

LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall - Council Chambers
December 13, 2016 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 – 9:45 Stormwater / Wetland Plan Review

This time is set aside to review the Regional Stormwater / Wetland Management Master Plan with the Council. On August 23, 2016, the Master Plan was handed out to the Council. The Planning Commission has studied this Plan for some time, and this final draft was transmitted to the City Council as an opportunity for Council to become familiar with the Plan for subsequent adoption in the future. This “homework” assignment for the Council was to allow early review. On October 19, 2016, the Planning Commission held their public hearing for final recommendation. On October 24, 2016, the final draft Regional Stormwater / Wetland Management Master Plan was transmitted to the Washington State Department of Ecology and U.S. Army Corps of Engineers for their review.

History

On July 1, 2014, the City was awarded a \$150,000 Centennial Clean Water Program Grant via our funding partner the Washington State Department of Ecology (Ecology). Securing funding was the top priority and first step in addressing the wetland and stormwater issues in the City and Urban Growth Area. This funding allowed the City to move forward with collecting information to identify the issues and also to develop solutions for addressing wetland and stormwater issues while allowing for future development. On March 24, 2015, the Council approved the Professional Service Agreements (contracts) with three qualified consultants to develop a Regional Stormwater Quality / Wetland Management Master (Plan) for stormwater control, protection, restoration, and enhancement through green infrastructure planning within the Urban Growth Area (UGA) of the City of Leavenworth (City).

The plan is also indebted to the Ballinger, Susan Reynolds, (Feb ‘99), “Leavenworth Water Problems Study”. The documentation of the Ski Hill Drive area issues regarding stormwater, flooding, surface hydrology, hydrogeology and soils were an important influence on the plan.

Key aspects from the Plan

Planning document.

This is a planning document. Goals, policies, and strategies are included in the plan, to help guide the City through a changing regulatory environment. Topics addressed include comprehensive stormwater planning, compliance criteria, streamlining applicant processes, streamlining engineering requirements, encouraging and promoting local partnerships, financing, use of existing wetlands, and maintaining a citywide stormwater model.

New understanding of stormwater management.

Leavenworth's stormwater infrastructure is neatly divided into four (4) drainage basins, i.e. Ski Hill, Downtown West, Downtown East, and Alpensee. A fifth drainage basin, north and east of Alpensee, will eventually be included as annexations occur within the Urban Growth Area (UGA). Two (2) large tributary areas to the west and north, i.e. Tumwater Mt. and Ski Hill ridge, have a significant impact to the capacity of the existing stormwater infrastructure, i.e. specifically the Ski Hill and Alpensee networks. These tributary areas account for 66% (1,588 acres) of the total 2,614 acre Leavenworth drainage basin. They are directly linked to the lack of capacity in both networks for larger storm events, i.e. 10 year storms or greater.

Leavenworth hydrogeology is generally characterized as: snowmelt from the Tumwater Mt. and Ski Hill tributary areas infiltrate into the ground, reappear as surface waters, and infiltrate again as groundwater flow; wetland waters are a transitional phase of surface to subsurface flows; there may be three aquifers at 15' to 150' depths, all hydraulically connected; groundwater discharges to the surface via upward hydrostatic pressure; and base flow to the Wenatchee River has been observed up to 4 cfs. Groundwater issues have been a constant problem for many constituents.

The plan emphasis is on the management of stormwater utilizing water quality treatment, flow control, and naturally occurring wetlands. The methods which attempt to mitigate adverse stormwater impacts are known as Best Management Practices (BMPs). BMPs are approved by Ecology and include well established practices and emerging technologies. BMPs are generally categorized as Source Control, Water Quality Treatment, and Flow Control.

- Source control BMPs are utilized to prevent pollution from ever occurring. They are very cost effective; however, management can be problematic as these BMPs require use specific individual plans, i.e. each control approach is uniquely based on the target pollutant, and responsible self-policing.
- Water quality treatment currently focuses on the application of BMPs to treat the following pollutants; total suspended solids (TSS), hydrocarbons (oils), metals (dissolved), and phosphorus (when mandated by others). Water quality treatment commonly takes the form of bio-filtration such as vegetated filters, swales, and ponds.
- Flow control BMPs are used to control the flow rate and duration of stormwater runoff, preserving the physical capacity of existing infrastructure such as ditches, gutters, culverts, and pipe networks. Flow control commonly takes the form of detention ponds, tanks, and vaults. BMPs can be applied to surface runoff generated by areas as small as a single-family residential driveway. Developments are commonly required to apply BMP(s) to treat project generated surface runoff. Regional (publicly owned) facilities, i.e. an individual or series of BMPs treating a large area, are an effective way to economically treat surface water runoff. The existing City stormwater utility is an appropriate regulatory vehicle for financing regional capital improvements.

This plan is comprehensive and applies a differing approach (regarding past implementation) with an emphasis on treatment and discharge rather than the emphasis for on-site infiltration. This is due to new modeling and soil types. Infiltration remains a BMP, but hydraulic management has shifted away from infiltration (forcing water into already saturated soils) as the ultimate solution.

New Applicability Thresholds (NOTE: A revised applicability threshold is being prepared at the time of this presentation to Council).

The plan includes a draft resolution intended to replace the “City of Leavenworth Standard Operating Procedures for Stormwater Applicability Thresholds” resolution.

New Capital Improvements based on understanding from study that conveyance is critical.

A draft 6 and 20-year capital improvement program is included. These improvements are recommended based on model simulation results. The simulations illustrate where physical capacity deficiencies and flooding are expected to occur within the network(s).

New Templates for compliance – development options that help in Residential Projects.

Draft residential driveway water quality treatment procedures are included. Draft procedures are included for a developer option to pay a “Fee-in-lieu-of” applying required BMPs.

New Wetland Inventory Report with updated buffers, confirmation with multiple seasons, and more properties reviewed.

Twelve (12) existing wetlands totaling 52.91 acres were identified within the Leavenworth drainage basin. They range in size from 0.02 acres to 42.20 acres. This includes four slope wetlands and six depressional wetlands. They provide a number of benefits and functions such as wildlife habitat, natural water quality improvement, flood storage, recreation opportunities, and aesthetic appeal. Storm drainage discharge to naturally occurring wetlands for the purpose of water quality treatment is prohibited.

This report should be considered a wetland inventory, which maps probable wetlands. It should be noted that this is a large-scale wetland study and thus wetland boundaries were recorded with GPS but not permanently marked on any one property. It provides general information over a large area as the conditions existed when the fieldwork was completed. Because wetlands can change over time, the findings herein should be used as a guide and wetland boundaries should be re-identified based on the recorded GPS locations and verified for site-specific development projects. Not all owners of private property granted access to investigate their properties for wetlands. Where access was not granted, no definitive wetland determination could be made.

To avoid the possibility of misidentifying wetlands as uplands due to a dry-season water table, wetland data were recorded as early in the growing season as was feasible. This occurred from approximately April 8 through May 13, 2015, then again on April 26, 2016.

DOE final review progress.

The Washington State Department of Ecology has not finalized their review, and the City will be awaiting their assistance.

There are no additional items included under **TAB A:**

- *Please bring your Regional Stormwater/Wetland Management Master Plan*

9:45 – 9:55 Final Review of Rate & Fee Schedule

The City Council is being provided the redline version of Resolution 16-2016 for the 2017 Rate & Fee Schedule for final approval. The Rate and Fee Schedule does not include changes to pool

fees, Cemetery Fees, or the proposed Stormwater In – Lieu of fee that has been removed. The pool fees will be discussed with the Upper Valley Park and Recreation Service Area Board in February with a recommendation back to Council. The Cemetery Fees will be reviewed as the final software updates are completed and financial planning of the Endowment Fund is completed. The Stormwater In – Lieu of fees will be reviewed as part of the Stormwater Master Plan approval process. The Rate and Fee schedule for 2017 does include the following:

- Fireworks Fee & language changes
- Building Permit Fee language clarifications
- New Commercial Garbage Fees for Holiday and Downtown Surcharges
- Utilities – Note no changes to any current rates/fees
- Utility Extension permit (Water/Sewer/Stormwater) outside City Right-of-way
- Pool Fees – Language clarifications and inclusion of fee for Swim Team that has been in place but not formalized
- Civic Center (Festhalle) – removal of 2016 Calendar Year rates
- Rafting Fee – language clarification only
- Front Street Gazebo Special Use Permit fee for private use
- Parking – language clarifications and Two Hour City Hall Parking language changes

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

- Redline Version of Resolution No. 16-2016: 2017 Rate & Fee Schedule

9:55 – 10:05 2017/2018 Budget Review Time

This time is being provided for the City Council to ask any final questions related to the budget prior to the approval of the budget that will occur at the evening meeting.

The following items are included in the **Front Binder:**

- The City and TBD 2017-2018 Final Budget Documents

10:05 – 10:20 Mayor Pro-Tem 2017 Committee Assignments

This time is being provided to the Council to review the current 2016 appointments of Councilmembers to standing committees and other committees requiring City representation. Under Resolution No. 01-2012 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 mayor makes appointments to other committees. The Committee assignments are typically made at the second meeting in January. The Mayor Pro-Tempore is typically elected at the first meeting in January.

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

- RCW 35A.12.120
- Resolution 1-2012
- 2016 Appointments to the City Council Standing Committees

10:20 – 10:35 Planning Commission 2016/2017 Docket Review

This time is provided to re-present the Draft Planning Commission 2017 Docket; and follow-up on the status of the Planning Commission 2016 Docket. The Development Services Department presented the draft 2017 Docket at the November 8, 2016 Study Session. From that study session, the Department heard questions and desired to follow-up on any aspects raised by the Council.

The Council may notice from past Dockets that some amendments are from the previous cycles. In 2016/2017/2018, this number of amendments "rolling over" is extremely evident. You will find in the packet materials, the "Planning Commission 2017 Docket" includes items from the Planning Commission Docket of 2016; and that items that have been placed on the "back burner" with information as to when and where they will be processed / completed. This "rolling over" is necessary. In addition, many housing components with the 2017 Docket may be considered by the Housing Affordability Ad Hoc Committee.

The Council may also notice that not all amendments need to be a part of this annual amendment cycle (Docket). Amendments that are a part of the Comprehensive Plan, development regulations, and any other GMA linked / related changes are processed within this amendment cycle.

In past and every year, the Planning Commission works on the City's "Docket." This list of amendments (the Docket) is developed throughout the previous year from citizen, Council, Planning Commission, and staff comments or requests. This year differs in a critical manner.

Every county and city in the State is required to conduct a periodic update of its comprehensive plan and development regulations, though the obligation varies depending on whether the jurisdiction is fully or partially planning (RCW 36.70A.130(1)). Over the recent few years, the City has been "whittling down" differing development regulations in advance of the mandated deadline to reduce workloads. Now is the time mandated by RCW 36.70A.130 (WAC 365-196-610 and RCW 36.70A.130) which states "On or before June 30, 2017, and every eight years thereafter, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties" "shall update their respective Comprehensive Plans." Plans must be internally consistent, that is, elements within the plan must be mutually reinforcing. Consistency is also required among the plans of adjacent jurisdictions and where common regional issues exist. In addition, development regulations, such as zoning, must be consistent with local plans.

Required Plan Elements (RCW 36.70A.070) – The City of Leavenworth Comprehensive Plan must include, at a minimum, the following elements:

- Land Use,
- Utilities,
- Economic Development,
- Housing,
- Transportation,
- Parks and Recreation, and
- Capital Facilities.

All requests for city-initiated amendment proposals from the public must be received by December 31st to be considered for the upcoming year's amendment process. By January 31st 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.

The Docket includes "place holders" for private applications; and results from the Housing Affordability task force.

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

- Draft Planning Commission 2017 Docket

10:35 – 10:55 Willkommen Village Development

This time is provided for discussion and status of the Willkommen Village Development. There is a specific aspect of the development to bring to the attention of the Council – cost sharing. The new street improvements which serve both the Pine Village KOA and Willkommen Village Development include necessary infrastructure to support the KOA, but the capacity of the system will need to be upsized to serve future needs. Specifically, the plans include a public lift station and the collector street ending short of Riverbend Drive. At this time the capacity of the lift station should consider build-out for three distinct areas. 1) Pine Village KOA, 2) Willkommen Village; and 3) River Bend residential neighborhood. In addition, the future collector street should connect to Riverbend Road. Fire District No. 3 supports access, and recommends that such access should not be gated. If desired, the Council may participate in cost sharing to add capacity, and at a future time, recover costs. The time to consider such is approaching, as the final plans and time of construction is near.

Pursuant to Leavenworth Municipal Code 14.14.175 Cost sharing, the City may choose to engage in a cost sharing agreement for utility improvement(s) *at its discretion and to the amount and/or method it chooses* and may use the following criteria as a guide when considering an agreement:

- A. The project is identified in the City's Capital Improvement Plan;
- B. There is a system-wide benefit which would be derived by the improvement(s); and/or
- C. The improvement(s) does not exceed the annual budgeted amount established by the City Council for cost sharing.

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

- Pine Village KOA lift station plans
- Vicinity map
- Fire District No. 3 – Collector Street connection onto Riverbend Drive letter

10:55 – 11:15 Status of Code Amendments / process

This time is provided to outline the amendment process and choices that may be considered for adoption of amendments as recommended by the Planning Commission. This is important for discussion in regard to complex and/or potentially controversial amendments, like the amendments regarding short-term rentals in the residential neighborhoods.

After preparing an amendment, the Planning Commission holds public meetings to deliberate and review the amendment, and holds at least one public hearing on the amendment. Notice of the time, place, and purpose of the public hearing is provided as required by the Leavenworth Municipal Code and includes at least one publication in a newspaper at least ten days prior to the date of the hearing.

Upon completion of the hearing, the Planning Commission (after making changes as it deems necessary) transmits a copy of its recommendations for the amendment to the City Council through the Development Services Department.

The City Council, at a public meeting, considers the amendment.

At the public meeting, the City Council may choose to:

- 1) Vote to approve or disapprove the amendment as transmitted;
- 2) Modify the amendment upon setting a separate Council Hearing regarding the amendment; or
- 3) Remand (refer) it back to the Planning Commission for further proceedings; in which case the City Council shall specify the time and direction within which the Planning Commission shall report back to the City Council of its findings and recommendations on the matter.

The final form and content of the amendment shall be determined by the City Council. An affirmative vote of not less than a majority of total members of the City Council is required for adoption of an ordinance to approve the amendment. The amendment, as approved by the City Council, is then filed with the city (and Code Publishing) and is be available for public inspection.

There are no items included under **TAB G:**

11:15 – 11:30 Council Open Discussion

- Change of Use

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