – Grading. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefore from the building official. A grading permit does not include the construction of retaining walls or other structures.

The Planning Commission desires a more flexible and reduced criteria permit to allow property management and to begin the first stages of development without the need to obtain a grading, excavation and earthwork permit under the IBC.

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

- Amendment to LMC 21.09.030 and 18.08.385 - creating site development permit

### **10:50 – 11:20 Annual Retreat Follow-up / Continue Goals Discussion**

This time has been provided for continuing the Council Retreat discussion on the goal development worksheet. As goals and objectives are identified, these will be used to develop the 2017/2018 budget and project initiatives for the City. The two remaining areas for discussion include Transparency and Accountability and Community Building. As noted in the early discussions, the Council is being asked to first identify the goals within the area and then identify objectives or initiatives that will help achieve those outcomes. The timelines for achieving either the goal or objective is not defined. Some goals or objectives may be short term; others may be much longer, depending on the goal, objective, and needed resources. Once the goals and objectives are identified, staff will provided recommendations and strategies on how to achieve the desired outcomes and the resources that may be needed. It is recommended on Tuesday to keep the discussion focused on the area of Transparency and Accountability. The remaining area of Community Building will be scheduled for discussion at the May Study Session. The Goal Development Worksheet with updates from the Council March Retreat is provided for your review.

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

- Draft: Goal Development Worksheet

### **11:20 – 11:35 Quarterly Update Future Council Agenda Items / Project Tracking**

The Council is being provided the quarterly Project Tracking spreadsheets. The Project Tracking is not a comprehensive list of all the work being completed or the tasks underway by the City; however, this does reflect the City projects and tasks that have been directed by the Council as priorities. Each project includes some annotations of status or description, anticipated completion, and stage (progress level). This is intended to relay progress and ensure that the City is on target with the needs of the community and Council priorities. This document is updated and provided to the Council on a quarterly basis. The current status of the projects are listed under the APR column and this document will be distributed again at the beginning of July with updates. In addition, staff has provided the City Council 2016 Future Agenda Items that are subject to changes.

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

- Project Tracking Document
- City Council 2016 Future Agenda Items

### **11:35 – 11:45 Quarterly City Newsletter Recommendations – Distribution in May**

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

- “A Minute With the Mayor”
- Raising the Maibaum in 2016 – Sue Cragun
- City Pool & Water Safety – Sue Cragun
- Upcoming Festivals and Events – Sue Cragun
- Leavenworth Recycle Center – Sue Cragun
- Mosquito Control District – 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 items are included under **TAB G**:

- Summer 2015 Newsletter

### **11:45 – 12:00 Council Open Discussion**

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