



**City of Leavenworth
Planning Commission Special Meeting
October 19, 2016 (Wednesday)
7:00 PM
City Hall – Council Chambers**

AGENDA

1. Call Meeting to Order
2. Roll Call
3. PC Minutes: ~~July 6, 2016, August 3, 2016 and October 5, 2016~~
4. **Planning Commission Hearings:**
 - a. Regional Stormwater / Wetland Management Master Plan
 - b. Amendment to LMC 18.44.020 Tourist Commercial (TC) listed uses to include “recreational vehicle parks.” Amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51.
 - c. Private Land Use Designation and Zoning Map amendment for lands owned by Ida Allen Trust from Residential Low Density 6,000 (RL 6) district to LI district. The subject properties are approximately 3.68 acres in area, located across from County Shop Road; and identified as Lots 1-3 of Short Plat 575; and further identified as Parcel Nos. 241701410125 and 241701410100.
 - d. Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village from Multifamily Residential (RM) district to General Commercial (GC) district. The subject property is approximately 4.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.
 - e. Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district. The subject property is approximately 2.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.
 - f. Amendments to clarify Duplex and new ADU regulations and other miscellaneous updates within LMC Chapters 18.20, 18.21, 18.22, and 18.23
 - g. Amendments to varied sections and chapters of the LMC to consolidate land use and development definitions into a single title.

- h. Private Leavenworth Municipal Code amendment to increase the building height of the General Commercial (GC) district from 35' to 50'.
- 5. Reviewing the final draft and acceptance of written evidence (materials such as studies, white papers, articles and/or general comments for the record) regarding an amendment which strengthens and clarifies the existing LMC on short-term / vacation / overnight rentals in residential neighborhoods.
- 6. Upcoming Meetings (**agenda items to be determined**)
 - a. **November 2, 2016** – Hearing regarding the strengthening of the existing LMC for vacation / overnight / short-term rental in the residential neighborhoods.

City of Leavenworth Development Services Department

**Notice of Leavenworth Planning Commission
Special Meeting**

PUBLIC HEARINGS

Notice is hereby given that the Leavenworth Planning Commission will conduct a special meeting on **Wednesday, October 19, 2016 – 7:00 PM** in the City Council Chambers at City Hall. This Special Planning Commission Meeting will be to hold Hearings for the following:

1. Regional Stormwater / Wetland Management Master Plan
2. Amendment to LMC 18.44.020 Tourist Commercial (TC) listed uses to include “recreational vehicle parks.” Amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51.
3. Private Land Use Designation and Zoning Map amendment for lands owned by Ida Allen Trust from Residential Low Density 6,000 (RL 6) district to LI district. The subject properties are approximately 3.68 acres in area, located across from County Shop Road; and identified as Lots 1-3 of Short Plat 575; and further identified as Parcel Nos. 241701410125 and 241701410100.
4. Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Multifamily Residential (RM) district to General Commercial (GC) district. The subject property is approximately 4.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.
5. Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district. The subject property is approximately 2.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.
6. Amendments to clarify Duplex and new ADU regulations and other miscellaneous updates within LMC Chapters 18.20, 18.21, 18.22, and 18.23
7. Amendments to varied sections and chapters of the LMC to consolidate land use and development definitions into a single title. The emphasis was to bring together Titles 21 and 18. NOTE: additional vacation / overnight / short-term rental related definitions will be separate amendment.
8. Private Leavenworth Municipal Code amendment to increase the building height of the General Commercial (GC) district from 35' to 50'.

The public is invited to attend said special Planning Commission meeting and make comment.

Nathan Pate, AICP
Development Services Manager
September 27, 2016



City of Leavenworth

Development Services Department

Staff Report – Regional Stormwater / Wetland Management Master Plan

To: Leavenworth Planning Commission
From: City of Leavenworth Development Services Department
Date of Report: October 6, 2016
Subject: Regional Stormwater / Wetland Management Master Plan.

OVERVIEW

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study:

" 6. Finalization of the Regional Wetland / Stormwater Strategy / Management Plan. PC development of the master plan. This will include public outreach and CC participation."

Goal

The goal of the project is to characterize the existing landscape, including wetlands, and stormwater management issues, identify potential stormwater / watershed corridors and provide the basis for a detailed Master Plan that will contain engineering, environmental analyses and design. The study area focuses on both the land currently within the City and the City's Urban Growth Area. The number one goal in developing the proposal for the project and subsequent funding was getting the support of the community.

History

The project was developed out of a community wide Wetland Symposium sponsored by the City Council and Chelan County in June of 2013. 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 for stormwater control, protection, restoration, and enhancement through green infrastructure planning within the Urban Growth Area (UGA) of the City of Leavenworth.

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 suspend 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.

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.

Attachment A - Regional Stormwater / Wetland Management Master Plan has been reviewed and deliberated upon by the Planning Commission on June 4, 2015, August 25, 2015, November 4, 2015, November 18, 2015, February 3, 2016, March 2, 2016, May 4, 2016, July 6, 2016, August 3, 2016, and September 7, 2016.

Council “touch base” dates: January 12, 2016 and August 23, 2016

PROPOSAL:

Adoption of the Regional Stormwater / Wetland Management Master Plan.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
|--|--|
| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

Many and varied

Public Comments (attached)

Many and varied from select meetings and correspondence

RESPONSE TO COMMENTS

The Planning Commission considered comments and testimony. As determined necessary, the Planning Commission incorporated comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document Exhibit A. Staff recommends adopting the

Staff Report – Regional Stormwater / Wetland Management Master Plan

following findings of fact and conclusions of law:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.** The GMA requires provisions for the protection of the quality and quantity of ground water used for public water supplies. In addition, the Land Use Element of the Comprehensive Plan is required to provide guidance for the review, where applicable, of drainage, flooding, and storm water run-off and to provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state. The 2015 -2016 Leavenworth Regional Stormwater & Wetlands Master Plan replaces the 1991 Water Problem Study; and complies with the GMA.
- 2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.** The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan. Specifically:

Land Use Element – Natural Systems and Critical Areas Goal 1: Encourage land use practices that protect the integrity of the natural environment to ensure that the community has an adequate source of clean water and air and to otherwise maintain a healthy human environment. Promote use of techniques, such as stormwater utility funds, conservation easements, sensitive site planning, best land management practices and flexible regulations, to help retain and protect open space, environmentally critical areas, and unique natural features.

Most of the potentially negative impacts on critical areas result from existing and future land use practices. The most effective way to protect the resources, as mandated by the GMA, is to strive for land use practices that minimize or eliminate potential negative consequences. The 2016 Leavenworth Regional Stormwater & Wetlands Master Plan is the fundamental and base planning document to support this objective.

Goal 5: Protect water quality.

The protection of water quality is important for the public health, the local economy, the environment, and helps to maintain the high quality of life.

Policy 1: Adopt and implement storm water and drainage standards within the corporate limits and UGA that protect water resources from impacts caused by development, utilizing source control, on-site detention, and treatment of storm water, where appropriate. Where approved public or private storm drain systems do not exist, require new development to collect, treat, and dispose of its storm water runoff in an engineered system on-site.

Areas with a history of flooding are important to preserve not only for their benefits to the overall storm water drainage system, but also to prevent large public and private expenditures associated with damage from floodwaters. It is also very important to ensure against contamination of these areas through proper management of surface water and storm water runoff.

Policy 7: Protect the availability of potable water by minimizing the potential for contamination of ground water sources from residential, commercial, and industrial activities.

The maintenance of a safe potable water supply is vital to the City.

Urban Growth Area - Policy 5: Encourage Development standards which review and provide for mitigation of drainage, frequently flooded areas, and storm water run-off associated with new development.

The impacts of drainage, flooding, and storm water run-off should be addressed at the time of development to provide the needed protection to Icicle Creek and the Wenatchee River.

Capital Facilities Element - Investments in Leavenworth's neighborhoods, water, stormwater and sewer systems, parks, streets, and public facilities are an essential component of providing a comprehensive and functional capital facilities plan. As a result of the high cost of capital facilities, it is important for the government to prioritize and plan capital facilities as far ahead as possible. Lack of funding often results in some worthwhile projects being delayed as more urgent problems are addressed.

The Capital Facilities Element states for future needs "Create Urban Growth Area City Stormwater Study."

3. **The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.** The proposed amendment does not alter population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.
4. **The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.**

The amendment is consistent with Planning goals of RCW 36.70A.020:

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The proposed amendment has been developed in accordance with the Growth Management Act (see above) and do not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

5. **The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.** The proposed amendment will not modify the supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.
6. **Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** Not applicable
7. **Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** Not applicable
8. **The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.

- 9. The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

The GMA requires provisions for the protection of the quality and quantity of ground water used for public water supplies. In addition, the Land Use Element of the Comprehensive Plan is required to provide guidance for the review, where applicable, of drainage, flooding, and storm water run-off and to provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state. The 2015 -2016 Leavenworth Regional Stormwater & Wetlands Master Plan replaces the 1991 Water Problem Study; and complies with the GMA.”

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is consistent with Planning goals of RCW 36.70A.020, (10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The proposed amendment has been developed in accordance with the Growth Management Act and does not conflict with the City’s Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

The Regional Stormwater / Wetland Management Master Plan can be reviewed at the following links, available at City Hall, or contacting Development Services Department, City of Leavenworth, PO Box 287, 700 Highway 2, Leavenworth, WA 98826, 509-548-5275, www.cityofleavenworth.com

<http://cityofleavenworth.com/col-assets/uploads/2011/05/2016-Regional-Stormwater-Wetland-Management-Master-Plan-City-of-Leavenworth-Final-DRAFT.pdf>

<http://cityofleavenworth.com/col-assets/uploads/2011/05/City-of-Leavenworth-Wetland-Inventory-Report-7.19.16.pdf>

<http://cityofleavenworth.com/col-assets/uploads/2011/05/City-of-Leavenworth-Stormwater-Infrastructure-Preliminary-Hydrology-Hydraulic-Analysis-03.08.16.pdf>



City of Leavenworth

Development Services Department

Staff Report –Amendments to LMC Section 18.44.020 Chapter 18.51

To: Leavenworth Planning Commission
From: City of Leavenworth Development Services Department
Date of Report: October 6, 2016
Subject: Amendment to LMC 18.44.020 Tourist Commercial (TC) listed uses to include “recreational vehicle parks.” Amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51.

OVERVIEW

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study:

- " 1. LMC - Residential uses review and update.
 - C. Address Park Models and other existing uses / criteria for Camp Grounds. Criteria for CUP updated to reflect current trends and the industry.
4. City Map Amendments.
 - A. Return Camp Grounds to the TC listed uses. Review CUP criteria.”

From time to time, updates and edits to the LMC may be necessary to reflect appropriate changes and where necessary. Attachment A - text amendment has been reviewed and deliberated upon by the Planning Commission on July 6, 2016, August 3, 2016, September 7, 2016 and October 5, 2016.

PROPOSAL:

Amendment to LMC 18.44.020 Tourist Commercial (TC) listed uses to include “recreational vehicle parks.” Amendment to the criteria, address Park Models, and update other standards, specification and criteria for recreational vehicle parks within Chapter 18.51.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

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| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

Many and varied from select meetings and correspondence

RESPONSE TO COMMENTS

The Planning Commission considered comments and testimony. As determined necessary, the Planning Commission incorporated comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document with changes noted in redline Exhibit A. Staff recommends adopting the following findings of fact and conclusions of law:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.** This amendment is necessary to resolve inconsistencies in the provisions of the development regulations and to address state or federal mandates. Recreational vehicle parks are regulated in the Conditional Use section and were previously listed as conditional uses in the LMC. Over time, the use was removed from the allowed uses of the Tourist Commercial District; and the regulations remained. The “return” of the use removed an inconsistency whereby the LMC intentional regulated a non-listed (or allowed) use. The update of the criteria and standards are a part of the development regulation review process per the RCW. 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. This amendment has been developed in accordance and compliance with 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.” Finally, minor clarifications are within the amendment to strengthen existing standards, criteria and requirements.

- 2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.** The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan. Specifically:

Land Use Element – General- Goal 10: Provide needed facilities that serve the general public, such as facilities for education, libraries, parks, culture and recreation, police and fire, transportation and utilities. Ensure that these facilities are located in a manner that is compatible with growth patterns. Commercial Goal 1: Encourage the expansion of general retail goods, services, recreational opportunities, and entertainment facilities. Continue to build a network of strong economies.

- 3. The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.** The proposed amendment does not alter population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.
- 4. The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.**

The amendment is consistent with Planning goals of RCW 36.70A.020:

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposed amendment has been developed in accordance with the Growth Management Act (see above) and do not conflict with the City’s Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

- 5. The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.** The proposed amendment will not modify the supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.
- 6. Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** Not applicable
- 7. Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** Not applicable
- 8. The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.

- 9. The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

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. This amendment has been developed in accordance and compliance with 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."

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is consistent with Planning goals of RCW 36.70A.020,

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposed amendment has been developed in accordance with the Growth Management Act and does not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – LMC Amendment

Chapter 18.51
RECREATIONAL VEHICLE PARKS

Sections:

- 18.51.010 Purpose.
- 18.51.020 General requirements.
- 18.51.030 Criteria for locating a recreational vehicle park.
- 18.51.040 Conditional use permit required.
- 18.51.050 Health district approval required.
- 18.51.060 ~~Binding site plan~~ Uses and design.
- 18.51.070 Completion prior to ~~occupancy opening/operations~~ – Phasing.
- 18.51.080 Design standards.
- 18.51.090 Accessory uses.
- 18.51.100 Park administration.
- 18.51.110 Additional requirements.

18.51.010 Purpose.

The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the ~~occupants~~ guests of such parks, residents, and the citizens of the city.

18.51.020 General requirements.

- A. No recreational vehicle shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy ~~in a park by any RV unit~~ for more than ~~14~~ three (3) ~~30~~ consecutive ~~days~~ months shall be conclusively deemed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, or placement of the unit on a foundation, is prohibited.
- B. No permanent external appurtenances, ~~such as carports, cabanas or patios~~ (excluding retractable awnings and table tarps); may be attached to any recreational vehicle while it is in a park. Freestanding patios, decks and stairs for park model RVs and cabins may be allowed with required permits and approvals.
- C. No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this chapter. Recreational vehicles shall only be located in appropriate sites within designated recreational vehicle sites, and not in buffer or open space areas. Overflow areas may be developed outside of the required buffer and/or open space areas. ~~Tents shall not be allowed.~~

- D. ~~There shall be no e~~Operation of eElectrical power generators shall not be allowed except by approval within the Conditional Use Permit as determined by the Hearing Examiner. The Hearing Examiner may consider ~~be-screeninged~~ and compliancey with noise ordinances. Generators ~~and/or~~ shall not run during quiet hours-allowed.
- E. No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter.

18.51.030 Criteria for locating a recreational vehicle park.

Recreational vehicle parks may only be established on property within the city which meets the following criteria:

- A. Recreational vehicle parks shall only be allowed, subject to LMC 18.51.040, in the tourist commercial (TC) district.
- B. The minimum site area of a park shall be ~~two-ten~~ (10) acres.
- C. Recreational vehicle parks shall be located with direct access to an arterial or collector as defined and identified in the Leavenworth area comprehensive plan, or on a state highway or county road and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.
- D. The hearing examiner shall deny an RVrecreational vehicle park conditional use permit application if ~~the board finds that~~ the proposed project will likely result in unreasonable impacts to a particular neighborhood because of the cumulative size of RVrecreational vehicle parks in the neighborhood, taking into consideration the RVrecreational vehicle park development for which application is made, or if the hearing examiner finds other unreasonable impacts which cannot be reasonably mitigated by applying the standards and provisions of this chapter.

18.51.040 Conditional use permit required.

A recreational vehicle park shall be allowed only upon the issuance of a conditional use permit by the hearing examiner.

18.51.050 Health district approval required.

Prior to ~~occupancy~~ opening and/or operations of a recreational vehicle park, the owner shall obtain a permit from the Chelan-Douglas health district and shall comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, or the park will be closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter.

18.51.060 Uses and design ~~Binding site plan.~~

~~A site plan shall be submitted with all applications for a recreational vehicle park. Said site plan shall be subject to review, modification, approval or denial by the Leavenworth hearing examiner. An approved binding site plan shall constitute an integral part of the permit for the recreational vehicle park, and shall be binding upon the owner of the property, its successors and assigns. All development within the recreational vehicle park shall be consistent with the binding site plan. Such plans may be modified or amended at the request of an owner upon receiving approval of the administrative official; provided, that if said modification or amendment affects the external impacts of the recreational vehicle park, or is determined by the administrative official to be substantial in nature, then such modification or amendment shall be resubmitted to the hearing examiner.~~ Recreational vehicle parks shall provide outdoor hospitality experiences for non-permanent, transient guests in a variety of accommodation types which may include recreational vehicles, park model recreational vehicles, tents, cabins and yurts. A site layout design consistent with these uses and in compliance with the provisions of this chapter shall be submitted as part of the conditional use permit process. The hearing examiner may modify or adopt other uses which may be deemed appropriate for specific recreational vehicle park applications.

18.51.070 Completion prior to ~~occupancy opening/operations~~ – Phasing.

All required site improvements and other conditions of the permit ~~and binding site plan~~ shall be met prior to occupancy of any site by a recreation vehicle ~~and/or guest~~; provided, that completion may be accomplished by phases if such phases are identified and approved in the permit.

18.51.080 Design standards.

The purpose of this section is to establish minimum design standards for recreational vehicle parks.

A. Density. The number of recreational vehicles, ~~park model recreational vehicles, tents, cabins and yurts~~ permitted in a park shall not exceed a density of 22 units per ~~buildable~~ gross acre. ~~The number of tent spaces permitted in a park shall not exceed a density of 30 units per gross buildable acre.~~ The hearing examiner may limit density further to ensure compatibility with the surrounding areas. ~~The application materials shall include the maximum capacity of the property.~~

A-B. On-site caretaker residences shall be allowed to a maximum of one per 10 acres with up to one for the first 10 acres.

B-C. Campsite Size. Each individual recreational vehicle site shall be not less than 800 square feet in size. ~~Each individual tent space shall be not less than 120 square feet in size.~~ Open space and buffer areas shall not be included in calculating allowed campsite size. ~~A site layout shall be submitted with the conditional use application; and the sites may be laid out for adjustments to accommodate terrain, trees, natural features, and circulation. The sites may be rearranged and modified for the life of the permit consistent with the maximum capacity and the approved overall site layout.~~

D. Tent site size. Each tent camping space shall be a minimum of 600 square feet in size. Tent camping space shall include space for cooking/eating, tent set up area, which shall

accommodate no more than two (2) tents per tent camping space, and parking. Parking may be outside of the tent camping space at an equivalent ratio.

~~C.E.~~ Access points. ~~Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits.~~ A traffic impact analysis is required. Within the analysis, study of the entrance and exit impacts shall be considered. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within 100 feet of the intersection with the park entrance.

~~D.~~

~~E.F.~~ Parking. At least one parking space shall be provided on each recreational vehicle, park model recreational vehicle, tent, cabin or yurt campsite. At least one parking space for each ~~15~~ six (6) recreational vehicle campsites, park model recreational vehicles, tents, cabins and yurts sites shall be provided for visitor parking in the park beyond the recreational vehicle, cabin, and tent campsite. ~~Tent parking shall be a ratio of one stall for every four (4) tent sites; and located in the visitor parking area.~~

~~F.~~ Internal Park Roads. All internal park roads shall be privately owned and maintained. They shall be constructed to all-weather standards, as approved by the ~~city engineer;~~ graveled roads will not be acceptable Fire Marshal. Minimum widths of RV recreational vehicle park and campground roads designed to accommodate all types and sizes of camping units shall be 10 ft. per traffic lane and 8 ft. per parallel parking lane. ~~Park roads shall have minimum improved width as follows:~~

~~G. One-way road, no parking: 12 feet;~~

~~H. One-way road, parking on one side: 18 feet;~~

~~I. Two-way road, no parking: 22 feet;~~

~~J. Two-way road, parking on one side: 28 feet;~~

~~K.G.~~ Roads with parking on both sides are not permitted.

~~L.H.~~ Open Space/Recreational Facilities. A minimum of 20 percent of the site shall be set aside and maintained as an open space for the recreational use of park ~~occupants~~ guests. Such space and location shall be accessible and usable by all guests ~~residents of the park~~ for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space. The percentage requirements shall not be reduced if substantial and appropriate recreational facilities, (such as recreational buildings, swimming pool or tennis courts) are provided.

~~M.I.~~ Setbacks. No recreational vehicle, park model recreational vehicle, tent, cabin or yurt site shall be closer than 20 feet from any exterior park property line abutting upon a ~~major arterial public street, shoreline, or residential zone, or 15 feet from any other exterior park property line.~~ Permanent structures within a park shall have minimum ~~front~~

~~and rear~~ property line setbacks of 20 feet ~~each, and minimum side yard setbacks of 10 feet each.~~

~~N.J.~~ Landscaping/Screening. The park shall provide ~~visual screening and~~ landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable ground cover, shrubs and trees; provided, that they are installed prior to ~~the first occupancy opening and/or operations~~ of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation. All trees, flowers, lawns and other landscaping features shall be maintained ~~by the park management~~ in a healthy growing condition ~~at all times.~~ Permanent irrigation shall be installed. The landscaped area shall include a designated pet exercise area.

~~O.K.~~ Fencing. In addition to landscaping requirements, a six-foot-high view-obscuring perimeter fence will be required along the entire any portion of the property boundary adjacent to residentially zoned property except necessary entrances / exits, or mandated by law. ~~by the board when deemed appropriate.~~

~~P.L.~~ Signs. Recreational vehicle parks shall be limited to one park entrance sign and such interior directional or informative signs as may be needed for the convenience of guests. All signs are subject to approval by the hearing examiner under the provisions of Chapter 14.10 LMC. All park spaces shall be marked by numbered sign posts. Temporary informative signs may change daily according to activities, special events, store specials, fire danger, and other needs; and comply with LMC 14.10.

~~Q.M.~~ Utilities. ~~Water, sewer and electricity shall be provided to each recreational vehicle site.~~ All utility lines in the park shall be underground and shall be approved by the agency responsible for inspection.

~~R.N.~~ Storm Drainage. Storm drainage control facilities shall be installed in accordance with the requirements of the city engineer.

~~S.O.~~ Public Facilities. Recreational vehicle parks shall provide the following public facilities in such quantity, size and location as is approved by the hearing examiner:

1. A water distribution system connected to the city's water utility. Fire hydrants, in number and location, shall be required as specified by the fire chief and the city engineer;
- ~~2. A water station for filling recreational vehicle water storage tanks;~~
2. Restroom facilities containing showers and toilets connected to the city's sewer utility. A minimum of one toilet shall be provided for each sex up to the first 25 sites. For each additional 25 sites not provided with sewer connections, an additional toilet for each sex shall be provided. Gender neutral equivalent may be allowed if separate from shower or other common areas. ~~the minimum number of which shall be one commode and one shower for each gender per 22 recreational vehicle sites;~~
4. A metered and monitored sanitary waste station for emptying sewage holding tanks of recreational vehicles;

5. Refuse containers for solid waste in adequate quantity shall be placed in approved locations, ~~as specified in the binding site plan,~~ and picked up by the city's garbage collection service. Garbage can and/or dumpster locations shall be screened from view by a fence or landscaped enclosure, ~~as specified on the binding site plan.~~

F.P. Walkways. When required, pedestrian walkways shall have a ~~three~~five-foot minimum tread width.

18.51.090 Permitted and Accessory uses.

Management headquarters, main registration, recreational facilities, restrooms, dumping stations, showers, and coin-operated laundry facilities, ~~retail space for groceries and camp supplies, limited food service facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park~~ are permitted as accessory uses to the park. ~~In addition, grocery stores and convenience shops accessory uses shall be permitted as accessory uses at the discretion of the hearing examiner,~~ subject to the following restrictions:

- ~~A. Such establishments and parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park;~~
- B.A. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than ~~occupants~~ guests of the park;
- B. The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

Retail space for groceries and camp supplies, limited food service facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses to the park; and shall be permitted at the discretion of the hearing examiner, subject to the following restrictions:

- A. Such establishments and parking areas primarily related to their operations shall not occupy more than five (5) percent of the gross area of the park;
- B. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than guests of the park;
- C. The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

18.51.100 Park administration.

The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the ~~binding site plan,~~ the conditional use permit, and all applicable laws and ordinances.

A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, proposed park rules and regulations, including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by state regulations, whichever is more stringent. Quiet hours shall be as defined and regulated in Chapter 173-60 WAC

18.51.110 Additional requirements.

In addition to the minimum standards and requirements as set out in this chapter, the [hearing](#) examiner may adopt other requirements which may be deemed appropriate for specific recreational vehicle park applications.

Chapter 18.44
TOURIST COMMERCIAL DISTRICT

Sections:

- 18.44.010 Purpose.
- 18.44.020 Permitted uses.
- 18.44.030 Uses requiring conditional use permits.
- 18.44.040 Yard requirements.
- 18.44.050 Building height.
- 18.44.060 Lot coverage.

18.44.030 Uses requiring conditional use permits.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a tourist commercial district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Coffee roasting operations;
- B. Clinic;
- C. ~~Day care center;~~ [Commercial amusement enterprise;](#)

~~C.~~

D. Commercial entertainment enterprise;

E. Day care center;

~~D.~~

~~E.F.~~ Food bank;

~~F.G.~~ Incidental and accessory structures and uses located at the same site with and necessary for the operation of a conditional use;

~~G.A.~~ Parking facilities, including structures and lots;

H. Manufacturing, assembling, fabricating, processing, packing, repairing or storage of goods which have not been declared a nuisance by statute or city of Leavenworth resolution, and provided these uses shall not cause:

1. Unreasonable dissemination of dust, smoke, visible gases or noxious gases, fumes, noise, vibration, or odor beyond the boundaries of the site on which the use is conducted,
2. Hazard to fire, explosion, or other physical damage to adjacent structures or vegetation;

I. Micro brewery, distillery, or winery;

~~J.A.~~ Private clubs and lodges;

J. Parking facilities, including structures and lots;

K. Pet care centers.

L. Private clubs and lodges;

~~K.M.~~ Public parks, including swimming pools;

~~L.N.~~ Public and private libraries, art galleries, and museums;

O. Public buildings, utilities, service structures or installations and grounds;

~~M.P.~~ Recreational vehicle parks

~~N.~~ Commercial amusement enterprise;

~~O.~~ Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

~~P.Q.~~ Pet care centers.



City of Leavenworth

Development Services Department

Staff Report – Land Use Designation and Zoning Map amendment for lands owned by Ida Allen Trust from Residential Low Density 6,000 (RL 6) district to Light Industrial (LI) district

To: Leavenworth Planning Commission

From: City of Leavenworth Development Services Department

Date of Report: October 6, 2016

Subject: Private Land Use Designation and Zoning Map amendment for lands owned by Ida Allen Trust from Residential Low Density 6,000 (RL 6) district to Light Industrial (LI) district. The subject properties are approximately 3.68 acres in area, located across from County Shop Road; and identified as Lots 1-3 of Short Plat 575; and further identified as Parcel Nos. 241701410125 and 241701410100.

OVERVIEW

The objectives of this staff report is to provide information on proposed amendments to the Leavenworth Comprehensive Plan Land Use Designations and Zoning District maps, and to aid the Council and Planning Commission in determining those amendments which will be adopted by the City.

On January 1, 2016, Cynthia Huffer with the Ida Allen Trust applied to amend the official Leavenworth Comprehensive Plan Land Use Designations and Zoning District maps as described with the proposal.

The Planning Commission will be asked to hold a public hearing for two actions in order to take public testimony and to consider adopting findings. The purpose of this hearing was to receive public testimony and establish findings regarding: 1) Land Use Designation and 2) Zoning Map amendment for lands owned by Ida Allen Trust from Residential Low Density 6,000 (RL 6) district to Light Industrial (LI) district.

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study: " 5. Private Map, Plan, and Code amendments (application dependent).

A. Ida Allen Trust rezone from RL 6 to LI"

Pursuant to LMC Section 21.31.040 (D), 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. According to LMC Section 21.31.020 (D) "Map amendment" is a proposed change to the land use designation on a property and typically involves a specific piece of property or affects relatively few specific properties. These amendments typically impact a specific property and may be applied for by a property owner or initiated by the Leavenworth city

council.

According to the Applicant, “These 3 parcels are zoned RL 6,000 – small residential lots. The lay of the land on these lots are steep, sloped, and rocky. These lots are surrounded by the high school, warehouses, and small business clusters. We are trying to sell these lots. The only interest we have had is buyers in the light industrial areas, not residential. The lots boarder a busy highway just outside of Leavenworth.”

Attachment A – Maps amendment has been reviewed and deliberated upon by the Planning Commission on September 7, 2016.

PROPOSAL:

Land Use Designation and Zoning Map amendment for lands owned by Ida Allen Trust from Residential Low Density 6,000 (RL 6) district to Light Industrial (LI) district. The subject properties are approximately 3.68 acres in area, located across from County Shop Road; and identified as Lots 1-3 of Short Plat 575; and further identified as Parcel Nos. 241701410125 and 241701410100.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
|--|--|
| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

None at the time of this report

RESPONSE TO COMMENTS

The Planning Commission will consider comments and testimony. As determined necessary, the

Planning Commission will incorporate comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document with changes noted in redline Exhibit A. Staff recommends adopting the following findings of fact and conclusions of law:

1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

Private parties / individual may apply for map amendments pursuant to LMC Chapter 21.31

2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.

This map amendment creates no inconsistencies with the GMA or the County-wide Planning Policies. This zoning is consistent with the Growth Management Act, the county-wide planning policies and the Leavenworth Comprehensive Plan. Leavenworth Comprehensive Plan allow for changes, additions and improvements.

The Land Use Element states “There is a limited amount of vacant Light Industrial properties that are available to develop in the UGA. There is no industrially designated land available for development within the City Limits. Encouraging diversification of the economic base, and planning for infrastructure to support commercial and industrial development is reflected in many goals of the Comprehensive Plan. A goal in the Land Use Element encourages the development of small light industrial sites with adequate infrastructure. The land use designation map can include additional areas to provide light industrial or industrial uses. Providing areas where residents can work and make a livable income can contribute to the growth of the community.”

Land Use Element - Commercial -Goal 3: Allow mixed-use ("live / work") developments in all Commercial and Light Industrial designations. Recognize that the mixed-use ("live / work") overlay is intended primarily to foster light manufacturing, allow living in close proximity to the place of work, and related components with residential uses. The residential development will recognize, avoid and mitigate, potential adverse impacts associated with light manufacturing and related uses.

Encourage use techniques, such as notifying potential residents that a variety of activities may occur on designated mixed use ("live / work") overlay land that may create undesirable or harmful impacts. Mixed-use developments may contain light industrial, retail, office and residential uses within a building or complexes of buildings. In certain circumstances, other uses may be included. Mixed-use developments can reduce vehicle trips, more efficiently use land, and provide concentrations of customers that live or work in the area and benefit neighborhood businesses.

Land Use Element – Industrial - Goal 1: Encourage the development of small light industrial sites with adequate infrastructure.

Small light industrial sites which are well planned and do not impact the existing industrial base would assist in diversification of the local economy. Industrial zones are intended to accommodate manufacturing and industrial uses that require significant space or are likely to

involve impacts, such as noise, dust, glare and truck traffic.

Policy 1: New industrial developments should be reviewed for careful placement which can reduce, remove and/or mitigate impacts to surrounding properties.

Planned industrial development review will ensure that the proposed use is compatible with adjacent land uses.

Goal 2: Separate manufacturing uses to minimize impacts from incompatible uses.

Light industrial areas provide locations for a variety of businesses that supply employment opportunities and services for the community and region. Consider integration of research and development, office, small warehouse and light manufacturing uses in one location. As manufacturing in the region shifts to more complex products, the ability to combine management, design, engineering and manufacturing employees into teams on one site can be important.

The proposed amendment encourage “synergistic” use of similar uses in the same area of land, and creates opportunities for light industrial operations.

3. The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.

This map amendment does not impact assumptions within the existing Comprehensive Plan, but supports the recently updated Land Use Element and Land Capacity Analysis as cited above. The map amendment does not create inconsistencies with the City’s Comprehensive Plan or other documents incorporated therein. The proposed amendment is specifically supported by the above existing Comprehensive Plan Land Use Element Goals and Policies.

4. The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.

The amendment is consistent with Planning goal of RCW 36.70A.020:

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed amendment has been developed in accordance with the Growth Management Act and do not conflict with the City’s Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

5. The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period. The proposed amendment will adversely affect the residential supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.

6. **Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** See above
7. **Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** “These lots are surrounded by the high school, warehouses, and small business clusters.”
8. **The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.
9. **The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d)).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is consistent with Planning goal of RCW 36.70A.020,

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed amendment has been developed in accordance with the Growth Management Act and does not conflict with the City’s Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – LMC Amendment

Comp. Amend. 2016-01

RECEIVED
JAN 11 2016

BY:



City of Leavenworth
DEPARTMENT OF DEVELOPMENT SERVICES

COMPREHENSIVE PLAN AMENDMENT APPLICATION

This application must be filled out legibly, in black ink, either hand printed or typewritten

APPLICANT:

This party is the sponsor of the request, shall receive determinations and notices associated with this application, and shall be the City's point of contact for processing this application. If additional parties, please provide additional names and information as an attachment.

Fda Allen Trust

Last Name: Huffer First Name: Cynthia

Mailing Address: 103 View Ridge Crl City: Wenatchee State: WA Zip: 98801

Phone: 509-679-5675 Email: chuffer@nwi.net

REQUESTED AMENDMENT:

(See LMC 21.31.020 for descriptions)

- Area Wide Amendment
- Capital Facilities Amendment
- Emergency Amendment
- Map Amendment
- Urban Growth Area Amendment

Property:

Physical Address of Proposed Change (if applicable): NNA Chumstick Hwy

Assessors' Tax Parcel Number of Property(s): 241701410125, 241701410100, TBA

Subdivision Name(s): Lot 1, 2, 3 SP 575 Block: _____ Lot: _____

Auditor # 2410389

241701410100

REQUIREMENTS

All required information and fees must be submitted at time of application. Applications which do not include all of the required information and fees may be returned to the applicant.

FEES*:

- Phase I - Initial Application for Docket (due at application submittal).....\$300
 - Phase II (if approved for docket, next steps for approval).....\$800
- Staff Time (to be paid prior to recordation of BLA)\$50/hr†

* Fees include SEPA review, as necessary. Please note that fees are subject to change without notice. Check with the City of Leavenworth for current fees prior to submittal of your application. Payment Phase I and II fees does not constitute approval of a proposed amendment.

† In addition to the base fee, a charge of \$50 per hour will be assessed for each hour of staff time for reviewing the project, however, 50% of the base fee will be credited toward the total dollar amount of the staff hours billed to the applicant.

GENERAL INFORMATION:

- A pre-application meeting with the City may be required or requested. Please contact Development Services Department Staff at 509-548-5275 prior to submitting application.
- Proposals requested by private persons, organizations, or agencies which the City Council and Planning Commission decide would serve the public interest and would therefore be appropriately sponsored by the City must be submitted to the City Council and Planning Commission no later than December 31st of the year preceding any code amendment. If the proposal is sponsored by the City, fees shall be waived. If the City does not decide to sponsor the proposal, you may still submit your proposal for private sponsorship. Proposals and fees must be submitted no later than January 31st.
Would the city be interested in waiving our fees?
- All drawing(s) must be on paper capable of being folded for storage in an 8 1/2" x 14" file, and become the property of the City of Leavenworth.
- **Include all of the following information with your application. For map amendments, maps and legal descriptions of proposed changes are required. Where instructions direct attachment of a document, you may combine sections in order to conserve the number of documents submitted if sections are clearly labeled as follows:**

1. Specific Text and/or Map Affected by Proposal: Attach document labeled: *plat map listing info*
"1 - Text and/or Map Affected"
2. Reason for Request (why is proposal being presented for consideration?): Attach document labeled: *Change zoning RL - to LI*
"2 - Reason for Request"
3. Address the Following Review Criteria :
 - A. Is the proposed amendment necessary to resolve inconsistencies in the provisions of the Comprehensive Plan and/or development regulations or to address state or federal mandates? Explain: Attach document labeled "3, A"
 - B. Is the proposed amendment consistent with the Growth Management Act, the County-wide planning policies and the Leavenworth Comprehensive Plan? Explain (attach document labeled "3, B")
 - C. Is the proposed amendment consistent with the existing Comprehensive Plan (encompassing any other documents incorporated therein), including the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc. contained in the Comprehensive Plan? If the proposed amendment is inconsistent with any existing aspects of the Comprehensive Plan, what new or revised assumptions, background information changes, goals, policies, objectives, etc. must be made, and what conditions have changed that warrant such modification? Explain: Attach document labeled "3, C"
 - D. For those proposed amendments which relate to a change in the Comprehensive Plan land use map, is the proposed designation adjacent to property having a similar and/or compatible designation? Explain: Attach document labeled "3, D" *yes neighboring properties zoned LI*
 - E. Will the proposed amendment affect lands designated as resource lands of long term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas? Attach document labeled "3, E" *NA*
4. How is the proposal consistent with the Growth Management Act (RCW 36.70A), the adopted county-wide planning policies, and the Leavenworth Comprehensive Plan? Attach document labeled: "4 - Consistency with GMA and planning policies"

These 3 parcels are zoned RL6000 - small residential lots. The lay of the land on these lots are steep, sloped, rocky. These lots are surrounded by the high school and warehouses and small Business clusters. We are trying to sell these lots. The only interest we have had is buyers in the light Industrial areas not residential. It borders a busy Highway just outside Leavenworth.

5. Additional information determined by the Development Services Department as necessary for evaluation of the proposal:

- Legal description(s): Attach document "5, A" *yes*
- Map(s): Attach document "5, B" *yes*
- Site plan(s): ___ Attach document "5, C"
- Environmental information: Attach document "5, D"
- Technical Study(s): Attach document "5, E"
- Other information: Attach document "5, F": _____
- SEPA Checklist
- Address the following in an attached document labeled "Additional Information":
 1. Probable impacts of the proposed action (label "Additional Information, 1")
 2. Probable impacts of a "no action" alternative (label "Additional Information, 2")
 3. Impacts of staff-recommended and/or other alternatives, if any (label "Additional Information, 3")
 4. Possible mitigation measures (label "Additional Information, 4")
 5. Unavoidable impacts label "Additional Information, 5")
 6. Does the amendment adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan label "Additional Information, 6")
 7. Does the proposed amendment serve the interest of both the applicant and the general public, including public health, safety, and welfare? label "Additional Information, 7")
 8. Does the proposed amendment comply with comprehensive plan land use designation/sighting criteria? label "Additional Information, 8")
 9. Which goals and policies of the Comprehensive Plan does the proposal complement and which does it conflict with: label "Additional Information, 9")
- Address the following in an attached document labeled "Additional Information UGA Amendments," if applicable:
 1. Is the area designated for expansion contiguous to an existing UGA? (label "Additional Information UGA Amendments, 1")
 2. Is the area characterized by urban growth? (label "Additional Information UGA Amendments, 2")
 3. Will the area be served by or be planned to be served by urban governmental services? (label "Additional Information UGA Amendments, 3")
 4. Will the area be designated so as to be compatible with natural resource lands and protection of designated critical areas? (label "Additional Information UGA Amendments, 4")
 5. Does the area meet one of the following criteria? (label "Additional Information UGA Amendments, 5")
 - a. There is insufficient land within the existing urban growth area to permit and support urban growth that is forecasted to occur in the twenty-year time frame covered by the Comprehensive Plan, including populated forecasts and allocated urban population projections; or
 - b. There can be shown an overriding public interest which shall clearly demonstrated that the amendment of the UGA is necessary to protect the public health, safety and welfare, and that said amendment shall further the goals and policies of the comprehensive plan and the Growth Management Act.

I have read and understand the above application and have answered to the best of my knowledge. I certify that I am the legal property owner or represent the legal property owner associated with the above proposal. I understand that if the City of Leavenworth does not choose to sponsor my proposed amendment, I have the option to sponsor the proposal privately at which time I will be required to submit all applicable fees and any additional information as deemed necessary by the City by no later than January 31st.

Attach additional pages if necessary in order to ensure that all applicant signatures are present.

Applicant Signature: Cynthia Nuffer Trustee Date: 1/5/2016

STAFF USE ONLY

Application received by: _____ Date: _____

Accepted as complete by: _____ Date: _____

Notes: _____

| | | | | | |
|---|--|--|---|--|---------------------|
| NNA Chumstick Hwy, Leavenworth, WA 98826 | | 706648 Lots/Acreage Active \$99,000 | | | |
|  <p style="font-size: small;">Provided as a courtesy of Cynthia Huffer Coldwell Banker LaVigne 1 So. Chelan St. Wenatchee, WA 98801 office - 888-8887 Mobile - (509) 679-5675 chuffer@nwi.net http://www.cynthiahuffer.com License #: 2626</p> |  | | | | |
| Contract Date: | No | Terms: | Cash/Conventional | Sign Y/N: | Yes |
| REO: | No | Short Sale: | No | | |
| Type: | Acreage | City Limits Y/N: | Yes | Mfg/Mobile Allowed: | No |
| Homes Allowed: | Yes | Covenants: | Yes | WtrFrnt: | No |
| Horses Allowed: | No | # of Acres: | 1.31 | Source: | Assessor/Tax Roll |
| Sewer: | Yes | Water: | Yes | Irrigation Assoc.: | No |
| Association Fee: | No | | | | |
| County: | Chelan | Subdivision: | | | APN #: |
| Taxes: | 403.42 | Elementary School: | Osborn | Middle School: | Icicle |
| Junior High School: | N/A | High School: | Cascade | Zoning: | RL6000 |
| Flood Zone: | No | Owner: | Allen Ida Trust | | Owner Phone: |
| Cross Street: | | Site Improvements: | | Hot Sheet Comment: | price |
| Selling Ofc Comm: 2.5 | | | | | |
| Directions: From the Chumstick-HWY 2 intersection, turn up Chumstick HWY. Drive past High school, property is on the LEFT. Public Remarks: This beautiful tree studded lot is just waiting for your building project. All utilities are available and it is zoned RL 6000 for current or future development possibilities. Located conveniently to the village of Leavenworth this may be the one you're looking for. Private Remarks: Legal: Lot 1 SS #575 | | | | | |
| Utility Information: Cable; Electric; Telephone Buildings: None Topography: Combo; Sloped View: City; Mountain; Territorial | | Possession: COE Property Disclosure: No Sewer: Yes; City; PUD | | Water: Yes; Public; PUD Showing Instructions: Show Anytime Types of Financing: Cash; Conventional | |
| List Date: | 03/21/2015 | Days On Market: | 290 | List Price: | 99,000 |
| Original List Price: | 119,000 | Status Change Date: | 03/21/2015 | | |
| LA: Dan Acton; License #: 5200; (509)421-3180; dan@leavenworthrealestate.com LO: Leavenworth Real Estate, Inc.; License #: 17427; North Cascade Properties 894 Hwy 2, Suite E Leavenworth, WA 98826; (509)423-7800; info@leavenworthrealestate.com | | | CLA: Jared Meyer; (509)470-4106; jaredameyer@yahoo.com | | |

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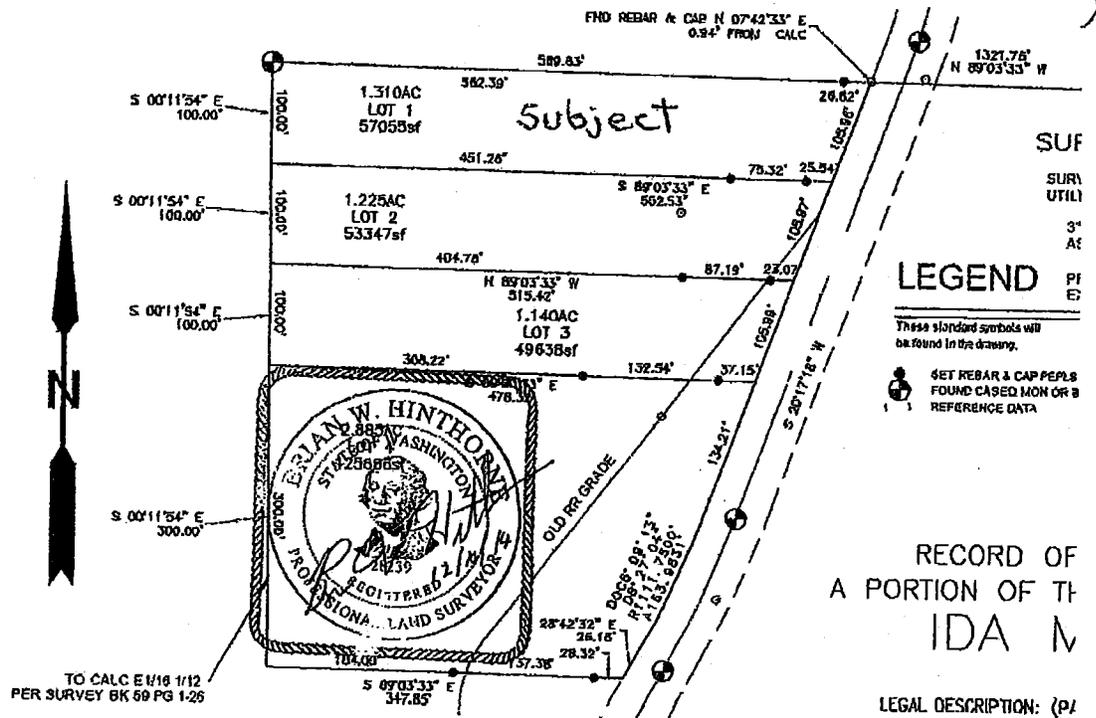
Exhibit A



Eagle Creek Consulting L.L.C.
 P.O. Box 503 Leavenworth, WA 98826
 (509) 548-4733, cell (509) 668-7136
 ENGINEERING: LANDSURVEYING: WATER/WASTEWATER DESIGN

EXHIBIT A

LOT 1 SHORT PLAT 575 AS SURVEYED AUDITOR#2410389 SUBJECT TO EASEMENTS AND AGREEMENTS OF RECORD. TOGETHER WITH AN ACCESS & UTILITY EASEMENT ACROSS THE EAST 40' OF THE NORTH HALF OF LOT 2 OF SAID SHORT PLAT.



REFERENCE SURVEY AUDITOR # 2410389 (BK 61 PAGE 92 OF SURVEYS)

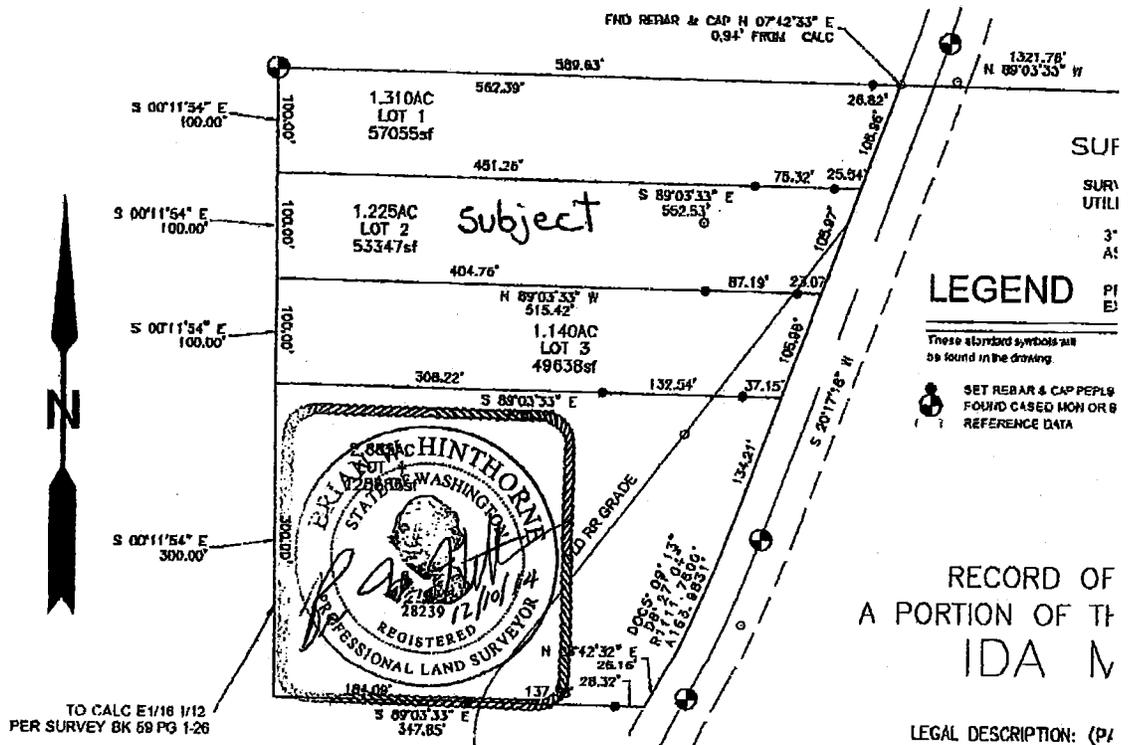
Exhibit A



Eagle Creek Consulting L.L.C.
 P.O. Box 503 Leavenworth, WA 98826
 (509) 548-4733, cell (509) 668-7136
 ENGINEERING: LANDSURVEYING: WATER/WASTEWATER DESIGN

EXHIBIT A

LOT 2 SHORT PLAT 575 AS SURVEYED AUDITOR#2410389 SUBJECT TO EASEMENTS AND AGREEMENTS OF RECORD. SUBJECT TO AN ACCESS & UTILITY EASEMENT ACROSS THE EAST 40' OF THE NORTH HALF OF LOT 2 APPURTENANT TO LOT 1 OF SAID SHORT PLAT.



REFERENCE SURVEY AUDITOR # 2410389 (BK 61 PAGE 92 OF SURVEYS)

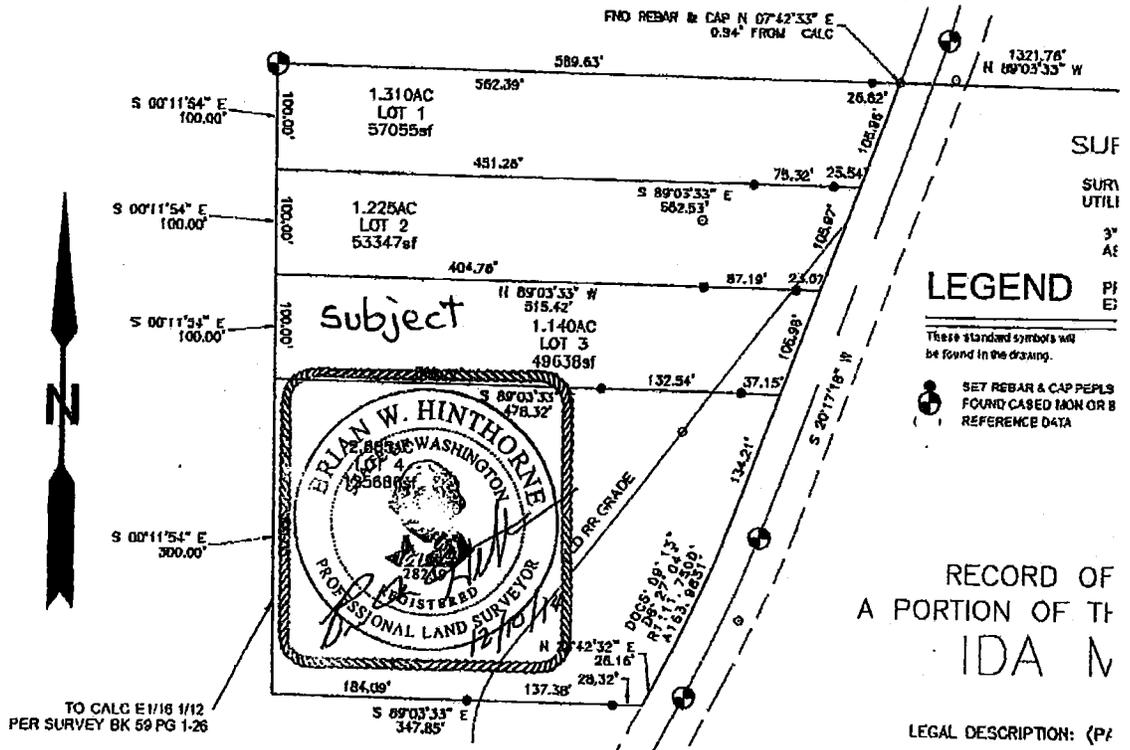
Exhibit A



Eagle Creek Consulting L.L.C.
 P.O. Box 503 Leavenworth, WA 98826
 (509) 548-4733, cell (509) 668-7136
 ENGINEERING: LANDSURVEYING: WATER/WASTEWATER DESIGN

EXHIBIT A

LOT 3 SHORT PLAT 575 AS SURVEYED AUDITOR#2410389 SUBJECT TO EASEMENTS AND AGREEMENTS OF RECORD.



REFERENCE SURVEY AUDITOR # 2410389 (BK 61 PAGE 92 OF SURVEYS)

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
Eda Allen Revocable Living Trust
2. Name of applicant: [\[help\]](#)
Cynthia Kuffer, Trustee
3. Address and phone number of applicant and contact person: [\[help\]](#)
103 View Ridge Crl. Wenatchee, WA.
509-679-5675

4. Date checklist prepared: [\[help\]](#)

1/5/2016

5. Agency requesting checklist: [\[help\]](#)

City of Leavenworth

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

Selling these parcels

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

NA

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

NA

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

Change zoning on 3 parcels from Res. to LI

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

LOT 1, 2, 3 SPS75 Auditor #2410389

see plat maps

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

a. General description of the site [\[help\]](#)

(circle one): Flat, rolling, hilly, steep slopes, mountainous,

other all of the above - varies

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#) NA
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#) NA
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#) NA
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#) NA
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

3. Water

- a. Surface Water: [\[help\]](#)
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

4. Plants [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

- deciduous tree: alder, maple, aspen, other
 evergreen tree: fir, cedar, pine, other
 shrubs
 grass

- ___ pasture
- ___ crop or grain
- ___ Orchards, vineyards or other permanent crops.
- ___ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ___ water plants: water lily, eelgrass, milfoil, other
- ___ other types of vegetation

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

NA

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

e. List all noxious weeds and invasive species known to be on or near the site.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

e. List any invasive animal species known to be on or near the site.

6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

- 1) Describe any known or possible contamination at the site from present or past uses.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
- 4) Describe special emergency services that might be required.
- 5) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)
- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)
Changing zoning on these 3 parcels only
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#) *NA*
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

- c. Describe any structures on the site. [\[help\]](#)
- d. Will any structures be demolished? If so, what? [\[help\]](#)
NO
- e. What is the current zoning classification of the site? [\[help\]](#)
RL 6000
- f. What is the current comprehensive plan designation of the site? [\[help\]](#)
- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
NA
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
- j. Approximately how many people would the completed project displace? [\[help\]](#)
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
Would be compatible with surrounding zoning
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
NA
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
NA
- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)
NA
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)
Chumstick Hwy
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
 electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
 other at the road
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

C. Signature [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Cynthia Huffer
 Name of signer Cynthia Huffer
 Position and Agency/Organization Trustee
 Date Submitted: 1/5/2016

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

NA

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

NA

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

NA

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

NA

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

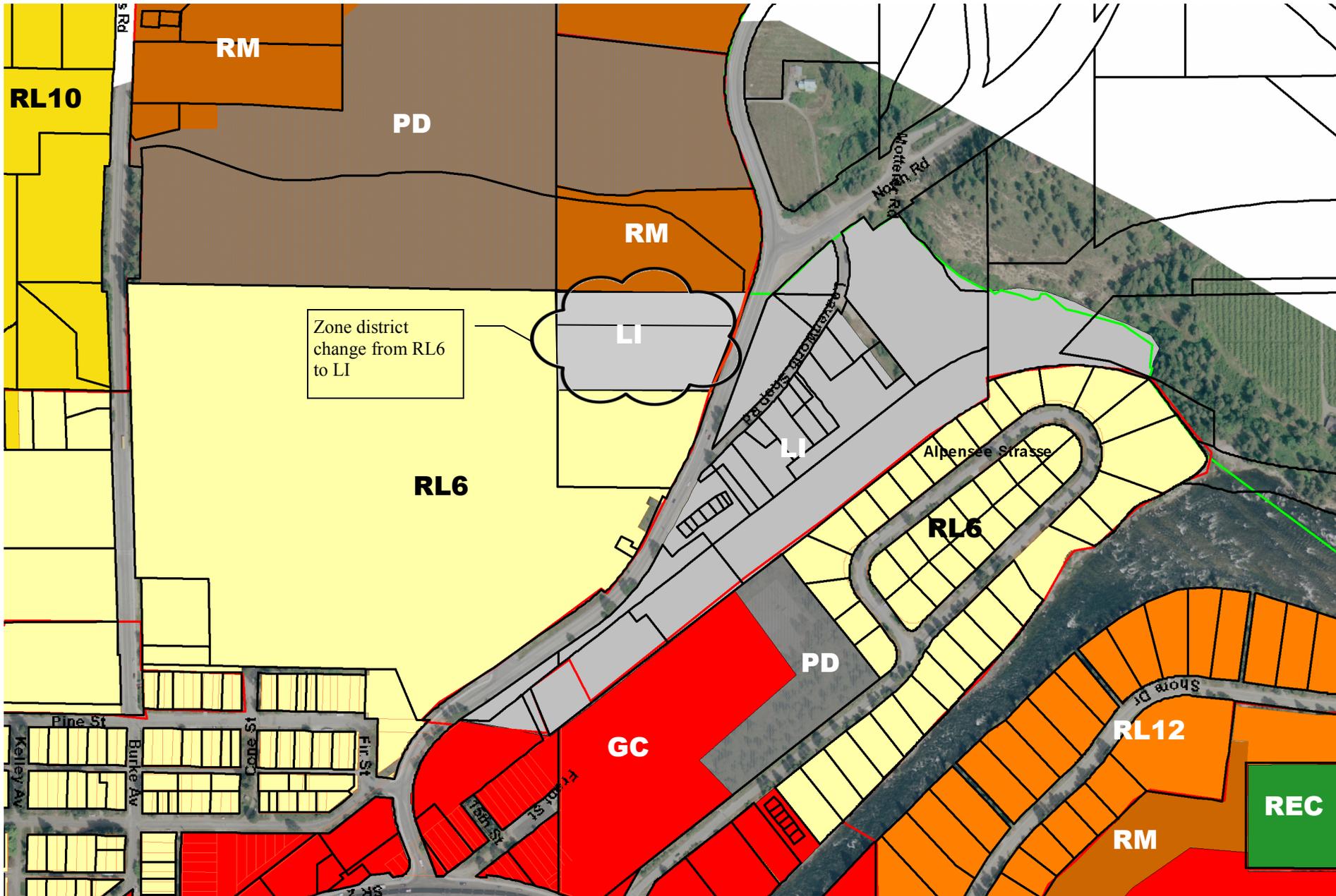
Changing zoning from RL6000 - LI

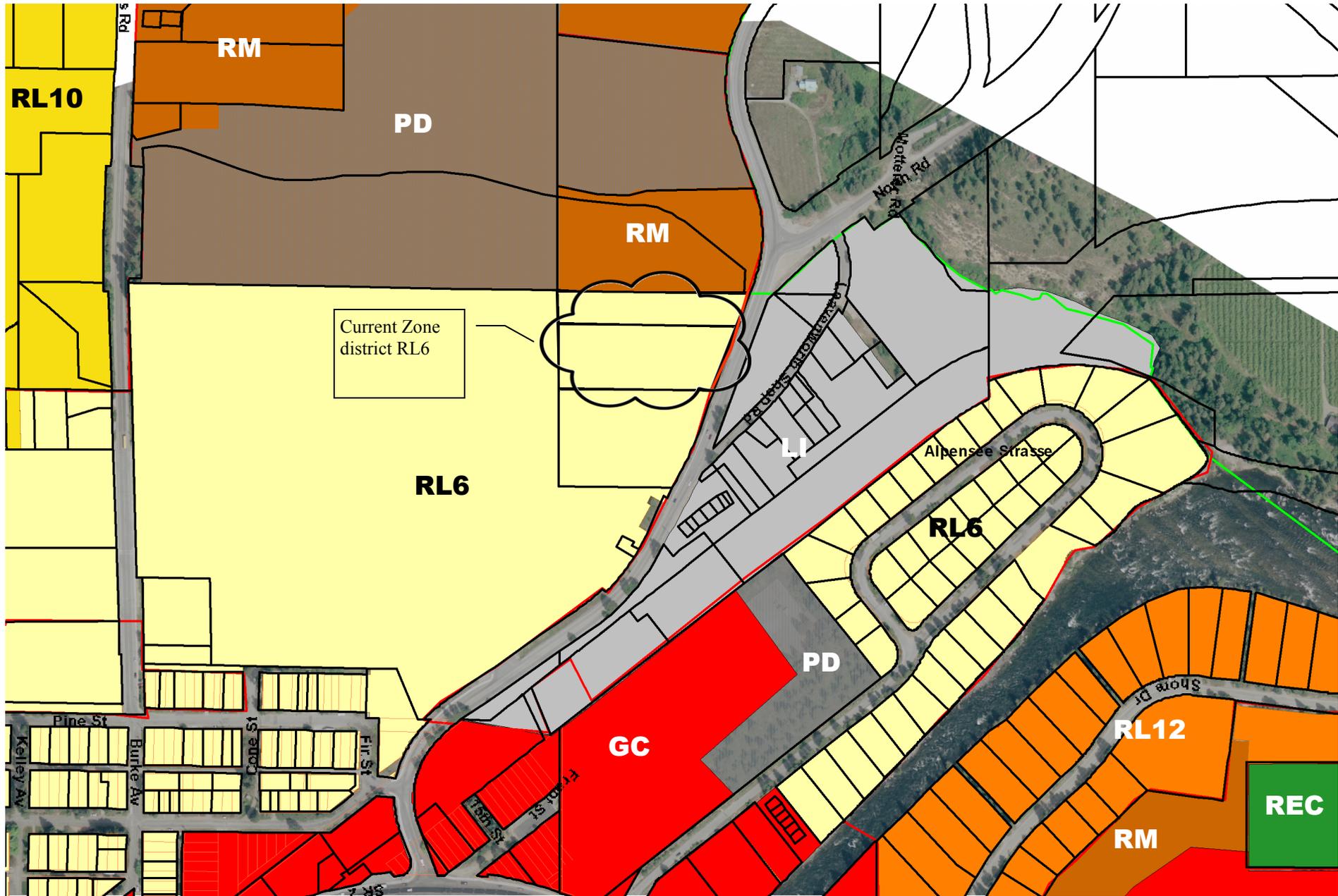
Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.







City of Leavenworth

Development Services Department

Staff Report – Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district

To: Leavenworth Planning Commission

From: City of Leavenworth Development Services Department

Date of Report: October 7, 2016

Subject: Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district. The subject property is approximately 2.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.

OVERVIEW

The objectives of this staff report is to provide information on proposed amendments to the Leavenworth Comprehensive Plan Land Use Designations and Zoning District maps, and to aid the Council and Planning Commission in determining those amendments which will be adopted by the City.

On January 28, 2016, Thomas Lin with Willkommen Village applied to amend the official Leavenworth Comprehensive Plan Land Use Designations and Zoning District maps as described with the proposal.

The Planning Commission will be asked to hold a public hearing for two actions in order to take public testimony and to consider adopting findings. The purpose of this hearing was to receive public testimony and establish findings regarding: 1) Land Use Designation and 2) Zoning Map amendment for lands owned by Willkommen Village LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district.

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study: " 5. Private Map, Plan, and Code amendments (application dependent).
C. Willkommen Village rezone from RL 12 to RL 10"

Pursuant to LMC Section 21.31.040 (D), 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. According to LMC Section 21.31.020 (D) "Map amendment" is a proposed change to the land use designation on a property and typically involves a specific piece of property or affects relatively few specific properties. These amendments typically impact

a specific property and may be applied for by a property owner or initiated by the Leavenworth city council.

Attachment A – Maps amendment has been reviewed and deliberated upon by the Planning Commission on July 6, 2016.

PROPOSAL:

Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Residential Low Density 12,000 (RL 12) district to Residential Low Density 10,000 (RL 10) district.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
|--|--|
| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

None at the time of this report

RESPONSE TO COMMENTS

The Planning Commission will consider comments and testimony. As determined necessary, the Planning Commission will incorporate comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document with changes noted in redline Exhibit A. Staff recommends adopting the following findings of fact and conclusions of law:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.**
This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

Private parties / individual may apply for map amendments pursuant to LMC Chapter 21.31

- 2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.**

This map amendment creates no inconsistencies with the GMA or the County-wide Planning Policies. This zoning is consistent with the Growth Management Act, the county-wide planning policies and the Leavenworth Comprehensive Plan. Leavenworth Comprehensive Plan allow for changes, additions and improvements.

Housing Element - Goal 1: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities, and housing types, and encourage preservation of existing housing stock.

Policy 5: Identify areas within the City of Leavenworth and urban growth area where increased densities will be allowed.

Increased densities within the City and the urban growth area, where all urban services are available, can reduce the cost of housing.

Policy 9: Evaluate existing land use designations and regulations which may be presenting barriers to the development of an adequate supply of affordable housing for all economic segments of the population.

Policy 10: Reassess and amend as necessary the locations, densities and ratio of distribution of the residential land use designations to more proactively promote the development of affordable housing within the City and the UGA.

The amount of land available for development, its proximity to urban services and the allowed densities have a direct relationship to land values. Reducing land costs is generally the largest single factor in achieving affordability.

Land Use Element – General - Goal 1: Provide sufficient land area and densities to meet Leavenworth’s projected needs for housing, employment and public facilities.

The Growth Management Act, addresses growth by requiring local communities to engage in twenty-year land use planning and to concentrate development in urbanized areas to use infrastructure efficiently. Allocating sufficient area and assigning densities accomplishes this fundamental component of the act.

Land Use Element – Residential- Goal 1: Encourage development to occur in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Goal 2: Provide for a variety of residential opportunities that meet the needs of a full range of lifestyles and income levels. Designate allowed residential densities and housing types to provide for a housing stock that includes a range of choices to meet all economic segments and household types, including those with special needs related to age, health or disability.

- 3. The amendment is consistent with the assumptions and/or other factors such as population,**

employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.

According to the Applicant, “In addition, the change to residential low density 10,000 in the northern portion of the lot will provide for additional housing otherwise lost from the multi-family to general commercial zone change.”

This map amendment does not impact assumptions within the existing Comprehensive Plan, but supports the recently updated Housing Element, Land Use Element and Land Capacity Analysis as cited above. The map amendment does not create inconsistencies with the City’s Comprehensive Plan or other documents incorporated therein. The proposed amendment is specifically supported by the above existing Comprehensive Plan Goals and Policies.

4. The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.

The amendment is consistent with Planning goal of RCW 36.70A.020:

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The proposed amendment has been developed in accordance with the Growth Management Act and do not conflict with the City’s Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

- 5. The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.** The proposed amendment will not adversely affect the residential supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.
- 6. Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** See above
- 7. Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** The subject property is bounded by residential and other zoning districts.
- 8. The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.
- 9. The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d)).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is consistent with Planning goal of RCW 36.70A.020,

- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The proposed amendment has been developed in accordance with the Growth Management Act and does not conflict with the City’s Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – LMC Amendment



City of Leavenworth

Development Services Department

Staff Report – Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Multifamily Residential (RM) district to General Commercial (GC) district

To: Leavenworth Planning Commission

From: City of Leavenworth Development Services Department

Date of Report: October 8, 2016

Subject: Private Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Multifamily Residential (RM) district to General Commercial (GC) district. The subject property is approximately 4.39 acres; located at 11686 River Bend Dr, Leavenworth, WA; and identified as Parcel No. 241806330050.

OVERVIEW

The objectives of this staff report is to provide information on proposed amendments to the Leavenworth Comprehensive Plan Land Use Designations and Zoning District maps, and to aid the Council and Planning Commission in determining those amendments which will be adopted by the City.

On January 25, 2016, Thomas Lin with Willkommen Village applied to amend the official Leavenworth Comprehensive Plan Land Use Designations and Zoning District maps as described with the proposal.

The Planning Commission will be asked to hold a public hearing for two actions in order to take public testimony and to consider adopting findings. The purpose of this hearing was to receive public testimony and establish findings regarding: 1) Land Use Designation and 2) Zoning Map amendment for lands owned by Willkommen Village LLC from Multifamily Residential (RM) district to General Commercial (GC) district t.

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study: " 5. Private Map, Plan, and Code amendments (application dependent). B. Willkommen Village rezone from RM to GC"

Pursuant to LMC Section 21.31.040 (D), 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. According to LMC Section 21.31.020 (D) "Map amendment" is a proposed change to the land use designation on a property and typically involves a specific piece of property or affects relatively few specific properties. These amendments typically impact

a specific property and may be applied for by a property owner or initiated by the Leavenworth city council.

Attachment A – Maps amendment has been reviewed and deliberated upon by the Planning Commission on July 6, 2016.

PROPOSAL:

Land Use Designation and Zoning Map amendment for lands owned by Willkommen Village LLC from Multifamily Residential (RM) district to General Commercial (GC) district.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
|--|--|
| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

None at the time of this report

RESPONSE TO COMMENTS

The Planning Commission will consider comments and testimony. As determined necessary, the Planning Commission will incorporate comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Planning Commission recommends **DENIAL** of the land use designations map amendment.

Analysis and Findings - Based upon review, the Planning Commission may accept portions or all of the following findings of fact to forward with this recommendation:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.** This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

Private parties / individual may apply for map amendments pursuant to LMC Chapter 21.31

According to the Applicant, “This proposal seeks to rezone a portion of a 29.9 acre parcel to create a mixed use development. The existing parcel is currently bisected by Residential Low Density 12,000, Multifamily Residential, and General Commercial district zoning. The proposal is to change all of the zoning to General Commercial zoning – excepting the northern portion of the lot directly adjacent to Riverbend Drive, which will change from Residential Low Density 12,000 to Residential Low Density 10,000 zoning. The current multifamily residential zoning doesn’t mandate Leavenworth’s “Old World Bavarian” themed architecture. The proposed zoning will require the themed architecture to create an “Old World Bavarian village concept” development consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings.”

- 2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.**

According to the Applicant, “No. This proposal is believed to be consistent with current Comprehensive Plan and development regulations.”

According to the Applicant, “Yes. The proposal does not assume any variations to the background information or assumptions used to develop the comprehensive plans or documents therein. The multi-family residential zoning would be replaced by the planned mix-used development as allowed by the general commercial zoning to account for additional housing affordability and variations. The proposed change can still allow densities that are consistent with the multi-family zoning within the general commercial zone. In addition, the change to residential low density 10,000 in the northern portion of the lot will provide for additional housing otherwise lost from the multi-family to general commercial zone change.”

The Planning Commission finds that the proposed amendment is contrary to the following existing Comprehensive Plan Land Use Element Goals and Policies:

Commercial -Policy 7: Encourage the development of commercial land in a manner which is complementary and compatible with adjacent land uses and the surrounding environment by providing well designed transition or buffer areas.

Policy 8: Promote appropriately buffered multifamily residential development compatible with existing and potential commercial activities to provide a transition between high intensity and low intensity uses.

There is no transition or buffer, and the new commercial area would not be complementary and compatible with the adjacent residential land uses. Commercial operations would have impacts that are not complementary and compatible with the adjacent residential neighborhood.

The Planning Commission finds that the proposed amendment is contrary to the following existing Comprehensive Plan Housing Element Goals and Policies:

Goal 1: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities, and housing types, and encourage preservation of existing housing stock.

This goal will help to ensure that affordable housing is available to all economic segments of the population.

Policy 5: Identify areas within the City of Leavenworth and urban growth area where increased densities will be allowed.

Increased densities within the City and the urban growth area, where all urban services are available, can reduce the cost of housing.

Policy 9: Evaluate existing land use designations and regulations which may be presenting barriers to the development of an adequate supply of affordable housing for all economic segments of the population.

Policy 10: Reassess and amend as necessary the locations, densities and ratio of distribution of the residential land use designations to more proactively promote the development of affordable housing within the City and the UGA.

The amount of land available for development, its proximity to urban services and the allowed densities have a direct relationship to land values. Reducing land costs is generally the largest single factor in achieving affordability.

The removal of the Multifamily Residential zoning diminishes the existing housing opportunities with the City of Leavenworth.

3. The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.

According to the Applicant, “Yes. The proposed amendment is consistent with the Growth Management Act, the County-wide planning policies, the Leavenworth Comprehensive Plan. The proposal is consistent with the following policies: County-wide Policy 4 VII: Policies for county-wide transportation facilities and strategies. Leavenworth Transportation Element – Policy 1.9: Transportation facilities and system improvements shall be designed to minimize energy consumption and to encourage the use of public transportation, bikeways, sidewalks, and walkways. The planned development will site a new LINK Transit park-n-ride facility to connect their inter-city routes with Leavenworth as well as provide local transit service from the park-n-ride to the City’s current commercial district. This will help alleviate some of the City’s current parking inadequacies within the commercial district. County-wide Policy 7 VI: Policies for county-wide economic development and employment. Leavenworth Economic Element Policy 6: Economic development should be one of the considerations in the process of land use planning, transportation planning, infrastructure planning, and the determination of urban growth boundaries. The planned development envisions complimentary commercial and mix-use development to the City’s tourist based economy. The development includes a “village concept” consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings.”

The Planning Commission finds that this map amendment does impact assumptions within the existing Comprehensive Plan, is contrary to the recently updated Housing Element, Land Use

Element and Land Capacity Analysis. The map amendment does not create inconsistencies with the City's Comprehensive Plan or other documents incorporated therein. The proposed amendment is not supported by the above existing Comprehensive Plan Goals and Policies.

4. The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.

According to the Applicant, "The proposed amendment is consistent with the Growth Management Act and planning policies. The proposal is consistent with the following policies: County-wide Policy 4 VII: Policies for county-wide transportation facilities and strategies. Leavenworth Transportation Element – Policy 1.9: Transportation facilities and system improvements shall be designed to minimize energy consumption and to encourage the use of public transportation, bikeways, sidewalks, and walkways. The planned development will site a new LINK Transit park-n-ride facility to connect their inter-city routes with Leavenworth as well as provide local transit service from the park-n-ride to the City's current commercial district. This will help alleviate some of the City's current parking inadequacies within the commercial district. County-wide Policy 7 VI: Policies for county-wide economic development and employment. Leavenworth Economic Element Policy 6: Economic development should be one of the considerations in the process of land use planning, transportation planning, infrastructure planning, and the determination of urban growth boundaries. The planned development envisions complimentary commercial and mix-use development to the City's tourist based economy. The development includes a "village concept" consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings."

The Planning Commission finds that the amendment is not consistent with Planning goal of RCW 36.70A.020:

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The removal of the RM zoning diminishes the existing housing opportunities with the City of Leavenworth.

The proposed amendment has been developed in accordance with the Growth Management Act. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

5. The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.

The Planning Commission finds that the proposed amendment will adversely affect the residential supply of land. The proposed amendment does not modify the urban growth boundary in any way.

Reducing the housing opportunities with the City is contrary to the needs of the Community projected population growth of the planning period of 20-years.

6. Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic

conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions; See above

7. Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;

According to the Applicant, “Yes. The adjacent land to the south, west, and east is zoned General Commercial. The area to the northwest is zoned residential. The planned development will provide complimentary and compatible uses to the adjacent residential land including a transit facility, retail shopping, and recreational plaza.”

The Planning Commission finds that no commercial nor residential uses and or buildings are on the site (the site is vacant). To the north is residential property; and to the south is commercial. The adjacent properties have both similar and/or compatible designations and dissimilar designations. *Re-designating and rezoning this parcel would create the scenario where new or future commercial uses to conflict with the existing residential uses.*

8. The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service. The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.

9. The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas. This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d)).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is NOT consistent with Planning goal of RCW 36.70A.020,

- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The removal of the RM zoning diminishes the existing housing opportunities with the City of Leavenworth.

The proposed amendment has been developed in accordance with the Growth Management Act. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is not consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

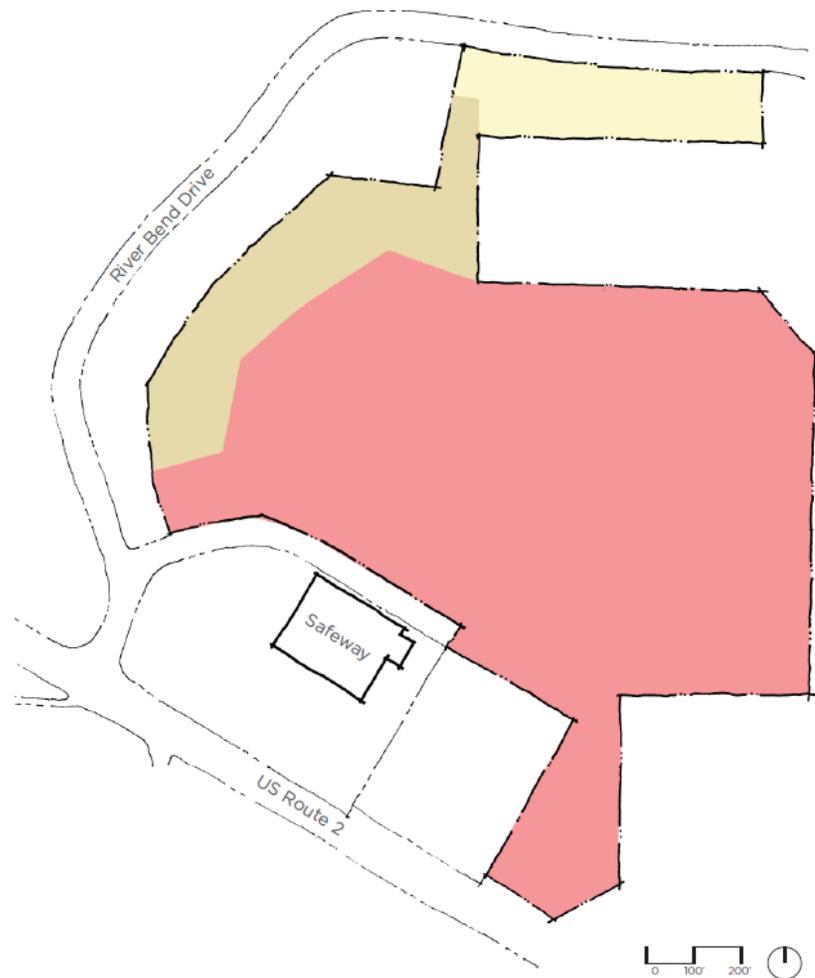
This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

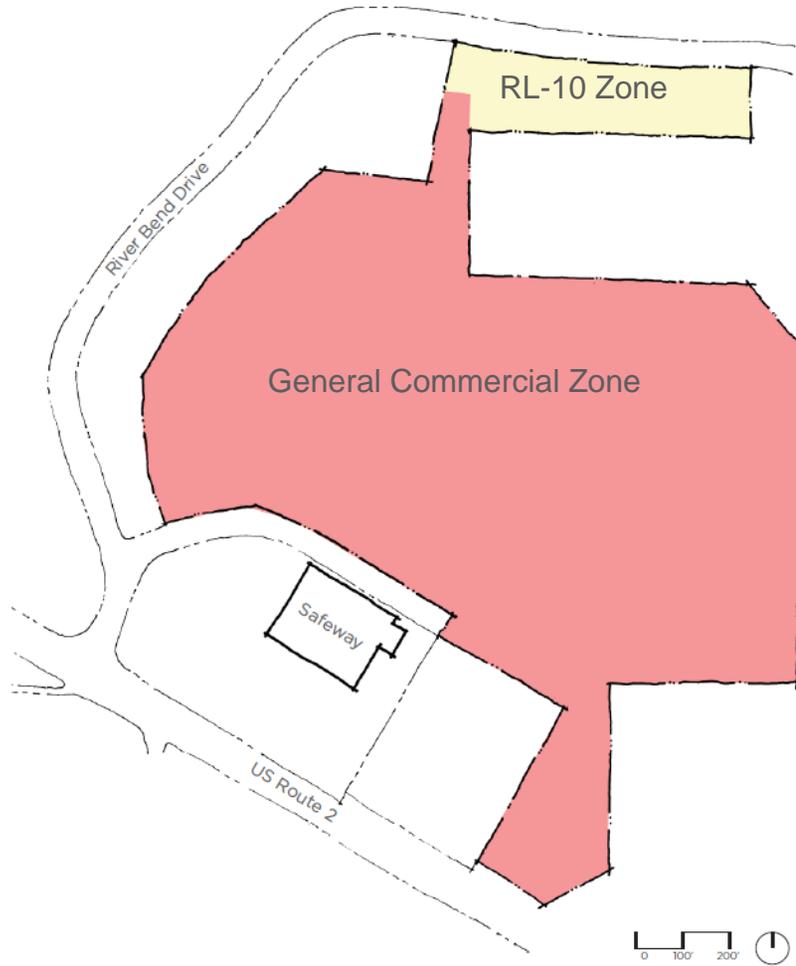
The proposed amendment is not based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – Map Amendment



- Legend:
- RL-12 Zone
 - Residential Multi-family Zone
 - General Commercial Zone





City of Leavenworth

Development Services Department

Staff Report –Amendment to LMC Section 18.28.050 Building height

To: Leavenworth Planning Commission
From: City of Leavenworth Development Services Department
Date of Report: October 6, 2016
Subject: Private Leavenworth Municipal Code amendment to increase the building height of the General Commercial (GC) district from 35' to 50'. Amendment to LMC Section 18.28.050 - Building height.

OVERVIEW

As included within the Planning Commission 2016 Amendment Docket, the Planning Commission has been asked to review and study:

- " 5. Private Map, Plan, and Code amendments (application dependent).
- D. Increase height of GC from 35' to 50'."

Pursuant to LMC Section 21.31.040 (C), proposals requested by private persons, organizations, and agencies to be sponsored by the city as described in subsection (B)(2) of this section may be submitted in the form of a written request to the city council and planning commission by December 31st of the previous year. According to LMC Section 21.31.020 (A) "Area-wide amendment" is a proposed change or revision which has general applicability throughout the community. Within this type of amendment, there are two categories: "text amendment" to change or revise the goals, policies, objectives, assumptions and/or standards described in the plan; and "area-wide map amendment" to change or revise one or more of the maps of the comprehensive plan. In either instance, the proposal is comprehensive in nature and may be geographically distinctive or have unified interest within the city. While an area-wide map amendment typically includes several separate properties under various ownership, it is possible that it would apply to a single, specific piece of property under a single ownership. These amendments are considered legislative in nature and must be initiated by the Leavenworth city council.

The revised application was received on January 25, 2016. This was accepted as within the time period due to Development Service Department requirement that the applicant separate the materials of an area wide amendment which was combined with two (2) map amendments. Map amendments are due January 31st of each year.

According to the Applicant, "The proposal also seeks to amend the development regulation to change the maximum height of the General Commercial zone to be consistent with the Central Commercial district zoning. This will accommodate the Bavarian themed architecture for the proposed development." The Applicant continues with "Comprehensive Plan Amendment, Area Wide Amendment – Development Regulation modification to change the height restriction within a general commercial zone to allow up to

50-feet in structure height for future development to be known as Willkommen Village.

Attachment A - text amendment has been reviewed and deliberated upon by the Planning Commission on July 6, 2016.

PROPOSAL:

Amendment to LMC Section 18.28.050 - Building height from 35' to 50'.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
|--|--|
| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

None at the time of this report

RESPONSE TO COMMENTS

The Planning Commission considered comments and testimony. As determined necessary, the Planning Commission will incorporate comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document with changes noted in redline Exhibit A. Staff recommends adopting the following findings of fact and conclusions of law:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.**

This amendment is not necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.

Private parties / individual may apply for area wide amendments pursuant to LMC Chapter 21.31

- 2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.** The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan. Specifically:

Land Use Element – General- Goal 5: Encourage infill development on suitable vacant parcels and redevelopment of underutilized parcels. Ensure that the height, bulk and design of infill and redevelopment projects are compatible with their surroundings.

Effective use of vacant and underutilized lands can be accomplished by infill. Infill is cost effective regarding the use of existing infrastructure to support development, and reduces sprawl.

Goal 8: Maintain development regulations to promote compatibility between uses; retain desired neighborhood character; ensure adequate light, air and open space; protect and improve environmental quality; and manage potential impacts on public facilities and services. Through these regulations address features including, but not limited to: impervious surface area and lot coverage; building height, bulk, placement and separation; development intensity; access and connections; and landscaping/ open space.

Zoning ordinances are a valid exercise of the police power of the City, and provide for the public health, safety, morals, or general welfare of a community.

- 3. The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.** The proposed amendment does not alter population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan. The amendment to increase the height of commercial buildings is supported by the following goals of the Land Use Element (although there are many more, the below underscores the ideas of reduction of sprawl):

Goal 1: Provide sufficient land area and densities to meet Leavenworth’s projected needs for housing, employment and public facilities.

The Growth Management Act, addresses growth by requiring local communities to engage in twenty-year land use planning and to concentrate development in urbanized areas to use infrastructure efficiently. Increased height adds density while reducing sprawl.

Goal 2: Ensure that development regulations, including the allowed densities, uses and site requirements, provide for achievement of Leavenworth’s preferred land use pattern (Land Use Designation Map).

Goal 3: Allow new development only where adequate public facilities and services can be provided.

Goal 4: Provide an appropriate level of flexibility through development regulations which promotes efficient use of buildable land. Balance this flexibility with other community goals and the need for predictability in decision making

- 4. The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.**

The amendment is consistent with Planning goal of RCW 36.70A.020:

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed amendment has been developed in accordance with the Growth Management Act and do not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

5. **The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.** The proposed amendment will not modify the supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.
6. **Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** See above
7. **Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** Not applicable
8. **The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.
9. **The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d)).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

The amendment adds consistency between like commercial district for the height of buildings.

(2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is consistent with Planning goal of RCW 36.70A.020,

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

The proposed amendment has been developed in accordance with the Growth Management Act and does not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

(3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

(4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

(5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – LMC Amendment

Chapter 18.28
GENERAL COMMERCIAL DISTRICT

Sections:

- 18.28.010 Purpose.
- 18.28.020 Permitted uses.
- 18.28.030 Uses requiring conditional use permits.
- 18.28.040 Yard requirements.
- 18.28.050 Building height.
- 18.28.060 Lot coverage.

18.28.010 Purpose.

The general commercial district classification is intended to be applied to areas suitable and desirable for wholesale and retail sales and services not properly a part of the central area. [Ord. 1511 § 1 (Att. A), 2015; Ord. 1421 § 1 (Att. A), 2012; Ord. 757 § 1, 1985; Ord. 754 § 5, 1984; Ord. 551 § 23.100, 1976; Ord. 531 § 1, 1973.]

18.28.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a general commercial district the following uses and their accessory uses are permitted outright:

- A. Apartments/multifamily dwelling unit;
- B. Automobile, boat, truck, trailer, or similar motor vehicle sales, service, display, rental or storage;
- C. Battery exchange stations and rapid charging stations (also known as level 3 charging and fast charging);
- D. Bakery;
- E. Banks;
- F. Barbershop or beauty shop;
- G. Business, technical or trade school;
- H. Bus or taxicab stop;
- I. Car wash;
- J. Condominiums;

- K. Eating and drinking establishment;
- L. Exercise facilities;
- M. Government structure or use of land;
- N. Hotels and/or motels;
- O. Indoor sports arenas, auditoriums, and exhibition halls;
- P. Incidental and accessory structures and uses on the same site with, and necessary for, the operation of a permitted use;
- Q. Laundry or dry cleaning establishment;
- R. Copy and/or printing establishment;
- S. Pharmacy/drug store;
- T. Professional offices (business and professional);
- U. Retail food/grocery store;
- V. Retail sale, rental or repair of nonmotorized recreational equipment;
- W. Retail stores and service establishments;
- X. Theater;
- Y. Upholstery shop;
- Z. Adult family home. See RCW 70.128.010 for definition. [Ord. 1511 § 1 (Att. A), 2015; Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1268 (Exh. D), 2005; Ord. 839 § 2, 1989; Ord. 757 § 1, 1985; Ord. 754 § 5, 1984; Ord. 551 § 23.110, 1976; Ord. 531 § 1, 1973.]

18.28.030 Uses requiring conditional use permits.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a general commercial district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Automobile or other motor vehicle repair, not including a body shop;
- B. Day care center;
- C. Cabinet or glass shop;
- D. Commercial amusement enterprise;
- E. Clinic;
- F. Coffee roasting;
- G. Electric, plumbing or heating shop;

- H. Family entertainment enterprise;
- I. Food bank;
- J. Gasoline service station;
- K. Incidental and accessory structures and uses located at the same site with and necessary for the operation of a conditional use;
- L. Micro brewery, distillery, or winery;
- M. Parking facilities, including structures and lots;
- N. Pet care centers;
- O. Private clubs and lodges;
- P. Public and private libraries, art galleries, and museums;
- Q. Public buildings, utilities, service structures or installations and grounds;
- R. Recreational vehicle parks;
- S. Veterinarian, animal hospital;
- T. Public parks, including swimming pools;
- U. Manufacturing, assembling, fabricating, processing, packing, repairing or storage of goods which have not been declared a nuisance by statute or city of Leavenworth resolution and provided these uses shall not cause:
 - 1. Unreasonable dissemination of dust, smoke, visible gases or noxious gases, fumes, noise, vibration, or odor beyond the boundaries of the site on which the use is conducted;
 - 2. Hazard to fire, explosion, or other physical damage to adjacent structures or vegetation;
- V. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC. [Ord. 1511 § 1 (Att. A), 2015; Ord. 1421 § 1 (Att. A), 2012; Ord. 1205 § 2, 2003; Ord. 757 § 1, 1985; Ord. 754 § 5, 1984; Ord. 551 § 23.120, 1976; Ord. 531 § 1, 1973.]

18.28.040 Yard requirements.

- A. Front Yard. The front yard shall be a minimum of 25 feet for those parcels of real property in the general commercial district which have a direct frontage on or along State Highway SR2 in the city, or which are located across the street from any residential or recreational zoning district.
- B. Side Yard. The side yard shall be a minimum of 10 feet when the side yard of a parcel of real property in the general commercial district abuts, touches or adjoins any residential or recreational zoning district.
- C. Rear Yard. The rear yard shall be a minimum of 15 feet when the rear yard of a parcel of real property in the general commercial district abuts, touches or adjoins any residential

or recreational zoning district. [Ord. 1511 § 1 (Att. A), 2015; Ord. 1421 § 1 (Att. A), 2012; Ord. 1086 § 1, 1998; Ord. 767 § 1, 1985; Ord. 757 § 1, 1985; Ord. 754 § 5, 1984; Ord. 720 § 4, 1982; Ord. 551 § 24.130, 1976; Ord. § 531 § 1, 1973.]

18.28.050 Building height.

In a general commercial district, no structure shall exceed a height of ~~35~~50 feet. [Ord. 1511 § 1 (Att. A), 2015; Ord. 1421 § 1 (Att. A), 2012; Ord. 1246 § 2, 2005; Ord. 757 § 1, 1985; Ord. 754 § 5, 1984; Ord. 551 § 24.140, 1976; Ord. 531 § 1, 1973.]

18.28.060 Lot coverage.

In a general commercial district, buildings shall not occupy more than 75 percent of the lot area. [Ord. 1511 § 1 (Att. A), 2015; Ord. 1421 § 1 (Att. A), 2012; Ord. 757 § 1, 1985; Ord. 754 § 5, 1984; Ord. 551 § 24.150, 1976; Ord. 531 § 1, 1973.]



City of Leavenworth
DEPARTMENT OF DEVELOPMENT SERVICES

COMPREHENSIVE PLAN AMENDMENT APPLICATION

This application must be filled out legibly, in black ink, either hand printed or typewritten

APPLICANT:

This party is the sponsor of the request, shall receive determinations and notices associated with this application, and shall be the City's point of contact for processing this application. If additional parties, please provide additional names and information as an attachment.

Last Name: Lin First Name: Thomas
Mailing Address: 2626 58th Ave SW City: Seattle State: WA Zip: 98116
Phone: (425) 864-1906 Email: willkommenllc@yahoo.com

REQUESTED AMENDMENT:

(See LMC 21.31.020 for descriptions)

- Area Wide Amendment (checked)
Map Amendment
Capital Facilities Amendment
Urban Growth Area Amendment
Emergency Amendment

Property:

Physical Address of Proposed Change (if applicable): 11686 River Bend Dr, Leavenworth, WA
Assessors' Tax Parcel Number of Property(s): 241806330050
Subdivision Name(s): N/A Block: N/A Lot: N/A

REQUIREMENTS

All required information and fees must be submitted at time of application. Applications which do not include all of the required information and fees may be returned to the applicant.

FEES*:

- Phase I - Initial Application for Docket (due at application submittal).....\$300
Phase II (if approved for docket, next steps for approval).....\$800
Staff Time (to be paid prior to recordation of BLA)\$50/hr†

* Fees include SEPA review, as necessary. Please note that fees are subject to change without notice. Check with the City of Leavenworth for current fees prior to submittal of your application. Payment Phase I and II fees does not constitute approval of a proposed amendment.

† In addition to the base fee, a charge of \$50 per hour will be assessed for each hour of staff time for reviewing the project, however, 50% of the base fee will be credited toward the total dollar amount of the staff hours billed to the applicant.

GENERAL INFORMATION:

- A pre-application meeting with the City may be required or requested. Please contact Development Services Department Staff at 509-548-5275 prior to submitting application.
- Proposals requested by private persons, organizations, or agencies which the City Council and Planning Commission decide would serve the public interest and would therefore be appropriately sponsored by the City must be submitted to the City Council and Planning Commission no later than December 31st of the year preceding any code amendment. If the proposal is sponsored by the City, fees shall be waived. If the City does not decide to sponsor the proposal, you may still submit your proposal for private sponsorship. Proposals and fees must be submitted no later than January 31st.
- All drawing(s) must be on paper capable of being folded for storage in an 8 ½” x 14” file, and become the property of the City of Leavenworth.
- **Include all of the following information with your application. For map amendments, maps and legal descriptions of proposed changes are required. Where instructions direct attachment of a document, you may combine sections in order to conserve the number of documents submitted if sections are clearly labeled as follows:**
 1. Specific Text and/or Map Affected by Proposal: Attach document labeled:
“**1 – Text and/or Map Affected**”
 2. Reason for Request (why is proposal being presented for consideration?): Attach document labeled:
“**2 – Reason for Request**”
 3. Address the Following Review Criteria :
 - A. Is the proposed amendment necessary to resolve inconsistencies in the provisions of the Comprehensive Plan and/or development regulations or to address state or federal mandates? Explain: Attach document labeled “**3, A**”
 - B. Is the proposed amendment consistent with the Growth Management Act, the County-wide planning policies and the Leavenworth Comprehensive Plan? Explain (attach document labeled “**3, B**”
 - C. Is the proposed amendment consistent with the existing Comprehensive Plan (encompassing any other documents incorporated therein), including the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc. contained in the Comprehensive Plan? If the proposed amendment is inconsistent with any existing aspects of the Comprehensive Plan, what new or revised assumptions, background information changes, goals, policies, objectives, etc. must be made, and what conditions have changed that warrant such modification? Explain: Attach document labeled “**3, C**”
 - D. For those proposed amendments which relate to a change in the Comprehensive Plan land use map, is the proposed designation adjacent to property having a similar and/or compatible designation? Explain: Attach document labeled “**3, D**”
 - E. Will the proposed amendment affect lands designated as resource lands of long term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas? Attach document labeled “**3, E**”
 4. How is the proposal consistent with the Growth Management Act (RCW 36.70A), the adopted county-wide planning policies, and the Leavenworth Comprehensive Plan? Attach document labeled:
“**4 – Consistency with GMA and planning policies**”

5. Additional information determined by the Development Services Department as necessary for evaluation of the proposal:

Legal description(s): Attach document “**5, A**”

Map(s): Attach document “**5, B**”

Site plan(s): ___ Attach document “**5, C**”

Environmental information: Attach document “**5, D**”

Technical Study(s): Attach document “**5, E**”

Other information: Attach document “**5, F**”: _____

SEPA Checklist

Address the following in an attached document labeled “Additional Information”:

1. Probable impacts of the proposed action (label “**Additional Information, 1**”)
2. Probable impacts of a “no action” alternative (label “**Additional Information, 2**”)
3. Impacts of staff-recommended and/or other alternatives, if any (label “**Additional Information, 3**”)
4. Possible mitigation measures (label “**Additional Information, 4**”)
5. Unavoidable impacts label “**Additional Information, 5**”)
6. Does the amendment adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan label “**Additional Information, 6**”)
7. Does the proposed amendment serve the interest of both the applicant and the general public, including public health, safety, and welfare? label “**Additional Information, 7**”)
8. Does the proposed amendment comply with comprehensive plan land use designation/sighting criteria? label “**Additional Information, 8**”)
9. Which goals and policies of the Comprehensive Plan does the proposal complement and which does it conflict with: label “**Additional Information, 9**”)

Address the following in an attached document labeled “**Additional Information UGA Amendments,**” if applicable:

1. Is the area designated for expansion contiguous to an existing UGA? (label “**Additional Information UGA Amendments, 1**”)
2. Is the area characterized by urban growth? (label “**Additional Information UGA Amendments, 2**”)
3. Will the area be served by or be planned to be served by urban governmental services? (label “**Additional Information UGA Amendments, 3**”)
4. Will the area be designated so as to be compatible with natural resource lands and protection of designated critical areas? (label “**Additional Information UGA Amendments, 4**”)
5. Does the area meet one of the following criteria? (label “**Additional Information UGA Amendments, 5**”)
 - a. There is insufficient land within the existing urban growth area to permit and support urban growth that is forecasted to occur in the twenty-year time frame covered by the Comprehensive Plan, including populated forecasts and allocated urban population projections; or
 - b. There can be shown an overriding public interest which shall clearly demonstrated that the amendment of the UGA is necessary to protect the public health, safety and welfare, and that said amendment shall further the goals and policies of the comprehensive plan and the Growth Management Act.

I have read and understand the above application and have answered to the best of my knowledge. I certify that I am the legal property owner or represent the legal property owner associated with the above proposal. I understand that if the City of Leavenworth does not choose to sponsor my proposed amendment, I have the option to sponsor the proposal privately at which time I will be required to submit all applicable fees and any additional information as deemed necessary by the City by no later than January 31st.

Attach additional pages if necessary in order to ensure that all applicant signatures are present.

Applicant Signature: _____ Date: _____

STAFF USE ONLY

Application received by: _____ Date: _____

Accepted as complete by: _____ Date: _____

Notes: _____

**City of Leavenworth
Comprehensive Plan Amendment Application**

Area Wide Amendment

Villcommen Village

1 – Text and/or Map Affected

Leavenworth’s Municipal Code currently reads:

18.28.050 Building Height.

In a general commercial district, no structure shall exceed a height of 35 feet.

Per this request, the height restriction would change to 50 feet within the subject area.

2 – Reason for Request

The proposal seeks to amend the development regulations to change the maximum height of the General Commercial zone to be consistent with the Central Commercial district zoning. This will accommodate the “Old World Bavarian” themed architecture for the proposed development.

3A – No. This proposal is believed to be consistent with current Comprehensive Plan and development regulations.

3B – Yes. The proposed amendment is consistent with the Growth Management Act, the County-wide planning policies, the Leavenworth Comprehensive Plan. The proposal is consistent with the following policies:

County-wide Policy 7 VI: Policies for county-wide economic development and employment.

Leavenworth Economic Element Policy 6: Economic development should be one of the considerations in the process of land use planning, transportation planning, infrastructure planning, and the determination of urban growth boundaries.

The planned development envisions complimentary commercial and mix-use development to the City’s tourist based economy. The development includes a “village concept” consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings. The additional height will provide a more efficient use of the land which is more attracting to potential developments such as hotels and other commercial uses.

3C – Yes. The proposal does not assume any variations to the background information or assumptions used to develop the comprehensive plans or documents therein. The additional height does not change

the underlying use of the land and is intended to provide a bigger and better use of the general commercial zoned land.

3D – Yes. The adjacent land to the south, west, and east is zoned General Commercial. The area to the northwest is zoned residential. The planned development will provide complimentary and compatible uses to the adjacent residential land including a transit facility, retail shopping, and recreational plaza. The project area’s topography is situated in such a way that the additional height has a minimal effect on existing views.

3E – No. There are no lands designated as resource lands of long term commercial significance and or critical areas within the proposed zone amendment area.

4 – Consistency with GMA and planning policies

The proposed amendment is consistent with the Growth Management Act and planning policies. The proposal is consistent with the following policies:

County-wide Policy 7 VI: Policies for county-wide economic development and employment.

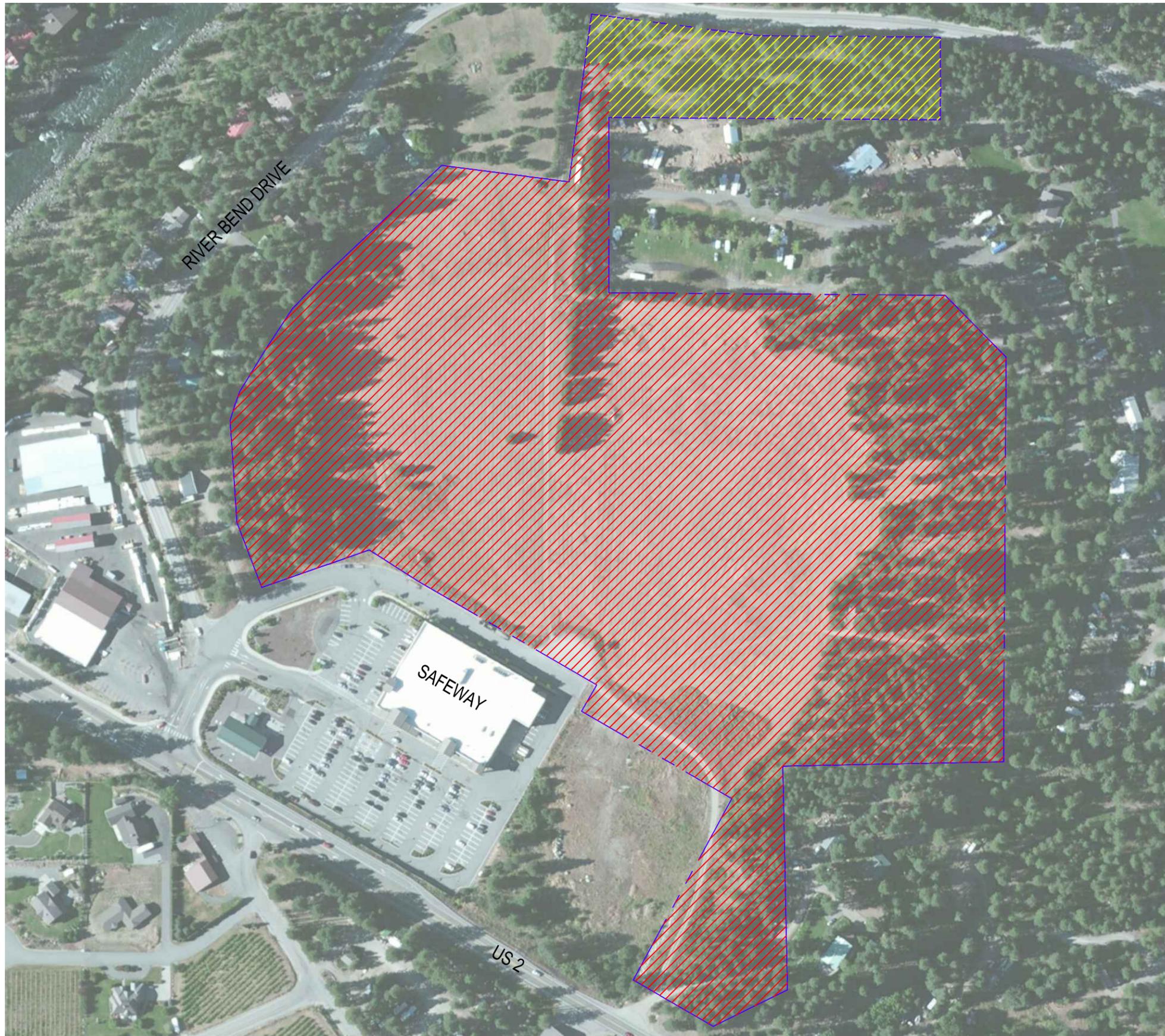
Leavenworth Economic Element Policy 6: Economic development should be one of the considerations in the process of land use planning, transportation planning, infrastructure planning, and the determination of urban growth boundaries.

The planned development envisions complimentary commercial and mix-use development to the City’s tourist based economy. The development includes a “village concept” consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings. The additional height may attract new development that would not otherwise be as enticing with the current height limitations.

5 – Additional information

Refer to the Attached SEPA Checklist.

Refer to attach parcel zoning map for affected area.



LEGEND:

 RL-10 ZONE

 GENERAL COMMERCIAL ZONE

LEGAL DESCRIPTION:

TOWNSHIP 24N RANGE 18EWM SECTION 06 LOT B BLA
2015-01LE LOT A BLA 2011-01LE ACRES 29.1000

AREA: 29.9 ACRES

PLAN VIEW

1" = 200'

PROPOSED SITE ZONING

WILLKOMMEN VILLAGE - LEAVENWORTH, WA

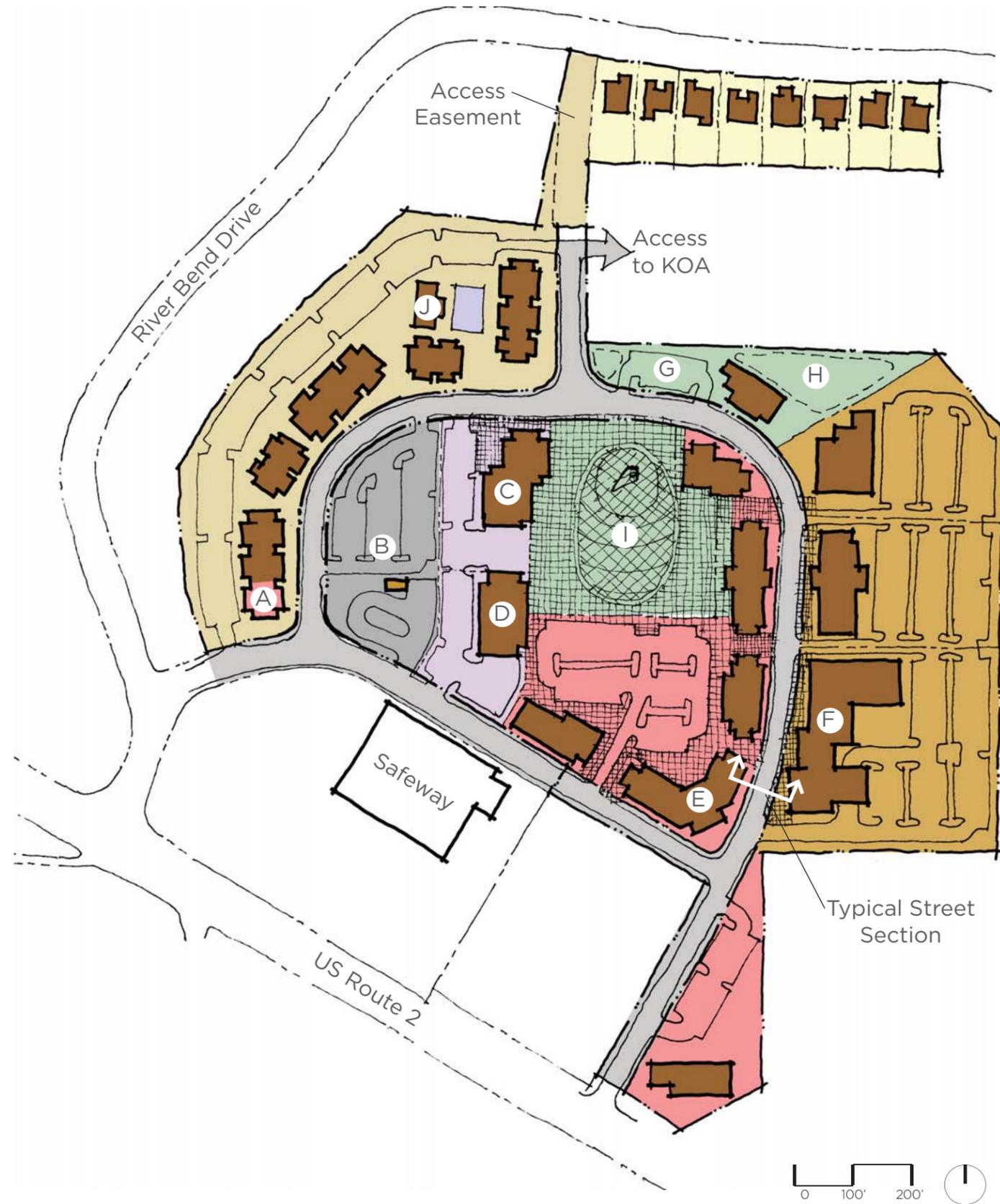


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PLOT DATE: 1/22/2016
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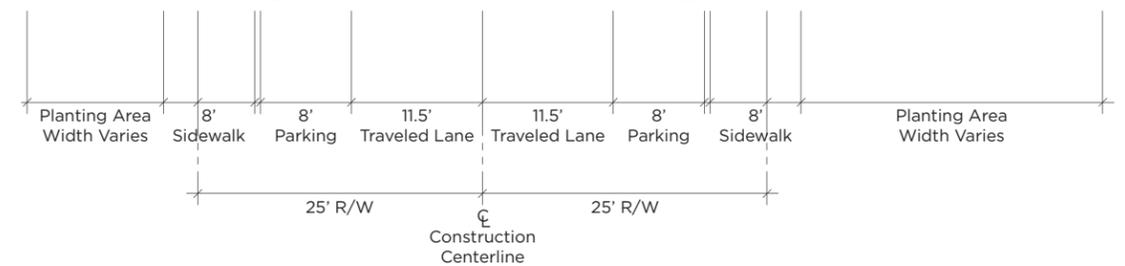


Legend:

- Single Family Residential
- Multi Family Residential
- Open Space / Plaza
- Hospitality
- Retail / Commercial
- Light Industrial
- Transit

- A Coffee / Laundry
- B LINK
- C Brewery
- D Distillery
- E Retail
- F Hotel
- G Event Parking
- H Stormwater
- I Plaza
- J Recreation Center

Typical Street Section:



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: *Willkommen Village*
2. Name of applicant: *Willkommen, LLC*
Thomas Lin
3. Address and phone number of applicant and contact person: *2256 58th Ave SE, Seattle, WA, 98816*

4. Date checklist prepared: *1/21/2016*
5. Agency requesting checklist: *City of Leavenworth*
6. Proposed timing or schedule (including phasing, if applicable): *The intent is to build out of Villcommen Village in phases. The first phase would begin as early as 2016. Currently under review for Comprehensive Plan Map Amendment.*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *A future boundary line adjustment may incorporate an additional 0.5 Acres adjacent to this parcel. This property is under the same ownership but is currently outside the City limits.*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *A cultural resource review will be completed.*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? *No pending approvals or proposals.*
10. List any government approvals or permits that will be needed for your proposal, if known. *Comprehensive Plan Map Amendment to modify the development regulations requires approval by the Leavenworth City Council. Requires SEPA review and notice to agencies and entities in accordance with local and state law.*
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) *Comprehensive Plan Amendment, Area Wide Amendment – Deveopment Regulation modification to change the height restriction within a general commercial zone to allow up to 50-feet in structure height for future development to be known as Willcommen Village. The subject site is located at 11686 River Bend Drive, within the City of Leavenworth, and is approximately 29.9 acres. The legal description is Township 24N, Range 18EWM, Section 06, Lot B BLA 2015-01LE, Lot A BLA 2011-01LE, Assesors' Tax Parcel number 241806330050.*
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *See response to question 11.*

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

Flat, rolling, hilly, steep slopes, mountainous, other _____. *The main site area is flat (5% or less). There is a slope near the south end of the site adjacent to Highway 2. This slope is approximately 50%.*

b. What is the steepest slope on the site (approximate percent slope)? *See response to (a).*

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. *Outwash sand and gravel, till, lacustrine silt and clay, and other sediments from local upland sources; includes minor rock-glacier debris, protalus rampart deposits, and talus; mostly late-Wisconsinian age but may contain older drift; rock-glacier debris and some alpine moraines may be Holocene.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *None.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *No filling proposed – development regulation change only.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *No clearing or construction is proposed.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *No construction is proposed. The site is currently all pervious surface.*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *No measures proposed.*

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *No emissions will result from the development regulation change.*

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *No offsite emissions effect the development regulation change.*

c. Proposed measures to reduce or control emissions or other impacts to air, if any: *No measures proposed for the development regulation change.*

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *The Wenatchee River is located approximately 250' at the closest location to the subject parcel.*

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. *No work is proposed.*

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *No fill or dredge is proposed.*

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *No.*

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. *No.*

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *No.*

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *No.*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the

number of animals or humans the system(s) are expected to serve. *None. The site is serviced by City sanitary sewer and stormwater utilities.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *The development regulation change will not affect runoff. The site is serviced by City stormwater utility.*

- 2) Could waste materials enter ground or surface waters? If so, generally describe. *The development regulation change will not generate waste materials.*

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *The development regulation change will not alter drainage patterns.*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *No measures are proposed.*

4. Plants

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? *None.*

c. List threatened and endangered species known to be on or near the site. *None.*

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *None*.
- e. List all noxious weeds and invasive species known to be on or near the site. *None*.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. *None known*.
- c. Is the site part of a migration route? If so, explain. *None known*.
- d. Proposed measures to preserve or enhance wildlife, if any: *None*.
- e. List any invasive animal species known to be on or near the site. *None known*.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *No change in energy needs are proposed*.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *No*.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *No features proposed in relation to the development regulation change*.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. *No.*

1) Describe any known or possible contamination at the site from present or past uses.

None known.

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *None known.*

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *None.*

4) Describe special emergency services that might be required. *None.*

5) Proposed measures to reduce or control environmental health hazards, if any: *None.*

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Noise in the area will not affect the development regulation change.*

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *No additional noise will be created with the development regulation change.*

3) Proposed measures to reduce or control noise impacts, if any: *None proposed.*

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *The existing site is vacant land. Adjacent properties are Safeway, US Highway 2, and residential zones.*

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *No.*

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *No.*
- c. Describe any structures on the site. *None.*
- d. Will any structures be demolished? If so, what? *No.*
- e. What is the current zoning classification of the site? *The existing parcel is currently bisected by Residential Low Density 12,000, Multifamily Residential, and General Commercial district zoning.*
- f. What is the current comprehensive plan designation of the site? *See response to (e).*
- g. If applicable, what is the current shoreline master program designation of the site? *Not within shoreline jurisdiction.*
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *No.*
- i. Approximately how many people would reside or work in the completed project? *None.*
- j. Approximately how many people would the completed project displace? *None.*
- k. Proposed measures to avoid or reduce displacement impacts, if any: *None.*
- L. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *The proposal is consistent with the general use of the site.*
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *None proposed.*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *No housing is proposed as part of the development regulation change proposal.*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *None.*
- c. Proposed measures to reduce or control housing impacts, if any: *None.*

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *No structures are proposed as part of the development regulation change proposal.*
- b. What views in the immediate vicinity would be altered or obstructed? *None.*
- b. Proposed measures to reduce or control aesthetic impacts, if any: *None.*

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *No lighting is proposed as part of the development regulation change proposal.*
- b. Could light or glare from the finished project be a safety hazard or interfere with views? *No.*
- c. What existing off-site sources of light or glare may affect your proposal? *None.*
- d. Proposed measures to reduce or control light and glare impacts, if any: *None.*

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? *None.*
- b. Would the proposed project displace any existing recreational uses? If so, describe. *No.*

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *None*.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. *None known*.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. *None known*.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *A cultural resource survey will be completed as part of the construction phase of the project.*
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. *See response to (c).*

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *The site is adjacent to River Bend Drive and US Highway 2.*
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? *No*.
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *None*.
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). *No*.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *No.*

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? *None.*

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *No.*

- h. Proposed measures to reduce or control transportation impacts, if any: *None.*

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *No.*

- b. Proposed measures to reduce or control direct impacts on public services, if any. *None.*

16. Utilities

- a. ~~Circle~~ Underline utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
 other _____

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *No additional utilities or construction activities are proposed with the development regulation change.*

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? *The proposal to modify the zoning will not have an affect on these items.*

Proposed measures to avoid or reduce such increases are: *None.*

2. How would the proposal be likely to affect plants, animals, fish, or marine life? *The proposal to modify the development regulations will not have an affect on these items.*

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *None.*

3. How would the proposal be likely to deplete energy or natural resources? *The proposal to modify the development regulations will not have an affect on these items.*

Proposed measures to protect or conserve energy and natural resources are: *None.*

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? *The proposal to modify the development regulations will not have an affect on these items.*

Proposed measures to protect such resources or to avoid or reduce impacts are: *None*.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? *The proposal to modify the development regulations is consistent with adjacent land uses and would not encourage land or shoreline uses incompatible with existing plans..*

Proposed measures to avoid or reduce shoreline and land use impacts are: *None*.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? *The proposal to modify the development regulations will not have an affect on these items.*

Proposed measures to reduce or respond to such demand(s) are: *None*.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *No conflicts identified.*



City of Leavenworth
DEPARTMENT OF DEVELOPMENT SERVICES

COMPREHENSIVE PLAN AMENDMENT APPLICATION

This application must be filled out legibly, in black ink, either hand printed or typewritten

APPLICANT:

This party is the sponsor of the request, shall receive determinations and notices associated with this application, and shall be the City's point of contact for processing this application. If additional parties, please provide additional names and information as an attachment.

Last Name: Lin First Name: Thomas
Mailing Address: 2626 58th Ave SW City: Seattle State: WA Zip: 98116
Phone: (425) 864-1906 Email: willkommenllc@yahoo.com

REQUESTED AMENDMENT:

(See LMC 21.31.020 for descriptions)

- Area Wide Amendment
Capital Facilities Amendment
Emergency Amendment
Map Amendment
Urban Growth Area Amendment

Property:

Physical Address of Proposed Change (if applicable): 11686 River Bend Dr, Leavenworth, WA
Assessors' Tax Parcel Number of Property(s): 241806330050
Subdivision Name(s): N/A Block: N/A Lot: N/A

REQUIREMENTS

All required information and fees must be submitted at time of application. Applications which do not include all of the required information and fees may be returned to the applicant.

FEES*:

- Phase I - Initial Application for Docket (due at application submittal).....\$300
Phase II (if approved for docket, next steps for approval).....\$800
Staff Time (to be paid prior to recordation of BLA)\$50/hr†

* Fees include SEPA review, as necessary. Please note that fees are subject to change without notice. Check with the City of Leavenworth for current fees prior to submittal of your application. Payment Phase I and II fees does not constitute approval of a proposed amendment.

† In addition to the base fee, a charge of \$50 per hour will be assessed for each hour of staff time for reviewing the project, however, 50% of the base fee will be credited toward the total dollar amount of the staff hours billed to the applicant.

GENERAL INFORMATION:

- A pre-application meeting with the City may be required or requested. Please contact Development Services Department Staff at 509-548-5275 prior to submitting application.
- Proposals requested by private persons, organizations, or agencies which the City Council and Planning Commission decide would serve the public interest and would therefore be appropriately sponsored by the City must be submitted to the City Council and Planning Commission no later than December 31st of the year preceding any code amendment. If the proposal is sponsored by the City, fees shall be waived. If the City does not decide to sponsor the proposal, you may still submit your proposal for private sponsorship. Proposals and fees must be submitted no later than January 31st.
- All drawing(s) must be on paper capable of being folded for storage in an 8 ½” x 14” file, and become the property of the City of Leavenworth.
- **Include all of the following information with your application. For map amendments, maps and legal descriptions of proposed changes are required. Where instructions direct attachment of a document, you may combine sections in order to conserve the number of documents submitted if sections are clearly labeled as follows:**
 1. Specific Text and/or Map Affected by Proposal: Attach document labeled:
“**1 – Text and/or Map Affected**”
 2. Reason for Request (why is proposal being presented for consideration?): Attach document labeled:
“**2 – Reason for Request**”
 3. Address the Following Review Criteria :
 - A. Is the proposed amendment necessary to resolve inconsistencies in the provisions of the Comprehensive Plan and/or development regulations or to address state or federal mandates? Explain: Attach document labeled “**3, A**”
 - B. Is the proposed amendment consistent with the Growth Management Act, the County-wide planning policies and the Leavenworth Comprehensive Plan? Explain (attach document labeled “**3, B**”
 - C. Is the proposed amendment consistent with the existing Comprehensive Plan (encompassing any other documents incorporated therein), including the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc. contained in the Comprehensive Plan? If the proposed amendment is inconsistent with any existing aspects of the Comprehensive Plan, what new or revised assumptions, background information changes, goals, policies, objectives, etc. must be made, and what conditions have changed that warrant such modification? Explain: Attach document labeled “**3, C**”
 - D. For those proposed amendments which relate to a change in the Comprehensive Plan land use map, is the proposed designation adjacent to property having a similar and/or compatible designation? Explain: Attach document labeled “**3, D**”
 - E. Will the proposed amendment affect lands designated as resource lands of long term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas? Attach document labeled “**3, E**”
 4. How is the proposal consistent with the Growth Management Act (RCW 36.70A), the adopted county-wide planning policies, and the Leavenworth Comprehensive Plan? Attach document labeled:
“**4 – Consistency with GMA and planning policies**”

5. Additional information determined by the Development Services Department as necessary for evaluation of the proposal:

Legal description(s): Attach document “**5, A**”

Map(s): Attach document “**5, B**”

Site plan(s): ___ Attach document “**5, C**”

Environmental information: Attach document “**5, D**”

Technical Study(s): Attach document “**5, E**”

Other information: Attach document “**5, F**”: _____

SEPA Checklist

Address the following in an attached document labeled “Additional Information”:

1. Probable impacts of the proposed action (label “**Additional Information, 1**”)
2. Probable impacts of a “no action” alternative (label “**Additional Information, 2**”)
3. Impacts of staff-recommended and/or other alternatives, if any (label “**Additional Information, 3**”)
4. Possible mitigation measures (label “**Additional Information, 4**”)
5. Unavoidable impacts label “**Additional Information, 5**”)
6. Does the amendment adversely affect the supply of land for various purposes which is available to accommodate projected growth over the twenty-year planning period covered by the comprehensive plan label “**Additional Information, 6**”)
7. Does the proposed amendment serve the interest of both the applicant and the general public, including public health, safety, and welfare? label “**Additional Information, 7**”)
8. Does the proposed amendment comply with comprehensive plan land use designation/sighting criteria? label “**Additional Information, 8**”)
9. Which goals and policies of the Comprehensive Plan does the proposal complement and which does it conflict with: label “**Additional Information, 9**”)

Address the following in an attached document labeled “**Additional Information UGA Amendments,**” if applicable:

1. Is the area designated for expansion contiguous to an existing UGA? (label “**Additional Information UGA Amendments, 1**”)
2. Is the area characterized by urban growth? (label “**Additional Information UGA Amendments, 2**”)
3. Will the area be served by or be planned to be served by urban governmental services? (label “**Additional Information UGA Amendments, 3**”)
4. Will the area be designated so as to be compatible with natural resource lands and protection of designated critical areas? (label “**Additional Information UGA Amendments, 4**”)
5. Does the area meet one of the following criteria? (label “**Additional Information UGA Amendments, 5**”)
 - a. There is insufficient land within the existing urban growth area to permit and support urban growth that is forecasted to occur in the twenty-year time frame covered by the Comprehensive Plan, including populated forecasts and allocated urban population projections; or
 - b. There can be shown an overriding public interest which shall clearly demonstrated that the amendment of the UGA is necessary to protect the public health, safety and welfare, and that said amendment shall further the goals and policies of the comprehensive plan and the Growth Management Act.

I have read and understand the above application and have answered to the best of my knowledge. I certify that I am the legal property owner or represent the legal property owner associated with the above proposal. I understand that if the City of Leavenworth does not choose to sponsor my proposed amendment, I have the option to sponsor the proposal privately at which time I will be required to submit all applicable fees and any additional information as deemed necessary by the City by no later than January 31st.

Attach additional pages if necessary in order to ensure that all applicant signatures are present.

Applicant Signature: _____ Date: _____

STAFF USE ONLY

Application received by: _____ Date: _____

Accepted as complete by: _____ Date: _____

Notes: _____

**City of Leavenworth
Comprehensive Plan Amendment Application**

Map Amendment

Villcommen Village

1 – Text and/or Map Affected – See attached Map.

2 – Reason for Request

This proposal seeks to rezone a portion of a 29.9 acre parcel to create a mixed use development. The existing parcel is currently bisected by Residential Low Density 12,000, Multifamily Residential, and General Commercial district zoning. The proposal is to change all of the zoning to General Commercial zoning – excepting the northern portion of the lot directly adjacent to Riverbend Drive, which will change from Residential Low Density 12,000 to Residential Low Density 10,000 zoning.

The current multifamily residential zoning doesn't mandate Leavenworth's "Old World Bavarian" themed architecture. The proposed zoning will require the themed architecture to create an "Old World Bavarian village concept" development consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings.

3A – No. This proposal is believed to be consistent with current Comprehensive Plan and development regulations.

3B – Yes. The proposed amendment is consistent with the Growth Management Act, the County-wide planning policies, the Leavenworth Comprehensive Plan. The proposal is consistent with the following policies:

County-wide Policy 4 VII: Policies for county-wide transportation facilities and strategies.

Leavenworth Transportation Element – Policy 1.9: Transportation facilities and system improvements shall be designed to minimize energy consumption and to encourage the use of public transportation, bikeways, sidewalks, and walkways.

The planned development will site a new LINK Transit park-n-ride facility to connect their inter-city routes with Leavenworth as well as provide local transit service from the park-n-ride to the City's current commercial district. This will help alleviate some of the City's current parking inadequacies within the commercial district.

County-wide Policy 7 VI: Policies for county-wide economic development and employment.

Leavenworth Economic Element Policy 6: Economic development should be one of the considerations in the process of land use planning, transportation planning, infrastructure planning, and the determination of urban growth boundaries.

The planned development envisions complimentary commercial and mix-use development to the City's tourist based economy. The development includes a "village concept" consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings.

3C – Yes. The proposal does not assume any variations to the background information or assumptions used to develop the comprehensive plans or documents therein. The multi-family residential zoning would be replaced by the planned mix-used development as allowed by the general commercial zoning to account for additional housing affordability and variations. The proposed change can still allow densities that are consistent with the multi-family zoning within the general commercial zone. In addition, the change to residential low density 10,000 in the northern portion of the lot will provide for additional housing otherwise lost from the multi-family to general commercial zone change.

3D – Yes. The adjacent land to the south, west, and east is zoned General Commercial. The area to the northwest is zoned residential. The planned development will provide complimentary and compatible uses to the adjacent residential land including a transit facility, retail shopping, and recreational plaza.

3E – No. There are no lands designated as resource lands of long term commercial significance and or critical areas within the proposed zone amendment area.

4 – Consistency with GMA and planning policies

The proposed amendment is consistent with the Growth Management Act and planning policies. The proposal is consistent with the following policies:

County-wide Policy 4 VII: Policies for county-wide transportation facilities and strategies.

Leavenworth Transportation Element – Policy 1.9: Transportation facilities and system improvements shall be designed to minimize energy consumption and to encourage the use of public transportation, bikeways, sidewalks, and walkways.

The planned development will site a new LINK Transit park-n-ride facility to connect their inter-city routes with Leavenworth as well as provide local transit service from the park-n-ride to the City's current commercial district. This will help alleviate some of the City's current parking inadequacies within the commercial district.

County-wide Policy 7 VI: Policies for county-wide economic development and employment.

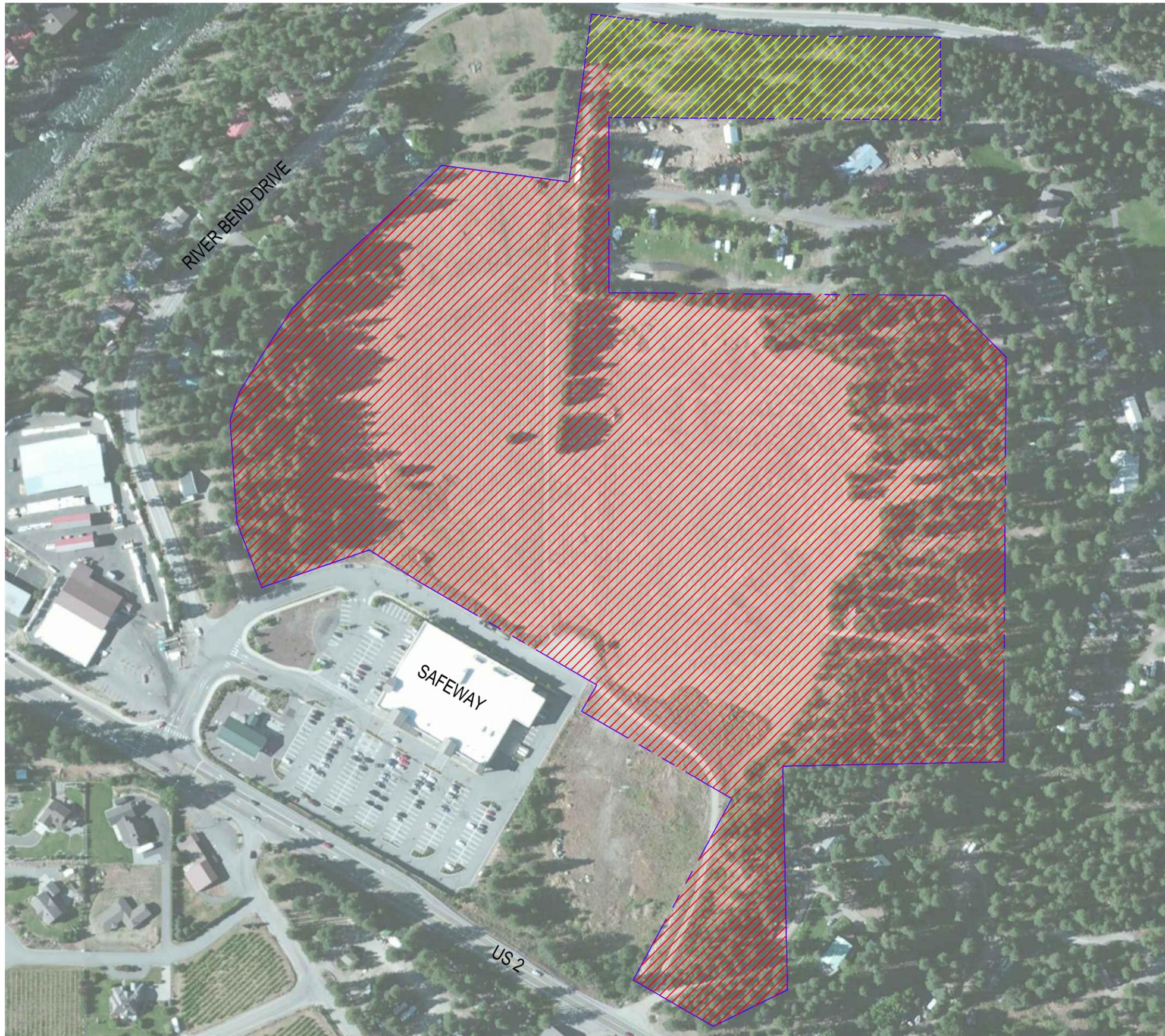
Leavenworth Economic Element Policy 6: Economic development should be one of the considerations in the process of land use planning, transportation planning, infrastructure planning, and the determination of urban growth boundaries.

The planned development envisions complimentary commercial and mix-use development to the City's tourist based economy. The development includes a "village concept" consisting of year-round business with manufacturing, hotel, retail, transit accommodations, and residential dwellings.

5 – Additional information

Refer to the Attached SEPA Checklist.

Refer to the Attached Site Master Plan concept.



RIVER BEND DRIVE

SAFeway

US 2

PLAN VIEW

1" = 200'

LEGEND:

 RL-10 ZONE

 GENERAL COMMERCIAL ZONE

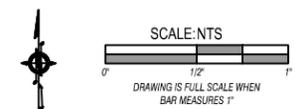
LEGAL DESCRIPTION:

TOWNSHIP 24N RANGE 18EWM SECTION 06 LOT B BLA
2015-01LE LOT A BLA 2011-01LE ACRES 29.1000

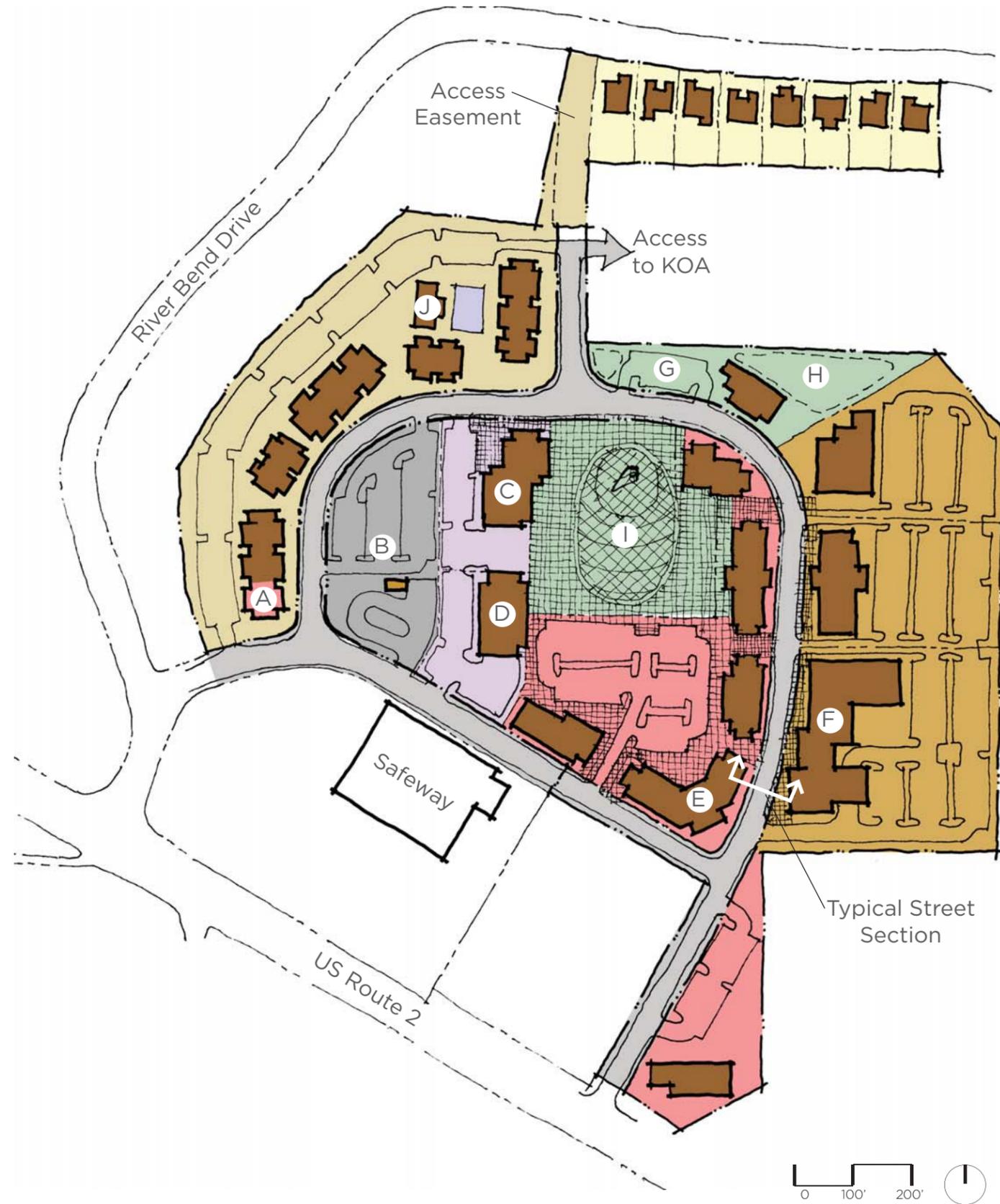
AREA: 29.9 ACRES

PROPOSED SITE ZONING

WILLKOMMEN VILLAGE - LEAVENWORTH, WA



PLOT DATE: 1/22/2016
FILE PATH: J:\DATA\1215-029\CAD\WW ZONING.DWG

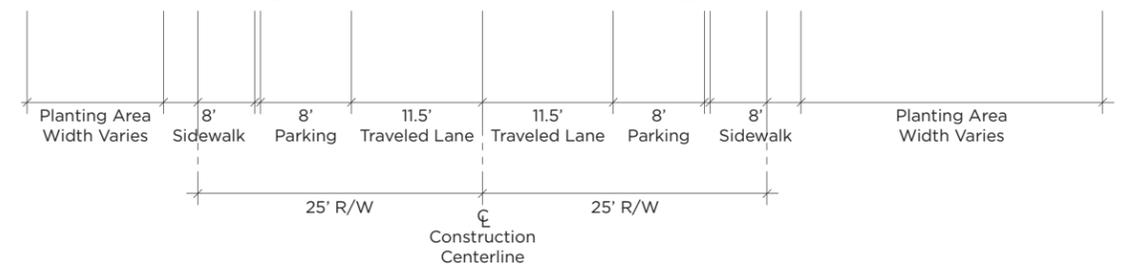


Legend:

- Single Family Residential
- Multi Family Residential
- Open Space / Plaza
- Hospitality
- Retail / Commercial
- Light Industrial
- Transit

- A Coffee / Laundry
- B LINK
- C Brewery
- D Distillery
- E Retail
- F Hotel
- G Event Parking
- H Stormwater
- I Plaza
- J Recreation Center

Typical Street Section:



SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. Name of proposed project, if applicable: *Willkommen Village*
2. Name of applicant: *Willkommen, LLC*
Thomas Lin
3. Address and phone number of applicant and contact person: *2256 58th Ave SE, Seattle, WA, 98816*

4. Date checklist prepared: *1/21/2016*
5. Agency requesting checklist: *City of Leavenworth*
6. Proposed timing or schedule (including phasing, if applicable): *The intent is to build out of Willkommen Village in phases. The first phase would begin as early as 2016. Currently under review for Comprehensive Plan Map Amendment.*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. *A future boundary line adjustment may incorporate an additional 0.5 Acres adjacent to this parcel. This property is under the same ownership but is currently outside the City limits.*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. *A cultural resource review will be completed.*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? *No pending approvals or proposals.*
10. List any government approvals or permits that will be needed for your proposal, if known. *Comprehensive Plan Map Amendment requires approval by the Leavenworth City Council. Requires SEPA review and notice to agencies and entities in accordance with local and state law.*
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) *Map Amendments – City Amendment from “Residential Low Density 12,000” to “General Commercial” for future development to be known as Willkommen Village. The subject site is located at 11686 River Bend Drive, within the City of Leavenworth, and is approximately 29.9 acres. The legal description is Township 24N, Range 18EWM, Section 06, Lot B BLA 2015-01LE, Lot A BLA 2011-01LE, Assesors’ Tax Parcel number 241806330050.*
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. *See response to question 11.*

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

Flat, rolling, hilly, steep slopes, mountainous, other _____. *The main site area is flat (5% or less). There is a slope near the south end of the site adjacent to Highway 2. This slope is approximately 50%.*

b. What is the steepest slope on the site (approximate percent slope)? *See response to (a).*

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. *Outwash sand and gravel, till, lacustrine silt and clay, and other sediments from local upland sources; includes minor rock-glacier debris, protalus rampart deposits, and talus; mostly late-Wisconsinian age but may contain older drift; rock-glacier debris and some alpine moraines may be Holocene.*

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. *None.*

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. *No filling proposed – zone designation change only.*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. *No clearing or construction is proposed.*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? *No construction is proposed. The site is currently all pervious surface.*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: *No measures proposed.*

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. *No emissions will result from the zone change.*

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. *No offsite emissions effect the zone change.*

c. Proposed measures to reduce or control emissions or other impacts to air, if any: *No measures proposed for zone change.*

3. Water

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. *The Wenatchee River is located approximately 250' at the closest location to the subject parcel.*

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. *No work is proposed.*

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. *No fill or dredge is proposed.*

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *No.*

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. *No.*

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *No.*

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. *No.*

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. *None. The site is serviced by City sanitary sewer and stormwater utilities.*

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. *The zone change will not affect runoff. The site is serviced by City stormwater utility.*

- 2) Could waste materials enter ground or surface waters? If so, generally describe. *The zone change will not generate waste materials.*

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. *The zone change will not alter drainage patterns.*

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: *No measures are proposed.*

4. **Plants**

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? *None.*

c. List threatened and endangered species known to be on or near the site. *None.*

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *None.*

e. List all noxious weeds and invasive species known to be on or near the site. *None*.

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. *None known*.

c. Is the site part of a migration route? If so, explain. *None known*.

d. Proposed measures to preserve or enhance wildlife, if any: *None*.

e. List any invasive animal species known to be on or near the site. *None known*.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. *No change in energy needs are proposed.*

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. *No.*

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *No features proposed in relation to the zone change.*

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. *No.*

- 1) Describe any known or possible contamination at the site from present or past uses.
None known.
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *None known.*
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *None.*
- 4) Describe special emergency services that might be required. *None.*
- 5) Proposed measures to reduce or control environmental health hazards, if any: *None.*

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Noise in the area will not affect the zone change.*
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *No additional noise will be created with the zone change.*
- 3) Proposed measures to reduce or control noise impacts, if any: *None proposed.*

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *The existing site is vacant land. Adjacent properties are Safeway, US Highway 2, and residential zones.*
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *No.*
 - 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *No.*

- c. Describe any structures on the site. *None.*
- d. Will any structures be demolished? If so, what? *No.*
- e. What is the current zoning classification of the site? *The existing parcel is currently bisected by Residential Low Density 12,000, Multifamily Residential, and General Commercial district zoning.*
- f. What is the current comprehensive plan designation of the site? *See response to (e).*
- g. If applicable, what is the current shoreline master program designation of the site? *Not within shoreline jurisdiction.*
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *No.*
- i. Approximately how many people would reside or work in the completed project? *None.*
- j. Approximately how many people would the completed project displace? *None.*
- k. Proposed measures to avoid or reduce displacement impacts, if any: *None.*
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *The proposal is consistent with the general use of the site.*
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: *None proposed.*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *No housing is proposed as part of the re-zoning proposal.*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *None.*

c. Proposed measures to reduce or control housing impacts, if any: *None*.

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *No structures are proposed as part of the re-zoning proposal.*

b. What views in the immediate vicinity would be altered or obstructed? *None*.

b. Proposed measures to reduce or control aesthetic impacts, if any: *None*.

11. **Light and Glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *No lighting is proposed as part of the re-zoning proposal.*

b. Could light or glare from the finished project be a safety hazard or interfere with views? *No*.

c. What existing off-site sources of light or glare may affect your proposal? *None*.

d. Proposed measures to reduce or control light and glare impacts, if any: *None*.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? *None*.

b. Would the proposed project displace any existing recreational uses? If so, describe. *No*.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *None*.

13. **Historic and cultural preservation**

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. None known.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. None known.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. *A cultural resource survey will be completed as part of the construction phase of the project.*

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. *See response to (c).*

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. *The site is adjacent to River Bend Drive and US Highway 2.*

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? *No.*

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? *None.*

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). *No.*

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. *No.*

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would

be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? *None*.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. *No*.

h. Proposed measures to reduce or control transportation impacts, if any: *None*.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. *No*.

b. Proposed measures to reduce or control direct impacts on public services, if any. *None*.

16. Utilities

a. ~~Circle~~ Underline utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. *No additional utilities or construction activities are proposed with the zone change.*

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? *The proposal to modify the zoning will not have an affect on these items.*

Proposed measures to avoid or reduce such increases are: *None.*

2. How would the proposal be likely to affect plants, animals, fish, or marine life? *The proposal to modify the zoning will not have an affect on these items.*

Proposed measures to protect or conserve plants, animals, fish, or marine life are: *None.*

3. How would the proposal be likely to deplete energy or natural resources? *The proposal to modify the zoning will not have an affect on these items.*

Proposed measures to protect or conserve energy and natural resources are: *None.*

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? *The proposal to modify the zoning will not have an affect on these items.*

Proposed measures to protect such resources or to avoid or reduce impacts are: *None.*

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? *The*

proposal to modify the zoning is consistent with adjacent land uses and would not encourage land or shoreline uses incompatible with existing plans..

Proposed measures to avoid or reduce shoreline and land use impacts are: *None.*

6. How would the proposal be likely to increase demands on transportation or public services and utilities? *The proposal to modify the zoning will not have an affect on these items.*

Proposed measures to reduce or respond to such demand(s) are: *None.*

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. *No conflicts identified.*



City of Leavenworth

Development Services Department

Staff Report –Amendments to LMC Chapters 18.20, 18.21, 18.22, and 18.23

To: Leavenworth Planning Commission
From: City of Leavenworth Development Services Department
Date of Report: October 6, 2016
Subject: Amendments to clarify Duplex and new ADU regulations and other miscellaneous updates within LMC Chapters 18.20, 18.21, 18.22, and 18.23.

OVERVIEW

As included within 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."

From time to time, updates and edits to the LMC may be necessary to reflect appropriate changes and where necessary. Attachment A - text amendment has been reviewed and deliberated upon by the Planning Commission on February 3, 2016, March 2, 2016, April 6, 2016, May 4, 2016, July 6, 2016, August 3, 2016, and October 5, 2016.

PROPOSAL:

Amendments to clarify Duplex and new ADU regulations and other miscellaneous updates within LMC Chapters 18.20, 18.21, 18.22, and 18.23.

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
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| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
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| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

None at the time of this report

RESPONSE TO COMMENTS

The Planning Commission considered comments and testimony. As determined necessary, the Planning Commission will incorporate comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document with changes noted in redline Exhibit A. Staff recommends adopting the following findings of fact and conclusions of law:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.** This amendment is necessary to resolve inconsistencies in the provisions of the development regulations and to address state or federal mandates. Due to the similarity created by recent adoptions of the LMC to help stimulate housing with more flexible and less stringent codes for accessory dwelling units, it became clear that a clarification of the ‘duplex’ and ‘accessory dwelling unit’ regulations was necessary. In addition, the residential development regulations required update per the RCW. 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. This amendment has been developed in accordance and compliance with 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.” Finally, minor clarifications are within the amendment to strengthen existing standards, criteria and requirements.
- 2. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.** The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan. Specifically:

Housing Element Goal 1: Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities, and housing types, and encourage preservation of existing housing stock.

Policy 5: Identify areas within the City of Leavenworth and urban growth area where increased densities will be allowed.

Policy 9: Evaluate existing land use designations and regulations which may be presenting barriers to the development of an adequate supply of affordable housing for all economic segments of the population.

Policy 10: Reassess and amend as necessary the locations, densities and ratio of distribution of the residential land use designations to more proactively promote the development of affordable housing within the City and the UGA.

Land Use Element – Residential - Goal 2: Provide for a variety of residential opportunities that meet the needs of a full range of lifestyles and income levels. Designate allowed residential densities and housing types to provide for a housing stock that includes a range of choices to meet all economic segments and household types, including those with special needs related to age, health or disability.

Goal 4: Promote compatibility of Accessory Dwelling housing and, as appropriate, other types of innovative housing with the character of surrounding single-family residences.

3. **The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.** Although, the amendment does not change the allowed uses regarding duplexes, the amendment changes the regulatory level for permitting which may stimulate housing variety and stock. The proposed amendment does not alter population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.
4. **The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.**

The amendment is consistent with Planning goals of RCW 36.70A.020:

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The proposed amendment has been developed in accordance with the Growth Management Act (see above) and do not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.

5. **The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.** The proposed amendment will not modify the supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply

is expected.

6. **Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** See above
7. **Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** Not applicable
8. **The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.
9. **The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d)).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

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. This amendment has been developed in accordance and compliance with 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."

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

The amendment is consistent with Planning goals of RCW 36.70A.020,

- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The proposed amendments have been developed in accordance with the Growth Management Act and do not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – LMC Amendment



City of Leavenworth

Development Services Department

Staff Report – 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)

To: Leavenworth Planning Commission
From: City of Leavenworth Development Services Department
Date of Report: October 6, 2016
Subject: Amendments to varied sections and chapters of the LMC to consolidate land use and development definitions into a single Chapter.

OVERVIEW

As included within 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."

From time to time, updates and edits to the LMC may be necessary to reflect appropriate changes and where necessary. Attachment A - text amendment has been reviewed and deliberated upon by the Planning Commission on April 6, 2016, May 4, 2016, July 6, 2016, and August 3, 2016.

PROPOSAL:

Amendments 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)

STATE ENVIRONMENTAL POLICY ACT REVIEW (SEPA)

A Non-Project SEPA Checklist, DNS, and draft LMC amendments were submitted to reviewing agencies on October 7, 2016.

PUBLIC HEARING NOTICE COMPLIANCE

| | |
|--|--|
| Agency review: | Transmittal: October 7, 2016 Comment period: October 7, 2016 – December 7, 2016 |
| Notice of Planning Commission Public Hearing: | Transmittal - October 7, 2016 (Echo - October 12, 2016) |
| Planning Commission Public Hearing: | October 19, 2016 |
| City Council Public Hearing: | Tentatively Scheduled December 27, 2016 |

PUBLIC/AGENCY COMMENTS

Agency Comments (attached)

None at the time of this report

Public Comments (attached)

None at the time of this report

RESPONSE TO COMMENTS

The Planning Commission considered comments and testimony. As determined necessary, the Planning Commission will incorporate comments and testimony into the proposed amendments.

RECOMMENDATIONS AND FINDINGS

Staff recommends approval of the attached document with changes noted in redline Exhibit A. Staff recommends adopting the following findings of fact and conclusions of law:

- 1. The amendment is necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates.** This amendment is necessary to resolve inconsistencies in the provisions of the development regulations and to address state or federal mandates. Throughout the Leavenworth Municipal Code, definitions severed varied sections and chapters. Some of these sections and chapters used the same terms with differing (minor in nature) definitions which needed consolidation and clarification to eliminate redundancy and conflicts. 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. This amendment has been developed in accordance and compliance with 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."

2. **The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein.** The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan.
3. **The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.** The proposed amendment does not alter population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan.
4. **The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.** The proposed amendment has been developed in accordance with the Growth Management Act (see above) and do not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation.
5. **The amendment is consistent with and does not adversely affect the supply of land for various purposes which are available to accommodate projected growth over a twenty year period.** The proposed amendment will not modify the supply of land. The proposed amendment does not modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.
6. **Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;** Not applicable
7. **Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;** Not applicable
8. **The proposed amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.** The proposed amendment does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.
9. **The proposed amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.** This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

Chelan County Development Regulation Text Amendments (CCC 14.13.040):

Any amendment of a revision to development regulation(s) shall be consistent with and implement the comprehensive plan (RCW36.70A.130(3)(d)).

The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

- (1) The amendment is necessary to resolve a public land use issue or problem.

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. This amendment has been developed in accordance and compliance with 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."

- (2) The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

Although not specific to the Planning goals of 36.70A.020, the amendment helps provide consistency and timely approach to administering the LMC with clear definitions.

The proposed amendments have been developed in accordance with the Growth Management Act and do not conflict with the City's Comprehensive Plan. The amendment process followed for this adoption process is compliant with specific Leavenworth Municipal Code and State regulatory requirements for notification and circulation

- (3) The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies.

The proposed amendment is consistent with the City of Leavenworth Comprehensive Plan and county-wide planning policies

- (4) The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

This amendment does not adversely affect lands designated resource lands of long term commercial significance or critical areas.

- (5) The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

The proposed amendment is based on sound land use planning practices and would further the general public health, safety and welfare

Attachments:

Attachment A – LMC Amendment

Chapter 21.90 COMMON DEFINITIONS

Sections:

~~21.90.0021~~ Purpose.

~~21.90.0042~~ Generally.

~~21.90.030~~ Definitions.

~~21.90.006~~ Abandoned sign.

~~21.90.0083~~ Accessory or secondary use or structure.

~~21.90.010~~ Accessory use or structure.

~~21.90.01204~~ Administrator, city administrator.

~~21.90.01408~~ Adult business.

~~21.90.016~~ Adult arcade.

~~21.90.018~~ Adult entertainment.

~~21.90.020~~ Adult entertainment facility.

~~21.90.022~~ Adult motel.

~~21.90.024~~ Adult motion picture theater.

~~21.90.02612~~ Adult family home.

~~21.90.02814~~ Alley.

~~21.90.03016~~ Alteration.

~~21.90.0320~~ Antenna.

~~21.90.0324~~ Applicant.

Application

~~21.90.036~~ Balloon.

~~21.90.038~~ Banks, savings and loan and other financial institutions.

~~21.90.040~~ Bakery.

~~21.90.042~~ Barber/beauty shop.

~~21.90.044~~ Baroque.

Basement

~~21.90.04625~~ Base flood.

~~18.08.21.90.04814~~ Battery charging station.

~~18.08.21.90.05015~~ Battery electric vehicle (BEV).

~~18.08.21.90.05216~~ Battery exchange station.

21.90.054 — Bavarian Alpine.
21.90.056 — Bavarian folk art also “bauernmalerei.”
21.90.05826 — Binding site plan.
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- 21.90.088 — Commercial Amusement Enterprise
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- 21.90.09256 — Comprehensive plan.
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- 21.90.09664 — Conditional use.
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- 21.90.100068 — Congregate care facility, retirement center.
- 21.90.102 — Copy and/or printing establishment.
- 21.90.104076 — Critical areas.

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- 21.90.108084 — Date of decision.
- 21.90.110 — Day care center.
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- 21.90.134 — Dwelling, multifamily.
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- [21.90.14418](#) — [Easement.](#)
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- [21.90.148](#) — [Eating and drinking establishment.](#)
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- ~~21.90.200140 — Garage, parking or commercial.~~
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- ~~21.90.208152 — Hazardous waste.~~
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- ~~21.90.212156 — Hazardous waste storage.~~
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- 21.90.336216 — Office and professional office.
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- 21.90.360232 — Planned unit development, planned development district.
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- 21.90.364237 — Plat alteration.
- 21.90.366238 — Plat certificate.
- 21.90.368240 — Plat, final.
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- 21.90.380260 — Primary or principal use.
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~~Water and sewer latecomer reimbursement agreements~~

~~21.90.516360~~ ~~_____~~ ~~Watercourse.~~

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~~21.90.520368~~ ~~_____~~ ~~Zone, zoning district.~~

~~21.90.522372~~ ~~_____~~ ~~Zoning code.~~

21.90.0104 Purpose.

The following definitions are in addition to definitions found elsewhere in this code. Where conflicts or inconsistencies arise between definitions in this title and those in others, the definitions in this title shall supersede those in other titles. ~~[Ord. 1223 § 2, 2004.]~~

21.90.0202 Generally.

Except where specifically defined in this chapter, all words used in this code shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word “shall” is always mandatory; the word “may” denotes a use of discretion in making a decision; the words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged, or designed to be used or occupied”; “written” includes printed, typewritten, mimeographed or multigraphed. “oath” shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.” title of Office - use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Leavenworth , “preceding” and “following” mean next before and next after, respectively. and the words “he” and “she” shall each be considered to mean “he” or “she.” The definition of any word or phrase not listed in these definitions, which is in question when administering this code, shall be defined from one of the following sources. Said sources shall be utilized by seeking the desired definition from source number one, and if it is not available there, then source number two may be used and so on. The sources are as follows:

- A. Any city of Leavenworth resolution, ordinance, code, regulation, or formally adopted comprehensive plan, shoreline master plan or program, or other formally adopted land use plan;
- B. Any statute or regulation of the state of Washington;
- C. Legal definitions from Washington common law or a law dictionary; and
- D. The common dictionary. [Ord. 1223 § 2, 2004.]

D. 21.90.030 Definitions:

~~All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.~~

~~When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent~~

~~The following words and phrases whenever used in the ordinances of the city of Leavenworth, Washington, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:~~

~~“Abandoned sign” means any sign and/or sign structure which represents or displays any reference to a business or use which has been discontinued for one year or for which no valid business license is in effect in the city. “Abandoned sign” shall also mean any sign remaining in place after a sign has not been maintained for a period of 60 or more consecutive days after notification of such by the city.~~

~~“Abandonment” means the discontinuation of use for a period of one year.~~

~~18.08.010 Accessory use or structure.~~

~~“Accessory use or structure” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~21.90.003 Accessory or secondary use or structure.~~

~~“Accessory or secondary use or structure” means a use or structure on the same lot with and incidental or subordinate to the primary use or structure, and which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use. [Ord. 1223 § 2, 2004.]~~

~~21.90.004 Administrator, city administrator.~~

~~“Administrator” or “city administrator” means the city administrator of the city of Leavenworth or his or her designee. [Ord. 1223 § 2, 2004.]~~

~~21.90.044 City administrator.~~

~~“City administrator” means the city administrator of the city of Leavenworth or his or her designee. [Ord. 1223 § 2, 2004.]~~

~~21.90.008 Adult business.~~

~~“Adult business” means any business which sells, rents, displays, or provides adult stock in trade depicting, describing or relating to specified sexual activities or specified anatomical areas, or engages in or permits specified sexual activities on the premises, and which excludes any person by virtue of age from all or part of the premises. [Ord. 1223 § 2, 2004.]~~

~~“Adult arcade” means a commercial establishment containing individual viewing areas or booths where, for any form of ~~consideration~~ including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.~~

~~“Adult cabaret” means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.~~

~~“Adult entertainment” means:~~

- ~~1. Any exhibition, performance, or dance conducted in an adult entertainment facility where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or~~
- ~~2. Any exhibition, performance, or dance intended to sexually stimulate any member of the public and conducted in an adult entertainment facility where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition, or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.~~

~~“Adult entertainment facility” means a commercial establishment defined herein as an adult arcade, adult cabaret, adult motel, adult motion picture theater or adult retail store.~~

~~“Adult motel” means a hotel, motel, or similar commercial establishment which:~~

- ~~1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or~~
- ~~2. Offers a sleeping room for rent for a rental fee period of time that is less than 10 hours; or~~

- ~~1.3.~~ Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

“Adult motion picture theater” means an enclosed commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

“Adult retail store” means a commercial establishment such as a bookstore, video store, or novelty shop which as its principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed materials or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
2. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

- ~~1.3.~~ For the purpose of this definition, the term “principal business purpose” shall mean the business purpose that constitutes 25 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials.

~~21.90.012 Adult family home.~~

“Adult family home” means a residence licensed by the state of Washington where personal care, special care, room, and board are provided for more than one but not more than six adults who are not related by blood or a marriage to the person or persons providing the services, per Chapter 70.128 RCW. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.014 Alley.~~

“Alley” means a public thoroughfare or right-of-way used primarily for utility installation, service or delivery access, or for a secondary means of vehicular access for abutting properties that are adjacent to a street. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.016 Alteration.~~

“Alteration” means a change, addition, or modification in construction or occupancy, except as otherwise provided for elsewhere in this code. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.020 Antenna.~~

“Antenna” means a wire or system of wires, rods, poles, or similar devices; or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.024 Applicant.~~

“Applicant” means the owner or owners of record of the property subject to an application for development approval from the city, or authorized representative of such owner or owners, except in the case of a legislative matter. [~~Ord. 1223 § 2, 2004.~~]

“Application” means a request for any land use permit required from the city for proposed development or action, including without limitation building permits, conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

“Balloon” means a flexible bag designed to be inflated with hot air or with a gas, and a bag shaped like a figure or object when inflated.

~~18.08.011 Banks, savings and loan and other financial institutions.~~

“Banks, savings and loan and other financial institutions” means offices and service facilities for banks, savings and loans, credit unions or other financial institutions, including drive-through windows. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~18.08.012 Bakery.~~

“Bakery” means a facility preparing baked goods for retail sales and offering baked goods including pies, doughnuts, cakes and breads for sale to the public. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~18.08.013 Barber/beauty shop.~~

“Barber/beauty shop” means a facility offering haircuts, manicures and similar personal services. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

“Baroque” means a period as well as a style of art or design that used exaggerated motion and clear, easily interpreted detail to produce drama, tension, exuberance, and grandeur in sculpture, painting, literature, dance, and music. The style started around 1600 in Rome, Italy, and spread to most of Europe. For purposes of this title the term “Baroque” describes art, graphics, or design that represents this style which was characterized between 1575 to 1770 in Bavaria.

~~21.90.025 Base flood.~~

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the “100-year flood.” [~~Ord. 1223 § 2, 2004.~~]

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

~~18.08.014 Battery charging station.~~

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent

with rules adopted under RCW 19.27.540. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011. Formerly 18.08.21.90.012.~~]

~~18.08.015 Battery electric vehicle (BEV).~~

~~“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011. Formerly 18.08.013.~~]~~

~~18.08.016 Battery exchange station.~~

~~“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011. Formerly 18.08.21.90.014.~~]~~

“Bavarian Alpine” means that area of land in present day Germany which extends from the Bavarian forest along the Czech Republic border to Garmisch-Partenkirchen on the Austrian border, including the cities of Regensberg and Munich, then extending east along the Austrian border to Berchtesgaden and Passau, but not including the towns on the Tauber River, such as Nuremberg or Rothenberg.

-“Bavarian folk art,” also “bauernmalerei” which translates as “peasant painting” (literally “farmer painting”) in German. Bauernmalerei was known throughout central Europe starting in the early 1500s where it took various forms from simple, naive-like decoration to more elaborate painting incorporating Renaissance, Baroque, and Rococo design. Bavarian folk art is a style of art or design which evolved following the end of the feudal system of land ownership and incorporates traditional design elements and colors characterized by stroke work using a round brush to paint natural elements (such as lilies, tulips, roses, daisies, cornflowers, fruit, leaves, and snail shells), mimic hard surfaces (such as wood, stone, and marble), and decorative elements (ornamentation such as scrolling). For purposes of this title, the term “Bavarian folk art” describes a style of art, graphics, or design that represents this style which was characterized during the 1500s to 1700s in Bavaria.

~~18.08.020 Bed and breakfast.~~

~~“Bed and breakfast” means an activity whereby the resident(s) host visitors in their homes, up to three rooms for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit’s primary residents lives on-site, in the dwelling unit, throughout the visitors’ stay. means a pre-existing single-family residential unit, church, or other similar structure, which provides transient lodging and breakfast for compensation, by renting of up to three rooms within the primary residence. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1268 (Exh. D), 2005; Ord. 852 § 2, 1989; Ord. 754 § 1, 1984.~~]~~

“Benefit or reimbursement area” means that area which includes parcels of real estate adjacent to or likely to require a connection to improvements made by a developer who has applied to the city for a latecomer reimbursement agreement pursuant to this chapter.

~~21.90.026 Binding site plan.~~

“Binding site plan” means an alternate method of land division under the following circumstances: (A) the division of land into two or more lots, parcels, or tracts located in a commercial or industrial zoning district; (B) the division of land for lease when no other structure other than mobile homes or recreational vehicles are to be placed on the land; and (C) the division of land into lots or tracts when performed in accordance with Chapters 64.32 and 64.34 RCW, and RCW 58.17.040(7), and complying with the provisions contained in Chapter 17.10 LMC. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.028 Block.~~

“Block” means a group of lots, tracts or parcels within well defined and fixed boundaries, conforming to the standards outlined in LMC 17.14.030. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.030 Board.~~

“Board” means the former Leavenworth city Board of Aadjustment. The functions of the Board of Adjustment have been transferred to the Leavenworth Hearing Examiner. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.040 Boardinghouse, lodginghouse or roominghouse.~~

“Boardinghouse,” “lodginghouse” or “roominghouse” means a building where lodging, with or without meals, is provided by members occupying such building. This term shall not be construed to include buildings which fit the definition of the term “motel.” [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.032 Boundary line adjustment.~~

“Boundary line adjustment” means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, and complies with the provisions contained in Chapter 17.04 LMC. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.034 Building.~~

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.050 Buildable area.~~

“Buildable area” means the portion of a lot remaining after required yards have been provided. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.035 Building envelope.~~

“Building envelope” means the buildable area of a lot after applicable yards / setbacks, easements, and other restrictions on the lot are taken into account. [~~Ord. 1223 § 2, 2004.~~]

“Building face” means the outer surface of any building which is visible from any private or public street, highway or alley. For the purposes of building wall calculations, where multiple walls differ in outer edge plane, the secondary planes, corners, and/or angles shall be

incorporated into the primary building elevation, and shall not be calculated independently, or as a secondary building elevation.

~~18.08.060 Building height.~~

“Building height” means the vertical distance measured from the average elevation of the actual or proposed finish grade around the building to the highest point of a flat roof and the mean height between eaves and ridge of a pitched roof. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.063 Bus and/or taxi stop.~~

“Bus and/or taxi stop” means a bus and/or taxi transfer area or facility providing passenger access to routes and adjacent activities. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~18.08.064 Business, technical or trade school.~~

“Business, technical or trade school” means a facility which offers post-secondary professional and training education. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~21.90.036 Business visit.~~

“Business visit” means an individual trip made for the purpose of conducting business or receiving instruction, or for performing services, or for delivering goods or stock in trade. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.065 Car wash.~~

“Car wash” means facilities for the washing of passenger cars and light trucks as either a principal use or accessory to fueling stations, convenience stores or similar permitted uses.

“Carport” means an accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~21.90.038 Character.~~

“Character” means the aggregate of visible Old World Bavarian Alpine theme architectural features and traits that together form the individual nature of the Old World Bavarian Alpine theme. [~~Ord. 1487 § 1 (Att. A), 2014.~~]

~~18.08.066 Charging levels.~~

“Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- A. Level 1 is considered slow charging.
- B. Level 2 is considered medium charging.
- C. Level 3 is considered fast or rapid charging. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011. Formerly 18.08.21.90.065.~~]

~~21.90.040 City.~~

“City” means the city of Leavenworth. [~~Ord. 1223 § 2, 2004.~~]

“City” means the city of Leavenworth, Washington, or the area within the territorial limits of the city of Leavenworth, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

-“Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

“Computation of time” means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded

~~18.08.070 City council.~~

“City council or Council” means the city council of the city of Leavenworth, Washington. “All its members” or “all councilmen” mean the total number of councilmen provided by the general laws of the state of Washingtonthe Leavenworth city council. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]

~~21.90.048 City council.~~

“City council” means the city council of the city of Leavenworth. [Ord. 1223 § 2, 2004.]

“City engineer” means the city of Leavenworth engineer or his/her designated representative.

“Cost of construction” means those costs (excluding interest charges or other financing costs) incurred for design, acquisition for right-of-way and/or easements, construction, labor, materials and installation required in order to create an improvement which complies with city standards, as determined by the city’s engineer or authorized agent.

~~“Council” means the city council of the city of Leavenworth, Washington. “All its members” or “all councilmen” mean the total number of councilmen provided by the general laws of the state of Washington.~~

“Classical” means a stylistic period of the art of ancient Greece. The onset of the Persian Wars (480 BC to 448 BC) is taken as the beginning of the Classical period, and the reign of Alexander the Great (336 BC to 323 BC) is taken as the end of the period. For purposes of this title, the term “Classical” describes a style of art, graphics, or design that represents the style used during this time period.

~~18.08.080 Clinic.~~

“Clinic” means a building designed and used for the medical, dental and surgical diagnosis and treatment of outpatients under the care of doctors and nurses, having a central reception room for one or more doctors with one or more associated licensed personnel, and operating under a general management. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1039 § 1, 1996; Ord. 754 § 1, 1984.]

“Commercial” means any activity carried on for a financial gain or a business endeavor.

Commercial amusement enterprise

"Commercial Amusement Enterprise" means a location where recreation activities take place. These activities can include but are not limited to stadium, arena, outdoor theater (amphitheaters or outdoor music events, theme parks, equestrian facilities, rodeos, circuses, skateboard parks,

race tracks, go karts, ATV or motorcycle tracks, and sports stadiums or arenas), bowling alley, dance hall, skating rink, archery club, gun club, private tennis club, private swimming club, or similar athletic club, batting cages, BMX courses, paintball and golf driving ranges. If these activities are an appurtenant use to another commercial use and will occupy less than 25 percent of the floor area of a business, they will not be considered a commercial amusement enterprise and will not require a conditional use permit.

~~21.90.052 Closed record appeal.~~

“Closed record appeal” means an appeal based on the existing record with no or limited new evidence or information allowed to be submitted and with only appeal argument allowed. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.054 Cluster subdivision.~~

“Cluster subdivision” means a subdivision technique that allows lot sizes to be reduced and buildings sited closer together; provided, that the total densities at the project level do not violate the density limits identified in the comprehensive plan and the applicable zoning district, for the protection of critical areas, to allow for the retention of open space, and to avoid areas with development limitations. ~~{Ord. 1223 § 2, 2004.}~~

-“Community service event” or “civic event” means an event (e.g., festival, parking, fun run and/or meeting) sponsored by or for the benefit of a nonprofit organization.

~~21.90.056 Comprehensive plan.~~

“Comprehensive plan” means the City of Leavenworth Comprehensive Plan, adopted in 1996, and any subsequent amendments thereto. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.060 Comprehensive plan amendment.~~

“Comprehensive plan amendment” means an amendment or change to the text or maps of the comprehensive plan.

“Community Development Director or Director” means the director of community development or his or her designee, unless the title or chapter contained in this code refers to the director of another department.

~~{Ord. 1223 § 2, 2004.}~~

~~21.90.064 Conditional use.~~

“Conditional use” means a use allowed in one or more zones as defined by the zoning code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.066 Condominium.~~

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapters 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.068 Congregate care facility, retirement center.~~

“Congregate care facility” or “retirement center” means a residential facility designed for and occupied by at least one person per unit who is able to live independently and without 24-hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation. ~~{Ord. 1223 § 2, 2004.}~~

~~18.08.085 Copy and/or printing establishment.~~

“Copy and/or printing establishment” means a retail print service, including blueprinting, photostat copies, copier and other business support services. ~~{Ord. 1421 § 1 (Att. A), 2012.}~~

~~“County” means the county of Chelan, Washington.~~

~~21.90.076 Critical areas.~~

“Critical areas” means areas of environmentally sensitive areas, including the following areas and ecosystems: (1) wetlands; (2) areas with a critical recharging effect on aquifers used for potable water; (3) fish and wildlife habitat conservation areas; (4) frequently flooded areas; and (5) geologically hazardous areas. ~~{Ord. 1223 § 2, 2004.}~~

~~“Critical Facility, special flood hazard”:~~

~~means a facility for which even a slight chance of flooding might be too great.– Critical facilities include– (but– are– not– limited– to)– schools,– nursing homes,– hospitals,– police,– fire– and emergency– response installations, and installations which produce, use, or store hazardous materials or hazardous waste.~~

~~21.90.080 Cul-de-sac.~~

“Cul-de-sac” means a short dead-end street having one end intersecting another street and the other end terminating in a vehicular turnaround space. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.084 Date of decision.~~

“Date of decision” means the date on which final action occurs and from which the appeal period is calculated. ~~{Ord. 1223 § 2, 2004.}~~

~~18.08.090 Day care center.~~

~~A–“Day care center” means a center for the care of 13 or more children during part of the 24-hour day. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.}~~

~~21.90.088 Dedication.~~

“Dedication” means the deliberate appropriation of land by an owner for any general and public use, reserving to the owner no other rights than those which are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.092 Density.~~

“Density” means the number of permitted dwelling units allowed on each acre of land or fraction thereof. ~~{Ord. 1223 § 2, 2004.}~~

“Department” means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

“Design review board” means the board created by Ordinance 983 (Chapter 2.38 LMC), as amended.

~~21.90.094 Deterioration.~~

“Deterioration” means the falling from a higher to a lower level in quality and/or character. Building deterioration is typically caused by failure to clean and carry out routine maintenance; inadequate inspecting; and natural aging of the structural elements. ~~{Ord. 1487 § 1 (Att. A), 2014.}~~

~~21.90.096 Developer.~~

~~“Developer” means any person who proposes an action or seeks a permit regulated by LMC Titles 14, 15, 16, 17 or 18, inclusive. {Ord. 1223 § 2, 2004.}~~

“Developer” means an individual, firm, corporation, limited liability company or partnership who proposes to improve real property within the city, or its urban growth area (“UGA”), proposes an action. or seeks a permit regulated by LMC Titles 14, 15, 16, 17 or 18, inclusive.

~~21.90.100 Development.~~

“Development” means any land use permit or action regulated by this code, including but not limited to subdivisions, planned developments, rezones, building permits, design review permits, shoreline permits, conditional use permits, or variances. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.104 Development code.~~

“Development code” means the applicable titles of this code, including, but not limited to, zoning ordinances, critical areas ordinances, subdivision ordinances, shoreline master programs, and official controls, together with any amendments thereto. ~~{Ord. 1223 § 2, 2004.}~~

“Development, special flood hazard”:

means -any -man-made- change- to- improved- or -unimproved- real- estate,- including- but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Direct connection” means a service connection, to be owned and maintained by the property owner and not the city, from existing or new utility improvements based on the following criteria:

1. Water system direct connections are single and dual water service taps;

2. Sewer system direct connections include side sewer (service) connections.

“Direct illumination” means illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

21.90.108 Director.

~~“Director” means the director of community development or his or her designee, unless the title or chapter contained in this code refers to the director of another department. [Ord. 1223 § 2, 2004.]~~

18.08.100 Drive in restaurant or refreshment stand.

~~“Drive-in restaurant” or “refreshment stand” means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

21.90.112 Driving surface.

~~“Driving surface” means that portion of a street intended for vehicular travel or parking. [Ord. 1223 § 2, 2004.]~~

21.90.116 Duplex.

~~“Duplex” means a single building containing two dwelling units, totally separated from each other by an unpierced wall. [Ord. 1223 § 2, 2004.]~~

18.08.21.90.120 Dwelling, multifamily.

~~“Dwelling, multifamily” or “multifamily dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided for owner occupancy, rent, or lease on a monthly or longer basis. Dwelling, multifamily Multifamily dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided for owner occupancy, rent, or lease on a monthly or longer basis. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1985.]~~

18.08.21.90.130 Dwelling / Residence, single family.

~~“Dwelling, single-family” or “single family dwelling” means a detached residential dwelling unit, which is site-built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied on a monthly or longer basis by one family. Dwelling, single-family Single-family dwelling / residence” means a detached residential dwelling unit, which is site built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied on a monthly or longer basis by one family only. Dwelling, single-family also means single family residence. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1268 (Exh. B), 2005; Ord. 1128 § 1, 2000; Ord. 754 § 1, 1984.]~~

21.90.312 Single family dwelling.

~~“Single family dwelling” means a detached residential dwelling unit, which is site built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied by one family only. [Ord. 1268 (Exhs. B and D), 2005; Ord. 1223 § 2, 2004.]~~

~~18.08.140 Dwelling, two family.~~

~~“Dwelling/Duplex, two-family” or “two family dwelling/duplex” means a detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families. Each unit shall be designed for and occupied on a monthly or longer basis. “Dwelling, two family Two family dwelling” means a detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~18.08.150 Dwelling unit.~~

~~“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as separate living quarters. A dwelling unit includes a single-family dwelling, a unit in a two family dwelling/duplex, an apartment or other leased premises leased on a monthly or longer basis, or residential condominium unit. A dwelling unit shall include a detached Accessory Dwelling Unit that is intended for human habitation (i.e. living quarters). Dwelling unit does not include individual hotel/motel guest rooms, condominium timeshare units, cabins, transient accommodations or similar guest accommodations rented to transient guests in a motel, hotel, inn, or similar transient lodging establishment. “Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as separate living quarters. A dwelling unit includes a single-family residence, an apartment or other leased premises, or residential condominium unit. A dwelling unit shall include a detached Accessory Dwelling Unit that is intended for human habitation (i.e. living quarters). Dwelling unit does not include individual hotel/motel guest rooms, condominium timeshare units, cabins, or similar guest accommodations rented to transient guests in a motel, hotel, inn, or similar transient lodging establishment. means one or more habitable rooms for one family with facilities for living, sleeping, cooking, and/or eating. means one room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rent, or lease, to one individual family on a monthly or longer basis, and which is physically separated from any other rooms or dwelling units which may be in the same structure and which contains independent cooking and sleeping facilities. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 852 § 3, 1989; Ord. 754 § 1, 1984.]~~

~~21.90.118 Easement.~~

~~“Easement” means a recorded grant or permission given by a property owner to another person, public utility, company, or municipality for a specific use of a portion of his/her property. [Ord. 1223 § 2, 2004.]~~

~~21.90.120 Easement, access.~~

~~“Easement, access Access easement” means a private right-of-way which provides vehicular access to a street from no more than three existing or potential lots. [Ord. 1223 § 2, 2004.]~~

~~18.08.151 Eating and drinking establishment.~~

“Eating and drinking establishment” means an establishment designed and constructed to serve food and beverages for consumption on the premises, in an automobile or for carry-out for off-premises consumption and which establishment may or may not have on-premises dining room or counter. Such establishment may include, but is not limited to: restaurant, coffee shop, cafeteria, short- order cafe, tavern, bar, lounge, sandwich stand, soda fountain, catering and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale. Mobile lunch cart or other temporary mobile food vendors are excluded from this definition. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

“Educational institutions and facilities” means uses that provide state mandated basic education, public and private institutions of learning offering instruction from kindergarten to grade 12 required by the Education Code of the state of Washington; certified by the Washington State Board of Education; and/or under the authority and/or oversight of the Washington State Office of Superintendent of Public Instruction (OSPI). Preschools and pre-kindergarten facilities (day cares) are not educational institutions and facilities for the purposes of this definition.

~~21.90.124 Effective date.~~

“Effective date” means the date a final decision or action becomes effective. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.152 Electric scooters and motorcycles.~~

“Electric scooters and motorcycles” means any two-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.153 Electric vehicle (EV).~~

“Electric vehicle (EV)” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (A) a battery electric vehicle; (B) a plug-in hybrid electric vehicle; (C) a neighborhood electric vehicle; and (D) a medium-speed electric vehicle. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.154 Electric vehicle charging station.~~

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with level 1 or level 2 charging equipment is permitted outright as an accessory use to any principal use. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.155 Electric vehicle charging station – Restricted.~~

“Electric vehicle charging station – restricted” means an electric vehicle charging station that is (A) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (B) publicly owned and restricted (e.g., fleet parking with no access to the general public). [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.156 Electric vehicle charging station—Public.~~

“Electric vehicle charging station – public” means an electric vehicle charging station that is (A) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (B) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots). [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.157 Electric vehicle infrastructure.~~

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.158 Electric vehicle parking space.~~

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

“Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance procedures).

“Eave line” means the juncture of the roof and the perimeter wall of the structure.

“Erect” means to build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.

~~18.08.160 Family.~~

~~“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not all related by blood or marriage, living together in a dwelling unit. means one or more persons occupying a single dwelling unit; provided, that unless all members are related by blood or marriage, no such family shall contain over five persons; but further provided, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~18.08.170 Family day care home.~~

~~A-“Ffamily day care home” means a home which regularly provides care during part of the 24-hour day to six or fewer children. Such number shall be reduced by the number of permittee’s own children and foster children under 12 years of age who are on the premises. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~18.08.175 Family entertainment centerenterprise.~~

“Family entertainment ~~center~~enterprise” means an indoor location, on a smaller scale than a commercial amusement enterprise, where family-oriented recreation activities take place. These activities can include but are not limited to video games, indoor miniature golf, billiard tables,

foosball tables, air hockey tables, table tennis, and darts. If these activities are an appurtenant use to another commercial use (i.e., video games in a pizza parlor) and will occupy less than 25 percent of the floor area of a business, they will not be considered a family entertainment ~~center~~ enterprise and will not require a conditional use permit. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 993 § 1, 1995.~~]

“Festival sponsoring group” shall mean a nonprofit group with its home office located within the Cascade School District, and which seeks to sponsor a festival for the purposes of tourism promotion.

~~21.90.128 Final decision.~~

~~“Final decision” means the final action by the director, hearing examiner or city council. [~~Ord. 1223 § 2, 2004.~~]~~

~~“Flag” means a fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.~~

~~“Flag, business” means a flag or representation of a flag displaying the letters, figures, design, symbol, trademark or device, including artificial representation of stock-in-trade, name, insignia, emblem, logo, product, service, or other graphic representation of a business.~~

~~“Flag, government” means an official flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or similar type of organization.~~

~~“Flagpole” means a free-standing structure or a structure attached to a building/structure or to the roof of a building/structure and used for the purpose of displaying flags.~~

~~21.90.129 Flag lot.~~

~~“Flag lot” means a lot not meeting minimum frontage requirements and where access to the developed street is by a narrow private right-of-way or driveway. [~~Ord. 1223 § 2, 2004.~~]~~

~~“Flood” or “Flooding:~~

~~” means a general and temporary condition of partial or complete inundation of normally dry land areas from:~~

- ~~1) – The overflow of inland or tidal waters and/or~~
- ~~2) – The unusual and rapid accumulation of runoff of surface waters from any source.~~

~~“Flood Insurance Rate Map (FIRM):~~

~~” means- the- official- map- on- which- the- Federal- Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.~~

~~“Flood Insurance Study (FIS):~~

~~” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.~~

~~21.90.130 Floodplain.~~

~~“Floodplain” means any land area susceptible to being inundated by water during a flood. In connection with the National Flood Insurance Program, the term usually refers to the 100-year~~

floodplain. The term is identical to “flood hazard area.” The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map, for the city of Leavenworth, as amended, shall determine the extent of the floodplain. “Area- Of Special Flood Hazard” is further defined as- the- land- in- the- flood- plain- within- a community- subject- to- a- one- percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. [Ord. 1223 § 2, 2004.]

21.90.131 Floodway.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map, for the city of Leavenworth, as amended, shall determine the extent of the floodway. [Ord. 1223 § 2, 2004.]

21.90.132 Floor area.

“Floor area” means the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all areas having a ceiling height of seven feet or more; but excluding all parking and loading spaces inside the building, unroofed areas, roofed areas open on two or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment. [Ord. 1223 § 2, 2004.]

“Food booth” shall mean a temporary structure set up in the public right-of-way, which is used to house a group, either nonprofit or commercial, for the purpose of serving food to the public during a festival.

21.90.136 Foster home.

“Foster home” means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three unrelated juveniles.

“Fully shielded fixture” means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, or from any angle around the fixture or tube, the fixture or tube is not fully shielded. [Ord. 1223 § 2, 2004.]

18.08.177 Funeral home.

“Funeral home” means a facility licensed by the state engaged in preparing human remains for burial. Services may include, but are not limited to, embalming, transport, memorial services, and the sale of caskets. [Ord. 1421 § 1 (Att. A), 2012.]

21.90.140 Garage, parking or commercial.

~~“Garage, parking or commercial Parking or commercial garage”~~ means a building used for storage, repair or servicing of motor vehicles as a commercial use. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.144 Garage, private.~~

~~“Garage, private Private garage”~~ means an accessory building or a space within the principal building used for the storage or parking of vehicles. ~~{Ord. 1223 § 2, 2004.}~~

~~18.08.21.90.180 Gasoline service station.~~

~~“Gasoline service station”~~ means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and not to include a repair garage or body shop.

~~“Glare” occurs when a bright light source causes the eye to continually be drawn toward the bright image or brightness of the source prevents the viewer from adequately viewing the intended target. Glare may create a loss of contrast or an afterimage on the retina of the eye reducing overall visibility. Two classifications of glare are discomfort glare and disability glare.~~

~~1. “Discomfort glare” does not necessarily keep the viewer from seeing an object, but does cause a constant adaptation of the eye to the contrast of light levels that in turn may cause a sensation of discomfort.~~

~~2. “Disability glare” occurs when the bright light source causes stray light to scatter in the eye which causes the primary image on the retina to be obscured. It may prevent the viewer from seeing things of importance. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.}~~

~~21.90.148 Greenbelt.~~

~~“Greenbelt”~~ means an area of vegetation, either native stock or replanted, in public or private ownership. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.150 Gross area.~~

~~“Gross area”~~ means, for the purpose of calculating density for Chapter 17.16 LMC, Cluster Subdivision, the total area of the project site; provided, that sloped areas in excess of 40 percent slope and designated critical areas, as identified in Chapter 16.08 LMC, are credited at 50 percent of their area.

~~“Guest or visitor”~~ means a person who rents a ~~home share rental unit within a bed and breakfast, motel, hotel, or lodging room.~~

~~{Ord. 1223 § 2, 2004.}~~

~~18.08.183 Handling or processing of hazardous substances.~~

~~“Handling or processing of hazardous substances”~~ means the use, dispensing, wholesaling, retailing, compounding, manufacture, storage, treatment or synthesis of hazardous substances in quantities greater than five gallons in volume per individual container. ~~{Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 839 § 1, 1989.}~~

~~18.08.185 Hazardous waste.~~

“Hazardous waste” means all dangerous and extremely dangerous wastes as defined by WAC 173-303-070 through 173-303-100. ~~{Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 839 § 1, 1989.}~~

~~21.90.152 Hazardous waste.~~

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.010(17), or its successor. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.156 Hazardous waste storage.~~

“Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.160 Hazardous waste treatment.~~

“Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.164 Hazardous waste treatment and storage facility, on-site.~~

~~“Hazardous waste treatment and storage facility, on-site”~~ ~~On-site hazardous waste treatment and storage”~~ means storage and treatment facilities which treat and store hazardous wastes generated on the same property.

~~“Hazardous waste facilities, off-site”~~ means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the ~~off-site~~ facilities are located.

~~“Hazardous waste facilities, on-site”~~ means hazardous waste treatment and storage facilities that treat and store waste from generators located on the same property or from geographically contiguous property.

~~{Ord. 1223 § 2, 2004.}~~

~~21.90.168 Hedge.~~

“Hedge” means a fence or boundary formed by a dense row of shrubs or low trees. ~~{Ord. 1223 § 2, 2004.}~~

“Height” (of a freestanding sign) means the vertical distance measured from the highest point of the sign structure to the grade of the adjacent street or the surface grade at any point beneath the sign, whichever provides the lowest elevation.

~~18.08.190 Home occupation.~~

“Home occupation” means a lawful economic enterprise that is conducted or operated within a residential dwelling unit or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit. The intent of a home occupation is to establish criteria for operating home

occupations in dwelling units within residential districts while maintaining the peace, quiet, and residential character of all residential neighborhoods within the city, and alleviating or limiting excessive noise, excessive traffic, nuisance, fire hazard, and other adverse effects of commercial uses being conducted in residential areas. Furthermore, the intent is to direct uses not maintaining the peace, quiet, and residential character of all residential neighborhoods into the commercial or industrial zoning districts where such activities and operations are accepted. [~~Ord. 1467 § 1 (Att. A), 2014; Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.172 Home occupation, group A.~~

~~“Group AH home occupation, Group A”~~ means a home occupation that meets all of the home occupation minimum standards of Chapter 18.20 LMC, as amended, and has no nonresident worker. In addition, limited customers visit the business. Group A home occupation is not visible from outside the home. The business must be conducted in the home by a resident and have no impact on the surrounding neighbors. Examples of Group A home occupation include, but are not limited to: “desk and telephone” occupations, cottage crafts where mail services are used, and a consultant’s office with infrequent customer and/or client visits (maximum of two per month). [~~Ord. 1467 § 1 (Att. A), 2014; Ord. 1223 § 2, 2004.~~]

~~21.90.176 Home occupation, group B.~~

~~“Group BH home occupation, Group B”~~ means a home occupation that meets all of the home occupation minimum standards of Chapter 18.20 LMC, as amended, and has a maximum of one nonresident worker. In addition, customers visit the business. Group B home occupation allows more flexibility, including the potential of impacting the neighbors; therefore, a full administrative review of applications is required. Examples of Group B home occupation include, but are not limited to: hairdressers, music teachers, and a consultant’s office with customer and/or client visits (more frequent than two per month). Transient accommodations and/or lodging are not considered a home occupation and are prohibited within residential zones. [~~Ord. 1467 § 1 (Att. A), 2014; Ord. 1223 § 2, 2004.~~]

~~18.08.200 Hospital.~~

~~“Hospital”~~ means an establishment whose primary function is to provide sleeping and eating facilities to persons receiving medical or surgical care with nursing service on a continuous basis.

~~“Host”~~ means a person engaged in providing a ~~home sharing bed and breakfast rental.~~

[~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.210 Hotel.~~

~~“Hotel”~~ means a building or portion thereof designed or used for transient rental of more than five units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public ~~or for the operation of the hotel, such as laundry,~~ can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

[~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.215 Indoor sports arenas, auditoriums, and exhibition halls.~~

~~“Indoor sports arenas, auditoriums, and exhibition halls” means a building for indoor (open wall) sports, theater, concert hall, or other public building, in which the audience sits, and/or building for gatherings or entertainment. [Ord. 1421 § 1 (Att. A), 2012.]~~

~~21.90.177 Industry, light.~~

~~“Light industry” means industrial uses which are consumer-oriented industry. Such products are produced for end users (and storage) rather than as intermediates for use by other industries. Light industry facilities have less environmental impact than those associated with heavy industry, and may be near residential areas. It is the production of small consumer goods. Examples of light industries include the manufacturing of clothes, shoes, furniture, consumer electronics and home appliances. Conversely, ship building would fall under heavy industry. [Ord. 1498 § 1 (Att. A), 2015.]~~

~~21.90.178 Infill development.~~

~~“Infill development” means development designed to occupy scattered vacant parcels of land which remain after the majority of development has occurred in an area. [Ord. 1223 § 2, 2004.]~~

~~21.90.180 Irregular lot.~~

~~“Irregular lot” means a lot which is shaped in such a way that application of yard / setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.~~

~~“Installed” means attached, or fixed in place, whether or not connected to a power source [Ord. 1223 § 2, 2004.]~~

~~21.90.184 Kennel.~~

~~“Kennel” means a structure or lot on which four or more domestic animals at least four months of age are kept and deemed to be a public nuisance. [Ord. 1223 § 2, 2004.]~~

~~18.08.216 Laundry/dry cleaning.~~

~~“Laundry/dry cleaning” means a facility providing machines for the washing and drying of clothes and personal items. This definition does not include an industrial facility providing laundry, dry cleaning, linen supply, and uniforms on a regional basis. [Ord. 1421 § 1 (Att. A), 2012.]~~

~~“Law” denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the city of Leavenworth, and when appropriate, any and all rules and regulations which may be promulgated thereunder.~~

~~“Light display” means an outdoor visual exhibition designed to dominate surrounding uses by incorporating items such as intense lighting which focuses attention on location.~~

~~“Light industry” means industrial uses which are consumer-oriented industry. Such products are produced for end users (and storage) rather than as intermediates for use by other industries. Light industry facilities have less environmental impact than those associated with heavy industry, and may be near residential areas. It is the production of small consumer goods.~~

Examples of light industries include the manufacturing of clothes, shoes, furniture, consumer electronics and home appliances. Conversely, ship building would fall under heavy industry.

“Light trespass” occurs when neighbors of an illuminated space are affected by the lighting system’s inability to contain light within the area intended. The most common form of light trespass is spill light which illuminates objects beyond the property boundaries.

“Lives on-site” means being present in the dwelling unit where the ~~in-home short-term, vacation or overnight~~ bed and breakfast rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining, and engaging in other activities in the dwelling unit that are typically enjoyed by a person in their home.

~~18.08.220 Loading space, off-street.~~

“Loading space, off-street” means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.}

“Local commercial food establishment” shall mean a private, for-profit business located within a permanent structure in the city of Leavenworth for a period of at least one year, which is typically operated for the preparation and delivery of food to the general public.

“Local nonprofit group” shall mean an organization which is recognized by the federal Internal Revenue Service as a not-for-profit organization, and is operated from, or provides services to, residents of, the city of Leavenworth.

“Lodging unit” means an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

~~18.08.230 Lot.~~

“Lot” includes the words “plot” or “parcel.” “Lot” means a fractional part of divided lands having fixed boundaries or single parcel or tract of land located within a single block, which at the time of application for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control: being of sufficient area and dimension to meet minimum zoning requirements for width and area. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.}

~~21.90.186 Lot.~~

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. {Ord. 1223 § 2, 2004.}

~~18.08.240 Lot, corner.~~

~~“Lot, cornerCorner lot”~~ means a lot abutting on two or more streets, other than an alley, at their intersection. (See Figure 1.) [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.187 Lot coverage.~~

“Lot coverage” means the total ground coverage of all buildings or structures on a site measured from the outside of external walls or supporting members. Decks, balconies, and at-grade patios do not count toward lot coverage; however, roofed areas including, but not limited to, porches, breezeways, and covered walkways shall count toward lot coverage. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.250 Lot depth.~~

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.260 Lot, interior.~~

~~“Lot, interiorInterior lot”~~ means a lot other than a corner lot with only one frontage on a street.

“Lot line, Front” means the line separating any lot or parcel of land from a street right-of-way. On a through lot, the line abutting the street providing primary access to the lot or the street address of the lot. On a flag lot, it is the interior lot line most parallel to and nearest the street from which access is obtained.

“Lot line, rear” means a lot line or lines which are opposite and most distant from the front lot line.

“Lot line, side” means any lot line that is not a front or rear lot line.

(See Figure 1.) [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.270 Lot of record.~~

~~“Lot of record” means a lot which is part of a subdivision recorded in the office of the city clerk-treasurer or a lot or parcel prescribed by metes and bounds, the description of which has been recorded. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]~~

~~21.90.200 Lot of record.~~

“Lot of record” means a lot, parcel, or area of land as shown on an officially recorded plat, subdivision, or short subdivision which has been recorded with the Chelan County auditor and was divided in accordance with all applicable development regulations and laws in force at the time of subdivision; or a lot, parcel, or area of land for which a deed or contract was recorded with the Chelan County auditor prior to July 1, 1974, when the parent parcel was divided into four lots or less, or prior to May 23, 1969, when the parent parcel was divided into five lots or more. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.280 Lot, through.~~

~~“Lot, throughThrough lot”~~ means an interior lot having frontage on two parallel or approximately parallel streets other than alleys. (See Figure 1.) [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~18.08.290 Lot width.~~

“Lot width” means the horizontal distance between the side lot lines measured at the front building line.

“Low wattage” is lighting which is “muted,” diffused and for purposes of this chapter is used primarily for architectural embellishment. This light shall not shine, glare, emit direct illumination, or cast a shadow on the adjacent property. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]

“Lowest Floor, special flood hazard:

” means the lowest floor of the lowest enclosed area (including basement).– An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the LMC (i.e. provided there are adequate flood ventilation openings).

“Lumen” means the unit used to measure the actual amount of visible light that is produced by a lamp.

“Luminaire” means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. A light fixture.

“Luminous tube (neon tube)” means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10 to 15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. Does not include common fluorescent tubes.

~~21.90.201 Maintenance.~~

“Maintenance” means the ordinary maintenance and repair of any architectural feature and/or sign that does not involve removal or a change in design, dimensions, materials or outer appearance of such feature. [Ord. 1487 § 1 (Att. A), 2014.]

“Maintenance” means the cleaning, painting and minor repair of a sign or any support for or attachment of a sign in a manner that does not alter the basic design, size, color or structure of the sign.

“Maintained” means not broken, torn or ripped, securely attached or affixed to the supporting structure, clean in appearance, without chipped, faded or peeling paint, or otherwise in a condition a reasonable person would deem in “good condition.”

~~18.08.300 Major recreational vehicles.~~

“Major recreational vehicles” includes boats, boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, snowmobiles, motorbikes, and the like. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.202 Manufactured/mobile homes.~~

~~Manufactured Home, Designated (Source: RCW 35.63.160 and 1988 c 239 s 1, Planning Commissions). A “Manufactured Home, Designateddesignated manufactured home” means~~ a manufactured home constructed after June 15, 1976, in accordance with the state and federal requirements for manufactured homes, which:

1. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;
2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of nominal 3:13 pitch; and
3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built International Building Code (International Construction Code) compliant single-family residences.

~~“Manufactured Home or; Mobile Home” (Source RCW 46.04.302, Motor Vehicles). “Mobile home” or “manufactured home” means~~ a structure, designed and constructed to be transportable in one or more sections, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the National Mobile Home Construction and Safety Standards Act of 1974 as adopted by Chapter 43.22 RCW, State Government – Executive, Department of Labor and Industries, if applicable. Manufactured home does not include a modular home. A structure which met the definition of a “manufactured home” at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

~~“Manufactured Home, New” (Source: RCW 35.63.160 and 1988 c 239 s 1, Planning Commissions). A “new manufactured home” is~~ means any manufactured home required to be titled under RCW Title 46, Motor Vehicles, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2), Excise Tax on Real Estate Sales.

~~“Manufactured home lot” means that area within the manufactured home park that is designated for the private use of the occupants of the lot.~~

~~Mobile Home, Used (Source: RCW 82.45.030(2), Excise Tax on Real Estate Sales). “Used mobile home” means a mobile home which has been previously sold at retail and has been subjected to tax under Chapter 82.08 RCW, Retail Sales Tax, or which has been previously used and has been subjected to tax under Chapter 82.12 RCW, Use Tax, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities. [Ord. 1487 § 1 (Att. A), 2014; Ord. 1268 (Exh. B), 2005. Formerly 21.90.201.]~~

~~18.08.315 Manufactured home park.~~

“Manufactured home park” means any tract of land that is divided into rental spaces under common ownership for the purpose of locating two or more manufactured homes for dwelling purposes. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1057 § 3, 1997; Ord. 754 § 1, 1984.~~]

~~18.08.316 Medium charging.~~

“Medium charging” means an electrical outlet which is standard for home and public charging and typically operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.317 Medium speed electric vehicle.~~

“Medium-speed electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~18.08.320 Mini day care center.~~

~~A~~“~~M~~mini-day care center” means a center for the care of 12 or fewer children during part of the 24-hour day in a facility other than the family abode of the permittee, or a home for the care of from seven through 12 children in the family abode of the permittee. Such number shall be reduced by the number of permittee’s own children or foster children under 12 years of age who are on the premises. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.204 Mitigation contribution.~~

“Mitigation contribution” means a cash donation or other valuable consideration offered by the applicant in lieu of: (1) a required dedication of land for public park, recreation, open space, public facilities, or schools; or (2) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public’s behalf as a condition of approval of a subdivision, plat or binding site plan. The city may accept voluntary contributions. [~~Ord. 1223 § 2, 2004.~~]

“Mobile Home, Used” means a mobile home which has been previously sold at retail and has been subjected to tax under Chapter 82.08 RCW, Retail Sales Tax, or which has been previously used and has been subjected to tax under Chapter 82.12 RCW, Use Tax, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

“Month” means a calendar month.

~~18.08.330 Motel.~~

“Motel” means a building or group of buildings in which lodging is offered to transient guests for compensation and providing parking accommodations for automobiles adjacent to the lodging. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names.

“Mounting height” shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]

~~18.08.331 Neighborhood electric vehicle.~~

~~“Neighborhood electric vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.]~~

“New Construction, special flood hazard”:

”means- structures -for -which -the -“start- of construction” – commenced -on -or -after the effective date of Ordinance No. 1222.

~~18.08.332 Non-electric vehicle.~~

~~“Non-electric vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.” [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.]~~

“Nonprofit organization” means an organization licensed by the state of Washington pursuant to RCW Title 24.

~~21.90.208 Nonresident worker.~~

~~“Nonresident worker” means an employee or other person who does not reside in the dwelling but who regularly performs services at the dwelling as part of, in pursuit of, or in furtherance of a home occupation. [Ord. 1223 § 2, 2004.]~~

~~21.90.212 Nursing or convalescent home.~~

~~“Nursing or convalescent home” means an establishment which provides full-time care for three or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services. [Ord. 1223 § 2, 2004.]~~

~~18.08.375 Professional office.~~

~~“Professional office” or “office” means a building or separately defined space within a building an office-occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, licensed real estate brokers and persons engaged in similar occupations. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 807 § 1, 1987.]~~

~~21.90.216 Office.~~

~~“Office” means a building or separately defined space within a building used for business. The use of an office does not include on-premises sales or manufacture of goods. [Ord. 1223 § 2, 2004.]~~

~~18.08.333 Off site hazardous waste facilities.~~

~~“Off site hazardous waste facilities” means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off site~~

facilities are located. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 839 § 1, 1989.~~]

~~21.90.214 Off street parking space.~~

~~“Off street parking space” means an off street enclosed or unenclosed impermeable surface area permanently reserved for the temporary storage of one automobile and connected with a street by an impermeable surface driveway which affords ingress and egress for automobiles. [Ord. 1223 § 2, 2004.]~~

“Old World Bavarian Alpine theme” means a unifying or dominant design style typified by the Bavarian Alpine region of Europe during the 15th to 17th centuries. For the purposes of this chapter, “Old World Bavarian Alpine” shall mean design which includes Baroque, Rococo, Classical, or Bavarian folk art elements or graphics, or graphics painted or produced in a manner which mimics these styles, and which uses only colors which would have been found during the 15th to 17th centuries in Europe. Such colors shall conform with the examples shown within the Resolution of the Design Review Board No. 1-2011 or as approved by the design review board. This resolution is available for review at no cost at City Hall during normal business hours.

“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

~~18.08.336 On site hazardous waste facilities.~~

~~“On site hazardous waste facilities” means hazardous waste treatment and storage facilities that treat and store waste from generators located on the same property or from geographically contiguous property. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 839 § 1, 1989.]~~

~~“Ordinance” means a law of the city of Leavenworth; provided, that a temporary or special law, administrative action, order or directive may be in the form of a resolution.~~

“Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

~~18.08.340 Ordinary high water mark.~~

~~“Ordinary high water mark” means that mark on all rivers and streams where the presence of waters is so long continuous as to mark upon the soil and rock a character distinct from the abutting uplands; for lakes and reservoirs, the water mark is where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.~~

“Outdoor light fixture” means an outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp, luminous tube and/or similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:

1. Buildings and structures;
2. Recreational areas;

3. Parking lot lighting;
4. Landscape and architectural lighting;
5. Billboards and other signs (advertising or other);
6. Street lighting;
7. Product display area lighting;
8. Building overhangs and open canopies;
9. Pedestrian walkways or areas;
10. Building or landscape decoration.

“Outdoor recreation facility” means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]

~~21.90.215 Owner.~~

“Owner” means any person who, alone or jointly or severally with others, has title or interest in any building and/or structure with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building and/or structure. ~~[Ord. 1487 § 1 (Att. A), 2014.]~~

~~“Owner” applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.~~

~~21.90.217 Parking facility, parking lot.~~

“Parking facility” or “parking lot” means an area permanently reserved for the temporary storage of one or more automobiles and connected with a street by a surfaced driveway that affords ingress and egress for automobiles. ~~[Ord. 1223 § 2, 2004.]~~

~~“Parking space, off-street” means an off-street enclosed or unenclosed impermeable surface area permanently reserved for the temporary storage of one automobile and connected with a street by an impermeable surface driveway which affords ingress and egress for automobiles. 21.90.218 Parking structure.~~

“Parking structure” means a partially or fully enclosed surfaced area, either underground or aboveground, permanently reserved for the temporary storage of one or more automobiles and connected with a street by a surfaced driveway that affords ingress and egress for automobiles. ~~[Ord. 1223 § 2, 2004.]~~

~~21.90.264 Private Pparking, Private.~~

~~“Parking, Private Private parking” means parking facilities for the noncommercial use of the occupant and guests of the occupant. [Ord. 1223 § 2, 2004.]~~

~~21.90.220 Party of record.~~

“Party of record” means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.222 Performance bond, surety bond.~~

“Performance bond” or “surety bond” means a binding agreement between the city and a developer or applicant guaranteeing that certain stated work will be accomplished by a specific date. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.360 Person.~~

~~“Person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~21.90.223 Person.~~

“Person” means any individual, firm, corporation, association, partnership, or public entity and their agents or assigns. [~~Ord. 1487 § 1 (Att. A), 2014.~~]

~~“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.~~

~~21.90.224 Personal service.~~

“Personal service” means businesses engaged in providing care of the corporeal person or his apparel, not including health care. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.363 Pet care center.~~

“Pet care center” means an indoor kennel which provides boarding and grooming services. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~18.08.365 Pharmacy/drug store.~~

“Pharmacy/drug store” means an establishment where medicinal drugs are dispensed and sold. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~21.90.228 Planned action.~~

“Planned action” means a significant development proposal as defined in RCW 43.21C.031, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.232 Planned unit development, planned development district.~~

“Planned unit development” or “planned development district” means a flexible method of land development which accomplishes the purposes of Chapter 18.40 LMC, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.370 Planning commission.~~

“Planning commission” means the Leavenworth city P~~l~~anning C~~e~~ommission. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.~~]

~~21.90.236 Plat.~~

“Plat” means a scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.237 Plat alteration.~~

“Plat alteration” means the alteration, re-orientation, and/or reconfiguration of lots, or any portions thereof, within a major subdivision or short subdivision that involves a public dedication, provided there is no increase in the overall number of lots, tracts, or parcels, and provided the provisions of Chapter 17.06 LMC, as amended, are complied with. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.238 Plat certificate.~~

“Plat certificate” means a document prepared by a title company that contains information on the subject property to be platted such as ownership, legal description, easements, liens, etc. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.240 Plat, final.~~

“~~Plat, final~~Final plat” means the final drawing of the subdivision (five or more lots) and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and LMC Title 17, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.244 Plat, final short.~~

“~~Plat, final short~~Final short plat” means the final drawing of the short subdivision (four lots or less) and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and LMC Title 17, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.248 Plat, preliminary.~~

“~~Plat, preliminary~~Preliminary plat” means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal, as required by Chapter 17.12 LMC, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.252 Plat, preliminary short.~~

“~~Plat, preliminary short~~Preliminary short plat” means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal, as required by Chapter 17.08 LMC, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.258 Plat vacation.~~

“Plat vacation” means to render a plat, short plat, or binding site plan inoperative. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.373 Plug-in hybrid electric vehicle (PHEV).~~

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (A) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;

(B) charges its battery primarily by connecting to the grid or other off-board electrical source; (C) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (D) has the ability to travel powered by electricity. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

~~21.90.260 Primary or principal use.~~

“Primary or principal use” means the predominant use of the land or building to which all other uses are secondary or accessory. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.262 Private driveway easement.~~

“Private driveway easement” means a driveway that is on private property and is used for access to no more than three lots. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.268 Project.~~

“Project” means a proposal for development. [~~Ord. 1223 § 2, 2004.~~]

“Property” includes real and personal property.

“Property, personal” includes, but is not limited to, money, goods, chattels, things in action and evidences of debt.

“Property, real” includes lands, tenements and hereditaments.

~~18.08.377 Public utility structure.~~

“Public utility structure” means a structure or use, such as a telephone exchange, utility station, pumping station or water reservoir, whose location in a residential zone is necessary to its function. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 807 § 2, 1987.~~]

~~21.90.276 Public facilities and utilities.~~

“Public facilities and utilities” means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in RCW 36.70A.030, as amended. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.280 Public hearing.~~

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken. [~~Ord. 1223 § 2, 2004.~~]

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.

~~21.90.284 Public improvement.~~

“Public improvement” means any structure, utility, roadway, or sidewalk for use by the public, required as a condition of development approval. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.378 Rapid charging station.~~

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules

adopted under RCW 19.27.540. A rapid charging station typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011.~~]

“Reader board sign” means a sign face consisting of readily changeable letters allowing frequent changes of copy.

~~21.90.285 Recreational facilities.~~

“Recreational facilities” means facilities for recreational uses, including but not limited to swimming pools, athletic clubs, tennis courts, ball fields, play fields, and skate parks. [~~Ord. 1487 § 1 (Att. A), 2014; Ord. 1223 § 2, 2004. Formerly 21.90.288.~~]

~~18.08.379 Recreational vehicle.~~

“Recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use with or without motive power of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries by the attachment of their official “Green” seal. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 840 § 1, 1989. Formerly 18.08.21.90.378.~~]

“Recreational Vehicle, special flood hazard”:

“Recreational vehicle” means a vehicle,

- 1) -- Built on a single chassis;
- 2) -- 400 square feet or less when measured at the largest horizontal projection;
- 3) -- Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) -- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~18.08.380 Recreational vehicle park.~~

“Recreational vehicle park” means a tract of land under single ownership or control upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 840 § 1, 1989. Formerly 18.08.21.90.378a.~~]

~~18.08.381 Recreational vehicle site.~~

“Recreational vehicle site” means a plot of ground within a recreational vehicle park intended for accommodation of a recreational vehicle on a temporary basis. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 840 § 1, 1989. Formerly 18.08.21.90.378b.~~]

~~21.90.286 Rehabilitation.~~

“Rehabilitation” means the process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are Old World Bavarian Alpine theme compliant. [~~Ord. 1487 § 1 (Att. A), 2014.~~]

~~21.90.287 Repair.~~

“Repair” means any change that is not construction, addition, demolition, moving, or alteration. [~~Ord. 1487 § 1 (Att. A), 2014.~~]

~~21.90.288 Resource lands.~~

“Resource lands” means lands primarily devoted to commercial forests, commercial agriculture, or containing minerals, as defined in RCW 36.70A.030, as amended. [~~Ord. 1487 § 1 (Att. A), 2014; Ord. 1223 § 2, 2004. Formerly 21.90.289.~~]

~~21.90.289 Restoration.~~

“Restoration” means the act or process of accurately recovering the form, features, and character of a property and its setting as it appeared at the time of design review board approval, removal of features outside of the Old World Bavarian Alpine theme; and reconstruction of missing features from the design review board approval. [~~Ord. 1487 § 1 (Att. A), 2014.~~]

~~18.08.382 Retail food/grocery store.~~

“Retail food/grocery store” means a retail establishment offering a wide variety of comestibles (edible/eatable), beverages and household supplies for sale. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~18.08.383 Retail stores and service establishments.~~

“Retail stores and service establishments” means an establishment where the majority of sales of goods or services (or of both) is for resale and is recognized as retail sales or services in the particular industry. [~~Ord. 1421 § 1 (Att. A), 2012.~~]

~~21.90.290 Right-of-way.~~

“Right-of-way” means land designated for public use for utility, vehicular and/or pedestrian travel or access to adjoining properties. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.291 Roadway.~~

“Roadway” means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface. [~~Ord. 1223 § 2, 2004.~~]

“Rococo,” also referred to as “Late Baroque,” means an 18th-century style of art or design which developed as Baroque artists gave up their symmetry and became increasingly ornate, florid, and playful. Rococo style may be described as more lighthearted than Baroque design and may be abstract and asymmetrical in decoration. For purposes of this title the term “Rococo” describes a style of art, graphics, or design that represents this style which was characterized between 1720 to 1775 in Bavaria.

“Rope lights” means lights which simulate neon lighting and are in an enclosed tube

~~21.90.292 Screen, screening.~~

“Screen” or “screening” means a continuous fence, hedge, landscaping, or combination which obscures vision through 80 percent or more of the screen area, not including drives or walkways. [~~Ord. 1223 § 2, 2004.~~]

“Segregation” means a large parcel, upon which is levied a reimbursement charge, is divided into smaller parcels. The associated charge is divided among the smaller parcels in accordance with the provisions of the original means of allocating the reimbursement charge.

“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology.

“Sexually oriented materials” means any books, magazines, periodicals, or other printed materials or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas. The term “sexually oriented materials” includes any instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

~~18.08.384 Shall and may.~~

~~“Shall” is mandatory; the word “may” is permissive. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984. Formerly 18.08.21.90.382.]~~

“Sidewalk” means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

“Sign” means a communication device, structure, or fixture located on the exterior of a structure and visible from public rights-of-way or located in the interior of a structure and visible from public rights-of-way which incorporates graphics, symbols, or written copy that is intended to promote the sale of a product, commodity or service, or provide direction or identification for a premises, business, or facility. “Sign” does not include actual unpriced stock in trade on display and available for sale. “Sign” does not include murals, but may be incorporated into a mural. “Sign” includes all structural members and, without limitation, the following types of signs:

1. “Bench sign” means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way. A bench sign does not include those components of a bench which are commemorative or information plaques, not used for commercial purposes.
2. “Billboard sign” means a freestanding sign without the on-site business name and information and/or off-site advertisement.
3. “Business listing sign” means a sign in which the names of the occupants of a building are given and displayed in columns and/or rows.
4. “Commemorative plaque” means a memorial plaque or plate, with engraved or case lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.
5. “Community bulletin board” or “kiosk” means a freestanding structure or wall structure which includes a surface intended for the posting of messages; for example, announce events, sales, or provide information. Such structure shall only be established by the city of Leavenworth.

6. “Construction sign” means any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
7. “Directional sign” means a sign giving directions, instructions or facility information (e.g., parking, exit or entrance signs).
8. “Directory sign” means a sign on which the names and locations of occupants or the use or uses of a building are listed on a building diagram attached to the wall of the building.
9. “Drive-through menu board sign” means a freestanding or wall sign used for establishments to display their menu items and prices. The establishment shall have and maintain provision for automotive drive-through customers in order to be eligible for a drive-through menu board sign.
10. “Existing nonconforming sign” means any sign located within the city limits on the date of adoption or amendment of the ordinance codified in this chapter, which does not conform with the provisions of this chapter, as amended, but which did conform to all applicable laws in effect on the date the sign was erected. Existing nonconforming signs shall not include temporary signs.
11. “Freestanding sign” means a sign, not attached to any building or similar type of structure, which is securely and permanently attached to the ground.
12. “Illuminated sign” means any sign internally illuminated, in any manner, by an artificial light source, including all signs lit with neon tubes, either directly or indirectly. Such illuminated signs include, but are not limited to: television screens, monitors (computer or otherwise sourced), backlit canopies, LED, neon, internally illuminated channel letters, acrylic formed faces and other types of directly or indirectly illuminated signs.
13. “Incidental sign” means a sign, emblem, or decal informing the public of the property address, business hours, facilities or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs).
14. “Integral sign” means any memorial sign, tablet, name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.
15. “Label sign” means a manufacturer’s identification of the manufacturer, nature, ownership, or destination.
16. “Logo sign” means a sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.
17. “Menu sign” or “menu board sign” means a sign displaying the food products and prices provided by the eating and drinking establishment.
18. “Noncommercial sign” means a sign that bears only property address numbers, postal box numbers or names of occupants of premises.

19. “Off-site sign” means a sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises or at the location where the sign is located.
20. “Pennant” means a long, tapering, usually triangular flag or an emblem similar in shape to a ship’s pennant.
21. “Political election sign” means a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with local, state or national election or referendum.
22. “Political free speech sign” means a temporary sign expressing an opinion on a public, social, or ballot issue.
23. “Portable sign” means any mobile, movable sign or sign structure, such as a sandwich-board sign (A-frame sign), which is not securely attached to the ground or any other structure.
24. “Private use sign” means a temporary sign announcing an event, use or condition of personal concern, nonbusiness in nature, including, without limitation, “garage sale” or “lost animal” signs.
25. “Projecting sign” means any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.
26. “Real estate sign” means any sign which is used to offer property for sale, lease or rent.
27. “Residential development sign” means a sign identifying a recognized subdivision, condominium complex or residential development.
28. “Roof sign” means any sign erected or constructed wholly upon and over the roof of any building or structure; provided, however, that a sign on the surface of a canopy shall be regarded as a projecting or wall sign.
29. “Special event sign” means individual temporary booth, tent, or vendor sign allowed for a special event or festival.
30. “Temporary community service event sign” means a sign for the purpose of “community service event” or “civic event.”
31. “Temporary sign” means a sign not constructed or intended for long-term use. For the purposes of this definition, a temporary sign shall not be in place greater than 24 hours, unless specifically allowed a greater duration by this chapter. Temporary signs installed pursuant to this title do not have vested status and cannot become permanent installations.
32. “Trailer sign” means any sign mounted, painted, or attached through some other method on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.
33. “Transient business sign” means any sign used for any person either as principal or agent who sells goods, wares, services or merchandise at a fixed location on private property not within a permanent structure or building. A permanent structure or building is one

which rests on a foundation and which substantially complies with the International Building Code and the LMC.

34. “Vehicle sign” means advertisement or graphics intended to advertise business affixed to a vehicle, but does not include license plates, license plate frames or vehicle brand.

35. “Wall sign” means any sign painted on or attached to and erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. Awning, canopy, and window (for the purposes of this definition, the window area is not calculated for temporary “sale” and “special product announcements” signs) signs are considered wall signs for the purposes of this definition. In addition, single-sided signs located parallel to the building wall, in the same building elevation, and separated from the wall are considered wall signs for the purposes of this definition.

1-36. “Warning sign” means any sign which is intended to warn persons of danger or prohibited activities such as “no trespassing,” “no hunting,” “flammable,” “dangerous dog,” “no parking,” “no dumping” and rules that govern.

“Sign area” means, for regularly shaped signs, the simple area of the sign. For irregularly shaped signs, the area shall be that of the rectangle, triangle or circle (whichever is smaller) or logical outer boundary of a polygon which will wholly contain the sign; provided, that the outer boundary of the polygon does not protrude beyond the sign as determined by the city administrator or his/her designee. The structure supporting a sign shall not be included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. In the case of a wall mural (see LMC 14.08.040) incorporating commercial wording, the sign area includes only the portion of the mural which contains the wording circumscribed as set forth in this definition. In the case of double sided signs, erected in a manner so that the display surfaces are placed directly back to back to one another, the area of one side is that which is used to calculate the allowed area of a sign, provided the surfaces are identical in size, color and design. In the case of business listing signs, each business sign area shall be calculated separately, and compiled for a total area excluding clearly defined spacing and/or gaps.

Site development permit.

“Site development permit” means an application for site preparation of undeveloped land where no building or structure is altered, moved or constructed.

21.90.316 Site plan.

“Site plan” means a scaled drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces, and other principal development features for a specific parcel of property and other information as required by the applicable sections of this code. [Ord. 1223 § 2, 2004.]

18.08.385 Slow charging.

“Slow charging” means an electrical outlet which is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and

standard outlet. [~~Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011. Formerly 18.08.21.90.383.~~]

“Specified anatomical areas” means and includes any of the following:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- 1.2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

“Specified sexual activities” means and includes any of the following:

1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
- 1.4. Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

“Start of Construction, special flood hazard:

” means and includes- substantial -improvement, -and -means -the- date -the- building- permit -was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement- as within 180 -days -of -the- permit- date.- - The -actual -start -means -either -the first- placement -of- permanent- construction -of -a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any -work- beyond- the stage- of excavation;- or- the- placement- of- a- manufactured- home- on- a- foundation. Permanent -construction- does -not -include- land -preparation, -such- as- clearing,- grading- and filling;- nor- does- it- include- the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.- For a substantial improvement, the -actual -start- of- construction- means- the- first- alteration- of any- wall,- ceiling,- floor, or- other- structural- part of a building, whether or not that alteration affects the external dimensions of the building.

21.90.320 Stock in trade.

“Stock in trade” means any item or goods that are kept on hand for sale to customers as part of a business; or that are produced, purchased, processed, finished, or fabricated as part of a home occupation and are intended for resale, or are incorporated into any such item, or are used to make, manufacture, produce, process, finish, or fabricate any such item; provided, that it does not include samples. [~~Ord. 1223 § 2, 2004.~~]

21.90.324 Street.

“Street” means a public right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. ~~{Ord. 1223 § 2, 2004.}~~

~~“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.~~

~~21.90.328 Street, developed.~~

~~“Street, developed~~Developed street” means a right-of-way improved to the minimum development standards established by the city. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.332 Street, undeveloped or substandard.~~

~~“Street, undeveloped or substandard~~Undeveloped or substandard street” means a right-of-way not improved to the minimum development standards established by the city. ~~{Ord. 1223 § 2, 2004.}~~

~~18.08.390 Street line.~~

~~“Street line” means the right-of-way of a street. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.}~~

~~18.08.400 Structure.~~

~~“Structure” means anything constructed or erected with a fixed location. Among other things, structures include buildings, mobile homes, flagpoles, towers, tower structures, light displays, homes, walls, fences, billboards, and poster panels. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1246 § 2, 2005; Ord. 754 § 1, 1984.}~~

~~“Structure, special flood hazard:~~

~~” means– a– walled– and– roofed– building,– including– a– gas– or– liquid– storage– tank– that is– principally– above ground.~~

~~21.90.336 Subdivision code.~~

~~“Subdivision code” means LMC Title 17. {Ord. 1223 § 2, 2004.}~~

~~21.90.340 Subdivision, major.~~

~~“Subdivision, major~~Major subdivision” means the division or redivision of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, in conformance with Chapter 17.12 LMC. ~~{Ord. 1223 § 2, 2004.}~~

~~21.90.344 Subdivision, short.~~

~~“Subdivision, short~~Short subdivision” means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, in conformance with Chapter 17.08 LMC. ~~{Ord. 1223 § 2, 2004.}~~

~~“Substantial Damage, special flood hazard”:~~

means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial Improvement, special flood hazard”:

means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) – Before the improvement or repair is started; or
- 2) – If the structure has been damaged and is being restored, before the damage occurred. – For the purposes of this definition – “substantial improvement” – is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

- 1) – Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2) – Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Suite” means a group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and individually designated by number, letter, or other means of identification. A suite may or may not include areas for cooking and eating.

“Temporary lighting” means lighting which does not conform to the provisions of this chapter and which will not be used for more than a temporary period. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects.

18.08.403 Temporary food service establishment.

“Temporary food service establishment” means an eating and drinking establishment operating for a temporary period (one day up to six months) in connection with a fair, community event, public exhibition or other similar gatherings in which a special use permit is obtained. [Ord. 1421 § 1 (Att. A), 2012.]

“Tenant” and “occupant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

21.90.346 Terrain classification. Definitions of “Terrain classification, special flood hazard” are as follows:

1. “Ordinary terrain” means a cross slope range of zero percent to eight percent;
2. “Rolling terrain” means a cross slope range of eight percent to 15 percent;
3. “Hilly terrain” means a cross slope range of over 15 percent. [Ord. 1223 § 2, 2004.]

18.08.404 Theater.

“Theater” means a structure or area designed for the presentation of live performances, including dramatic works, concerts, and motion pictures. ~~{Ord. 1421 § 1 (Att. A), 2012.}~~

~~18.08.405 Transient accommodation.~~

~~“Transient accommodation and/or lodging” – means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days. means a dwelling unit or motel room regularly rented to transient guests with a less than monthly rental period for each individual or group of guests. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 852 § 1, 1989.}~~

~~18.08.410 Travel trailer.~~

~~“Nontransient lodging” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.~~

“Travel trailer” means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and length not exceeding 31 feet 11 inches.

~~“Total outdoor light output” means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. Includes all lights and luminous tubing used for all classes of lighting. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide, and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered. {Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1057 § 4, 1997; Ord. 754 § 1, 1984.}~~

~~“Tower/tower structure” means a structure taller than its diameter which can stand alone or be attached to a building or other structure, and anything tall and thin approximating the shape of a column or tower.~~

~~21.90.348 Townhouse.~~

“Townhouse” means a duplex dwelling unit meeting the following criteria: (1) no dwelling unit overlapping another vertically; (2) common side walls joining units; (3) not more than two dwelling units in one structure; and (4) each unit being on its own lot of record. ~~{Ord. 1223 § 2, 2004.}~~

~~18.08.415 Upholstery shop.~~

“Upholstery shop” means a retail service for the upholstery and re-upholstery of furniture. ~~{Ord. 1421 § 1 (Att. A), 2012.}~~

~~18.08.420 Used or occupied.~~

“Used” or “occupied” includes the words intended, designed, or arranged to be used or occupied. ~~{Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.}~~

~~21.90.352 Vehicle.~~

“Vehicle” means a device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway,

including mopeds, and excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.356 Walkway.~~

“Walkway” means a hard surfaced portion of a street, right-of-way, trail, or easement intended for pedestrian use. [~~Ord. 1223 § 2, 2004.~~]

“Water or sewer improvements” means the acquisition of right-of-way and/or easements, design, inspection and installation of improvements to city standards, as defined in RCW 35.91.020 as it now reads or as hereafter amended. They are further defined to include the following:

1. ~~1.~~ “Water system improvements” includes, without limitation, such things as treatment facilities, mains, reservoirs, wells and appurtenances such as valves, pumping stations and pressure-reducing stations.
2. ~~2.~~ “Sewer system improvements” includes, without limitation, such things as treatment facilities, mains and maintenance holes, pumping stations, force mains, inlets, catch basins, ditches, and swales. This term also includes all sanitary sewer or storm sewer improvements.

“Water and sewer latecomer reimbursement agreements” means a written contract, as approved by the city council and executed by the mayor, between the city and one or more developers providing for construction of water or sewer facilities and for partial reimbursement to the developer(s) by owner(s) of properties benefited by the improvements. [~~Ord. 1483 § 2, 2014.~~]

~~21.90.360 Watercourse.~~

“Watercourse” means the course or route followed by waters draining from the land, formed by nature or man and consisting of a bed, banks, sides, and associated wetlands and headwaters. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity (but not necessarily continuously), naturally, and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourses shall include sloughs, streams, creeks, and associated wetlands. [~~Ord. 1223 § 2, 2004.~~]

~~21.90.364 Wetland.~~

“Wetland” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. [~~Ord. 1223 § 2, 2004.~~]

~~18.08.430 Yard / Setback.~~

~~“Yard” or “-Setback” means an open space on a lot which is unobstructed from the ground upward, and the minimum distances required for buildings and structures to be set back from the property lines, except for the projection of such features as cornices, eaves, gutters, shades and related architectural elements, which may project not more than four feet into a required front or rear yard or two feet into a required side yard in the residential zones and not more than six feet into any required yard in the commercial zones. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1121 § 1, 1999; Ord. 1056 § 1, 1997; Ord. 857 § 1, 1990; Ord. 754 § 1, 1984.]~~

~~21.90.300 Setback.~~

~~“Setback” means the minimum distances required for buildings and structures to be set back from the property lines. [Ord. 1223 § 2, 2004.]~~

~~21.90.304 Setback area.~~

~~“Setback area” means the lot area between the lot lines and the setback lines. [Ord. 1223 § 2, 2004.]~~

~~21.90.308 Yard / Setback line.~~

~~“Yard / Setback line” means a line which is parallel to a lot line or access easement located at the distance required by the yard / setback. [Ord. 1223 § 2, 2004.]~~

~~18.08.440 Yard, front.~~

~~“Yard, frontFront yard” or “setback, front” means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~21.90.188 Lot line, front.~~

~~“Front lot line” means the line separating any lot or parcel of land from a street right-of-way. On a through lot, the line abutting the street providing primary access to the lot or the street address of the lot. On a flag lot, it is the interior lot line most parallel to and nearest the street from which access is obtained. [Ord. 1223 § 2, 2004.]~~

~~18.08.450 Yard, rear.~~

~~“Rear yardYard, rear” or “setback, rear” means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~21.90.192 Lot line, rear.~~

~~“Rear lot line” means a lot line or lines which are opposite and most distant from the front lot line. [Ord. 1223 § 2, 2004.]~~

~~18.08.460 Yard, side.~~

~~“Yard, sideSide yard” or “setback, side” means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

~~21.90.196 Lot line, side.~~

~~“Side lot line” means any lot line that is not a front or rear lot line. [Ord. 1223 § 2, 2004.]~~

~~18.08.470 Yard, special.~~

~~“Yard, specialSpecial yard” means a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon. [Ord. 1421 § 1 (Att. A), 2012; Ord. 1398 § 1 (Exh. A), 2011; Ord. 754 § 1, 1984.]~~

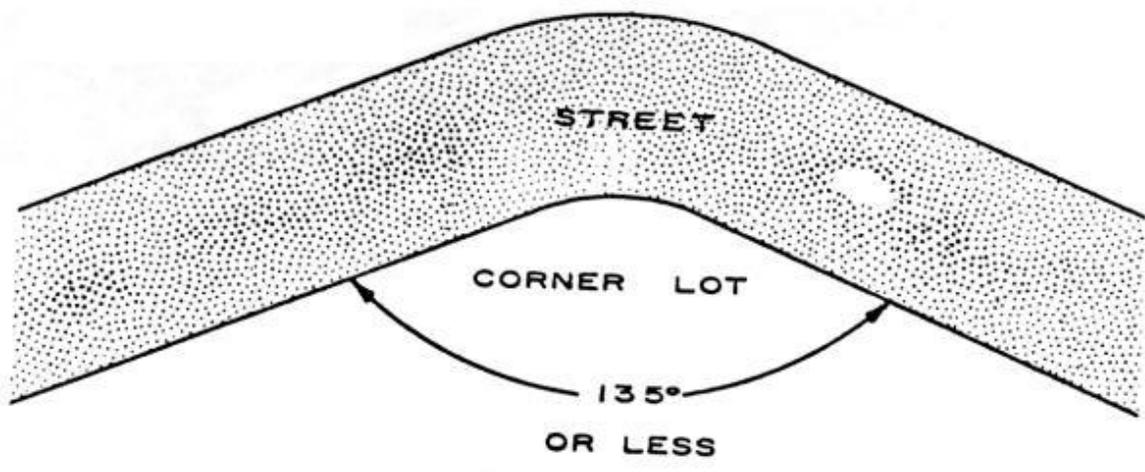
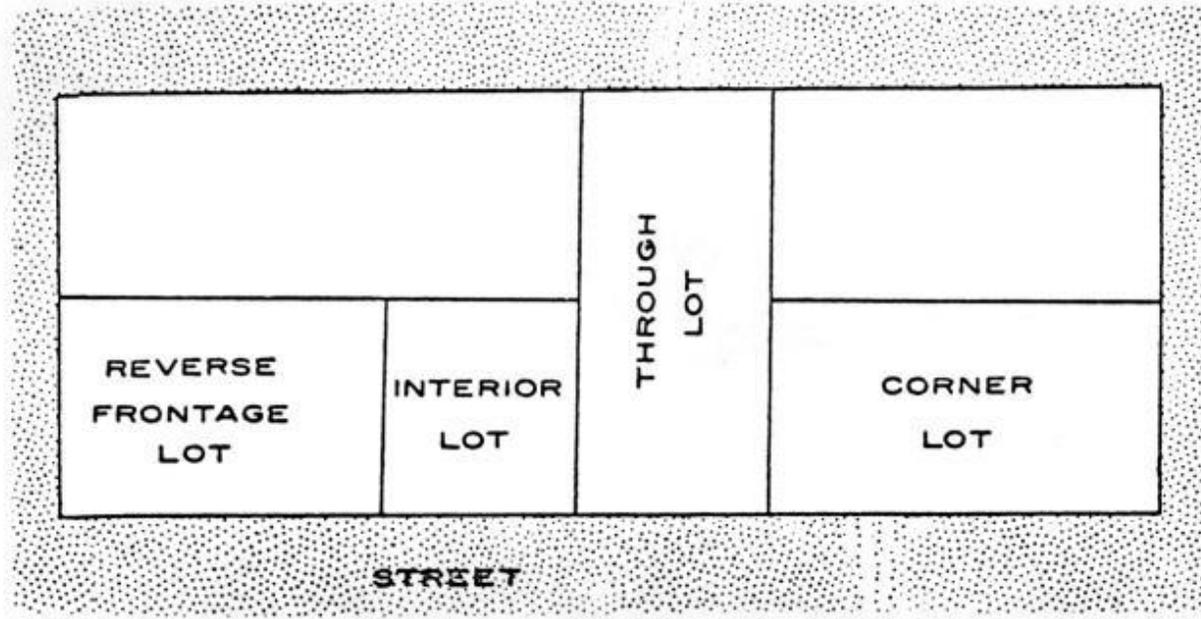
~~21.90.368 Zone, zoning district.~~

~~“Zone” or “zoning district” means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in LMC Title 18. [Ord. 1223 § 2, 2004.]~~

~~21.90.372 Zoning code.~~

~~“Zoning code” means LMC Title 18. [Ord. 1223 § 2, 2004.]~~

FIGURE 1



[Ord. 754 Figure 1, 1984; Ord. 551 Figure 1, 1976.]

Title 18

ZONING

Chapters:

- 18.04 General Provisions
- 18.08 ~~Definitions~~Reserved
- 18.12 Official Zoning Map
- 18.16 District Boundary Interpretation and Regulations
- 18.20 Residential Low Density 6,000 District (RL6)
- 18.21 Residential Low Density 12,000 District (RL12)
- 18.22 Multifamily Residential District
- 18.23 Residential Low Density 10,000 District (RL10)
- 18.24 Supplementary Residential Districts Regulations
- 18.28 General Commercial District
- 18.32 Central Commercial District
- 18.35 Commercial District Mixed Use Incentives
- 18.40 Planned Development District
- 18.44 Tourist Commercial District
- 18.45 Light Industrial District (LI)
- 18.46 Recreation District
- 18.47 Recreation-Public District
- 18.50 Manufactured Home Parks
- 18.51 Recreational Vehicle Parks
- 18.52 Conditional Uses
- 18.54 Adult Entertainment Businesses
- 18.56 Variances
- 18.60 Building Permit
- 18.64 Fees, Charges and Expenses
- 18.68 Nonconforming Provisions
- 18.72 Amendments
- 18.74 Wireless Telecommunications Facilities

Chapter 18.08 ~~DEFINITIONS (Zoning)~~ is reserved, and all definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

NOTE: Although not shown in this document, this entire chapter has been removed and placed into 21.90.

DRAFT

14.10.210 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

For purposes of this chapter, the following terms, phrases, words and their derivatives shall be construed as specified in this section:

A. ~~“Abandoned sign” means any sign and/or sign structure which represents or displays any reference to a business or use which has been discontinued for one year or for which no valid business license is in effect in the city. “Abandoned sign” shall also mean any sign remaining in place after a sign has not been maintained for a period of 60 or more consecutive days after notification of such by the city.~~

B. ~~“Area” or “sign area” means, for regularly shaped signs, the simple area of the sign. For irregularly shaped signs, the area shall be that of the rectangle, triangle or circle (whichever is smaller) or logical outer boundary of a polygon which will wholly contain the sign; provided, that the outer boundary of the polygon does not protrude beyond the sign as determined by the city administrator or his/her designee. The structure supporting a sign shall not be included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. In the case of a wall mural (see LMC 14.08.040) incorporating commercial wording, the sign area includes only the portion of the mural which contains the wording circumscribed as set forth in this definition. In the case of double-sided signs, erected in a manner so that the display surfaces are placed directly back to back to one another, the area of one side is that which is used to calculate the allowed area of a sign, provided the surfaces are identical in size, color and design. In the case of business listing signs, each business sign area shall be calculated separately, and compiled for a total area excluding clearly defined spacing and/or gaps.~~

C. ~~“Balloon” means a flexible bag designed to be inflated with hot air or with a gas, and a bag shaped like a figure or object when inflated.~~

D. ~~“Baroque” means a period as well as a style of art or design that used exaggerated motion and clear, easily interpreted detail to produce drama, tension, exuberance, and grandeur in sculpture, painting, literature, dance, and music. The style started around 1600 in Rome, Italy, and spread to most of Europe. For purposes of this title the term “Baroque” describes art, graphics, or design that represents this style which was characterized between 1575 to 1770 in Bavaria.~~

E. ~~“Bavarian Alpine” means that area of land in present day Germany which extends from the Bavarian forest along the Czech Republic border to Garmisch-Partenkirchen on the Austrian~~

~~border, including the cities of Regensburg and Munich, then extending east along the Austrian border to Berchtesgaden and Passau, but not including the towns on the Tauber River, such as Nuremberg or Rothenberg.~~

~~F. “Bavarian folk art,” also “bauernmalerei” which translates as “peasant painting” (literally “farmer painting”) in German. Bauernmalerei was known throughout central Europe starting in the early 1500s where it took various forms from simple, naive-like decoration to more elaborate painting incorporating Renaissance, Baroque, and Rococo design. Bavarian folk art is a style of art or design which evolved following the end of the feudal system of land ownership and incorporates traditional design elements and colors characterized by stroke work using a round brush to paint natural elements (such as lilies, tulips, roses, daisies, cornflowers, fruit, leaves, and snail shells), mimic hard surfaces (such as wood, stone, and marble), and decorative elements (ornamentation such as scrolling). For purposes of this title, the term “Bavarian folk art” describes a style of art, graphics, or design that represents this style which was characterized during the 1500s to 1700s in Bavaria.~~

~~G. “Building face” means the outer surface of any building which is visible from any private or public street, highway or alley. For the purposes of building wall calculations, where multiple walls differ in outer edge plane, the secondary planes, corners, and/or angles shall be incorporated into the primary building elevation, and shall not be calculated independently, or as a secondary building elevation.~~

~~H. “Classical” means a stylistic period of the art of ancient Greece. The onset of the Persian Wars (480 BC to 448 BC) is taken as the beginning of the Classical period, and the reign of Alexander the Great (336 BC to 323 BC) is taken as the end of the period. For purposes of this title, the term “Classical” describes a style of art, graphics, or design that represents the style used during this time period.~~

~~I. “Commercial” means any activity carried on for a financial gain or a business endeavor.~~

~~J. “Community service event” or “civic event” means an event (e.g., festival, parking, fun run and/or meeting) sponsored by or for the benefit of a nonprofit organization.~~

~~K. “Design review board” means the board created by Ordinance 983 (Chapter 2.38 LMC), as amended.~~

~~L. “Eave line” means the juncture of the roof and the perimeter wall of the structure.~~

M. “Educational institutions and facilities” means uses that provide state-mandated basic education, public and private institutions of learning offering instruction from kindergarten to grade 12 required by the Education Code of the state of Washington; certified by the Washington State Board of Education; and/or under the authority and/or oversight of the Washington State Office of Superintendent of Public Instruction (OSPI). Preschools and pre-kindergarten facilities (day cares) are not educational institutions and facilities for the purposes of this definition.

N. “Erect” means to build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.

O. “Height” (of a freestanding sign) means the vertical distance measured from the highest point of the sign structure to the grade of the adjacent street or the surface grade at any point beneath the sign, whichever provides the lowest elevation.

P. “Maintained” means not broken, torn or ripped, securely attached or affixed to the supporting structure, clean in appearance, without chipped, faded or peeling paint, or otherwise in a condition a reasonable person would deem in “good condition.”

Q. “Maintenance” means the cleaning, painting and minor repair of a sign or any support for or attachment of a sign in a manner that does not alter the basic design, size, color or structure of the sign.

R. “Nonprofit organization” means an organization licensed by the state of Washington pursuant to RCW Title 24.

S. “Old World Bavarian Alpine theme” means a unifying or dominant design style typified by the Bavarian Alpine region of Europe during the 15th to 17th centuries. For the purposes of this chapter, “Old World Bavarian Alpine” shall mean design which includes Baroque, Rococo, Classical, or Bavarian folk art elements or graphics, or graphics painted or produced in a manner which mimics these styles, and which uses only colors which would have been found during the 15th to 17th centuries in Europe. Such colors shall conform with the examples shown within the Resolution of the Design Review Board No. 1-2011 or as approved by the design review board. This resolution is available for review at no cost at City Hall during normal business hours.

T. “Reader board sign” means a sign face consisting of readily changeable letters allowing frequent changes of copy.

U. “Rococo,” also referred to as “Late Baroque,” means an 18th-century style of art or design which developed as Baroque artists gave up their symmetry and became increasingly ornate, florid, and playful. Rococo style may be described as more lighthearted than Baroque design and may be abstract and asymmetrical in decoration. For purposes of this title the term “Rococo” describes a style of art, graphics, or design that represents this style which was characterized between 1720 to 1775 in Bavaria.

V. “Sign” means a communication device, structure, or fixture located on the exterior of a structure and visible from public rights-of-way or located in the interior of a structure and visible from public rights-of-way which incorporates graphics, symbols, or written copy that is intended to promote the sale of a product, commodity or service, or provide direction or identification for a premises, business, or facility. “Sign” does not include actual unpriced stock in trade on display and available for sale. “Sign” does not include murals, but may be incorporated into a mural. “Sign” includes all structural members and, without limitation, the following types of signs:

1. “Bench sign” means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way. A bench sign does not include those components of a bench which are commemorative or information plaques, not used for commercial purposes.

2. “Billboard sign” means a freestanding sign without the on-site business name and information and/or off-site advertisement.

3. “Business listing sign” means a sign in which the names of the occupants of a building are given and displayed in columns and/or rows.

4. “Commemorative plaque” means a memorial plaque or plate, with engraved or case lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.

5. “Community bulletin board” or “kiosk” means a freestanding structure or wall structure which includes a surface intended for the posting of messages; for example, announce events, sales, or provide information. Such structure shall only be established by the city of Leavenworth.

6. “Construction sign” means any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

7. “Directional sign” means a sign giving directions, instructions or facility information (e.g., parking, exit or entrance signs).

~~8. "Directory sign" means a sign on which the names and locations of occupants or the use or uses of a building are listed on a building diagram attached to the wall of the building.~~

~~9. "Drive through menu board sign" means a freestanding or wall sign used for establishments to display their menu items and prices. The establishment shall have and maintain provision for automotive drive through customers in order to be eligible for a drive through menu board sign.~~

~~10. "Existing nonconforming sign" means any sign located within the city limits on the date of adoption or amendment of the ordinance codified in this chapter, which does not conform with the provisions of this chapter, as amended, but which did conform to all applicable laws in effect on the date the sign was erected. Existing nonconforming signs shall not include temporary signs.~~

~~11. "Freestanding sign" means a sign, not attached to any building or similar type of structure, which is securely and permanently attached to the ground.~~

~~12. "Illuminated sign" means any sign internally illuminated, in any manner, by an artificial light source, including all signs lit with neon tubes, either directly or indirectly. Such illuminated signs include, but are not limited to: television screens, monitors (computer or otherwise sourced), backlit canopies, LED, neon, internally illuminated channel letters, acrylic formed faces and other types of directly or indirectly illuminated signs.~~

~~13. "Incidental sign" means a sign, emblem, or decal informing the public of the property address, business hours, facilities or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs).~~

~~14. "Integral sign" means any memorial sign, tablet, name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.~~

~~15. "Label sign" means a manufacturer's identification of the manufacturer, nature, ownership, or destination.~~

~~16. "Logo sign" means a sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.~~

~~17. “Menu sign” or “menu board sign” means a sign displaying the food products and prices provided by the eating and drinking establishment.~~

~~18. “Noncommercial sign” means a sign that bears only property address numbers, postal box numbers or names of occupants of premises.~~

~~19. “Off site sign” means a sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises or at the location where the sign is located.~~

~~20. “Pennant” means a long, tapering, usually triangular flag or an emblem similar in shape to a ship’s pennant.~~

~~21. “Political election sign” means a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with local, state or national election or referendum.~~

~~22. “Political free speech sign” means a temporary sign expressing an opinion on a public, social, or ballot issue.~~

~~23. “Portable sign” means any mobile, movable sign or sign structure, such as a sandwich board sign (A frame sign), which is not securely attached to the ground or any other structure.~~

~~24. “Private use sign” means a temporary sign announcing an event, use or condition of personal concern, nonbusiness in nature, including, without limitation, “garage sale” or “lost animal” signs.~~

~~25. “Projecting sign” means any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.~~

~~26. “Real estate sign” means any sign which is used to offer property for sale, lease or rent.~~

~~27. “Residential development sign” means a sign identifying a recognized subdivision, condominium complex or residential development.~~

~~28. "Roof sign" means any sign erected or constructed wholly upon and over the roof of any building or structure; provided, however, that a sign on the surface of a canopy shall be regarded as a projecting or wall sign.~~

~~29. "Special event sign" means individual temporary booth, tent, or vendor sign allowed for a special event or festival.~~

~~30. "Temporary community service event sign" means a sign for the purpose of "community service event" or "civic event."~~

~~31. "Temporary sign" means a sign not constructed or intended for long-term use. For the purposes of this definition, a temporary sign shall not be in place greater than 24 hours, unless specifically allowed a greater duration by this chapter. Temporary signs installed pursuant to this title do not have vested status and cannot become permanent installations.~~

~~32. "Trailer sign" means any sign mounted, painted, or attached through some other method on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.~~

~~33. "Transient business sign" means any sign used for any person either as principal or agent who sells goods, wares, services or merchandise at a fixed location on private property not within a permanent structure or building. A permanent structure or building is one which rests on a foundation and which substantially complies with the International Building Code and the LMC.~~

~~34. "Vehicle sign" means advertisement or graphics intended to advertise business affixed to a vehicle, but does not include license plates, license plate frames or vehicle brand.~~

~~35. "Wall sign" means any sign painted on or attached to and erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. Awning, canopy, and window (for the purposes of this definition, the window area is not calculated for temporary "sale" and "special product announcements" signs) signs are considered wall signs for the purposes of this definition. In addition, single-sided signs located parallel to the building wall, in the same building elevation, and separated from the wall are considered wall signs for the purposes of this definition.~~

~~36. "Warning sign" means any sign which is intended to warn persons of danger or prohibited activities such as "no trespassing," "no hunting," "flammable," "dangerous dog," "no parking,"~~

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“no dumping” and rules that govern. [Ord. 1490 § 1 (Att. A), 2014; Ord. 1426 § 1 (Att. B), 2012; Ord. 1397 § 1 (Exh. A), 2011.]

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14.04.020 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~A. The definitions set forth in RCW 35.91.015 are hereby adopted and incorporated by this reference as if set forth at length.~~

~~B. For purposes of this chapter, the following words shall have the meanings set forth:~~

~~“Benefit or reimbursement area” means that area which includes parcels of real estate adjacent to or likely to require a connection to improvements made by a developer who has applied to the city for a latecomer reimbursement agreement pursuant to this chapter.~~

~~“City” means the city of Leavenworth, a legally incorporated municipality represented by the elected city council and/or designated office or official.~~

~~“City engineer” means the city of Leavenworth engineer or his/her designated representative.~~

~~“Cost of construction” means those costs (excluding interest charges or other financing costs) incurred for design, acquisition for right of way and/or easements, construction, labor, materials and installation required in order to create an improvement which complies with city standards, as determined by the city’s engineer or authorized agent.~~

~~“Developer” means an individual, firm, corporation, limited liability company or partnership who proposes to improve real property within the city, or its urban growth area (“UGA”).~~

~~“Direct connection” means a service connection, to be owned and maintained by the property owner and not the city, from existing or new utility improvements based on the following criteria:~~

~~1. Water system direct connections are single and dual water service taps;~~

~~2. Sewer system direct connections include side sewer (service) connections.~~

~~“Segregation” means a large parcel, upon which is levied a reimbursement charge, is divided into smaller parcels. The associated charge is divided among the smaller parcels in accordance with the provisions of the original means of allocating the reimbursement charge.~~

~~“Water or sewer improvements” means the acquisition of right-of-way and/or easements, design, inspection and installation of improvements to city standards, as defined in RCW 35.91.020 as it now reads or as hereafter amended. They are further defined to include the following:~~

~~1. “Water system improvements” includes, without limitation, such things as treatment facilities, mains, reservoirs, wells and appurtenances such as valves, pumping stations and pressure-reducing stations.~~

~~2. “Sewer system improvements” includes, without limitation, such things as treatment facilities, mains and maintenance holes, pumping stations, force mains, inlets, catch basins, ditches, and swales. This term also includes all sanitary sewer or storm sewer improvements.~~

~~“Water and sewer latecomer reimbursement agreements” means a written contract, as approved by the city council and executed by the mayor, between the city and one or more developers providing for construction of water or sewer facilities and for partial reimbursement to the developer(s) by owner(s) of properties benefited by the improvements. [Ord. 1483 § 2, 2014.]~~

14.16.040 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~A. Mobile Home, Manufactured Home (Source: RCW 46.04.302, Motor Vehicles). “Mobile home” or “manufactured home” means a structure, designed and constructed to be transportable in one or more sections, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the National Mobile Home Construction and Safety Standards Act of 1974 as adopted by Chapter 43.22 RCW, State Government—Executive, Department of Labor and Industries, if applicable. Manufactured home does not include a modular home. A structure which met the definition of a “manufactured home” at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.~~

~~B. Designated Manufactured Home (Source: RCW 35.63.160 and 1988 c 239 s 1, Planning Commissions). A “designated manufactured home” is a manufactured home constructed after June 15, 1976, in accordance with the state and federal requirements for manufactured homes, which:~~

- ~~1. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;~~
- ~~2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of nominal 3:12 pitch; and~~
- ~~3. Has exterior siding similar in appearance to siding materials commonly used on conventional site built International Residential Code compliant single family residences.~~

~~C. New Manufactured Home (Source: RCW 35.63.160 and 1988 c 239 s 1, Planning Commissions). A “new manufactured home” is any manufactured home required to be titled under RCW Title 46, Motor Vehicles, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032 (2), Excise Tax on Real Estate Sales.~~

~~D. Used Mobile Home (Source: RCW 82.45.030(2), Excise Tax on Real Estate Sales). “Used mobile home” means a mobile home which has been previously sold at retail and has been subjected to tax under Chapter 82.08 RCW, Retail Sales Tax, or which has been previously used~~

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~~and has been subjected to tax under Chapter 82.12 RCW, Use Tax, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.~~

~~E. Other. To the extent not defined in this chapter, words used in this chapter will be defined according to the definitions used within LMC Titles 14 through 21. [Ord. 1268 (Exh. B), 2005.]~~

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14.17.020 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~“Flag” means a fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.~~

~~“Flag, business” means a flag or representation of a flag displaying the letters, figures, design, symbol, trademark or device, including artificial representation of stock in trade, name, insignia, emblem, logo, product, service, or other graphic representation of a business.~~

~~“Flag, government” means an official flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or similar type of organization.~~

~~“Flagpole” means a free-standing structure or a structure attached to a building/structure or to the roof of a building/structure and used for the purpose of displaying flags.~~

~~“Light display” means an outdoor visual exhibition designed to dominate surrounding uses by incorporating items such as intense lighting which focuses attention on location.~~

~~“Tower/tower structure” means a structure taller than its diameter which can stand alone or be attached to a building or other structure, and anything tall and thin approximating the shape of a column or tower.~~

~~Other. To the extent not defined in this chapter, words used in this chapter will be defined according to the definitions used within LMC Titles 14 through 21 and the definitions found within the 2006 International Building Code, as amended in subsequent adoptions by the Washington State Legislature. [Ord. 1336 § 1, 2009.]~~

14.28.040 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~As used in this chapter, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:~~

~~A. "Abandonment" means the discontinuation of use for a period of one year.~~

~~B. "Community development director" means the director of community development for the city of Leavenworth and his/her designee.~~

~~C. "Direct illumination" means illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.~~

~~D. "Fully shielded fixture" means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, or from any angle around the fixture or tube, the fixture or tube is not fully shielded.~~

~~1. Examples of fixtures that are fully shielded: See Attachment A.~~

~~2. Examples of fixtures that are not fully shielded: See Attachment B.~~

~~E. "Glare" occurs when a bright light source causes the eye to continually be drawn toward the bright image or brightness of the source prevents the viewer from adequately viewing the intended target. Glare may create a loss of contrast or an afterimage on the retina of the eye reducing overall visibility. Two classifications of glare are discomfort glare and disability glare.~~

~~1. "Discomfort glare" does not necessarily keep the viewer from seeing an object, but does cause a constant adaptation of the eye to the contrast of light levels that in turn may cause a sensation of discomfort.~~

~~2. “Disability glare” occurs when the bright light source causes stray light to scatter in the eye which causes the primary image on the retina to be obscured. It may prevent the viewer from seeing things of importance.~~

~~F. “Installed” means attached, or fixed in place, whether or not connected to a power source.~~

~~G. “Light trespass” occurs when neighbors of an illuminated space are affected by the lighting system’s inability to contain light within the area intended. The most common form of light trespass is spill light which illuminates objects beyond the property boundaries.~~

~~H. “Low wattage” is lighting which is “muted,” diffused and for purposes of this chapter is used primarily for architectural embellishment. This light shall not shine, glare, emit direct illumination, or cast a shadow on the adjacent property.~~

~~I. “Lumen” means the unit used to measure the actual amount of visible light that is produced by a lamp.~~

~~J. “Luminaire” means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. A light fixture.~~

~~K. “Luminous tube (neon tube)” means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10 to 15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. Does not include common fluorescent tubes.~~

~~L. “Mounting height” shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.~~

~~M. “Outdoor light fixture” means an outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp, luminous tube and/or similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:~~

~~1. Buildings and structures;~~

~~2. Recreational areas;~~

~~3. Parking lot lighting;~~

~~4. Landscape and architectural lighting;~~

~~5. Billboards and other signs (advertising or other);~~

~~6. Street lighting;~~

~~7. Product display area lighting;~~

~~8. Building overhangs and open canopies;~~

~~9. Pedestrian walkways or areas;~~

~~10. Building or landscape decoration.~~

~~N. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.~~

~~O. "Person" means any individual, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.~~

~~P. "Rope lights" means lights which simulate neon lighting and are in an enclosed tube.~~

~~Q. Substantial alteration or remodel. (See the International Construction Code definition.)~~

~~R. "Temporary lighting" means lighting which does not conform to the provisions of this chapter and which will not be used for more than a temporary period. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects.~~

S. ~~“Total outdoor light output” means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. Includes all lights and luminous tubing used for all classes of lighting. For lamp types that vary in their output as they age (such as high-pressure sodium, metal halide, and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered. [Ord. 1268 (Exh. C), 2005.]~~

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18.50.020 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

As used in this chapter, the following words and terms are defined:

A. ~~“Accessory structure” means a structure incidental, appropriate and subordinate to the main use of the property, and located on the same manufactured home lot or attached to the manufactured home itself, such as awnings, carports, porches, utility buildings and similar structures.~~

B. ~~“Carport” means an accessory building or portion of a main building used as a covered shelter for an automobile and open on two or more sides.~~

C. ~~“Manufactured home” means a structure transportable in one or more sections, that in the traveling mode is eight body feet or more in width or 32 body feet or more in length or more than 320 square feet in area and is built on a permanent chassis and designed to be used with or without a permanent foundation.~~

D. ~~“Manufactured home lot” means that area within the manufactured home park that is designated for the private use of the occupants of the lot.~~

E. ~~“Manufactured home park” means any tract of land that is divided into rental spaces under common ownership for the purpose of locating two or more manufactured homes for dwelling purposes.~~

F. ~~“Recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use with or without motive power, of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries by the attachment of their official “Green” seal.~~

G. ~~“Utility buildings” means accessory structures intended for the storage of typical outdoor equipment incidental to the use and upkeep of an occupied manufactured home space, i.e., lawnmower, lawn chairs, barbecue, etc. [Ord. 1057 § 2, 1997; Ord. 675 § 1, 1980.]~~

21.01.040 Definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~Unless the context clearly requires otherwise, the definitions in this section apply throughout this title:~~

~~“Application” means a request for any land use permit required from the city for proposed development or action, including without limitation building permits, conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.~~

~~“Closed record appeal” means an appeal on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.~~

~~“Open record hearing” means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.~~

~~“Public meeting” means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing. [Ord. 1088 § 2 (Exh. A), 1998.]~~

16.04.040 Additional definitions.

All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:~~

~~“City” means the city of Leavenworth, Washington.~~

~~“Department” means any division, subdivision or organizational unit of the city established by ordinance, rule or order.~~

~~“Early notice” means the city’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (mitigated determination of nonsignificance procedures).~~

~~“Ordinance” means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.~~

~~“SEPA rules” means Chapter 197-11 WAC adopted by the Department of Ecology. [Ord. 1085-§ 1, 1998.]~~

Chapter 18.20
RESIDENTIAL LOW DENSITY 6,000 DISTRICT (RL6)

Sections:

- 18.20.010 Purpose.
- 18.20.020 Permitted uses.
- 18.20.030 Uses requiring a conditional use permit.
- 18.20.040 Yard requirements – Specifications.
- 18.20.060 Lot size.
- 18.20.070 Building height.
- 18.20.080 Lot coverage.
- 18.20.090 Off-street parking.

18.20.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit almost all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.20.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In thea RL6 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling (non-transient);
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space;
 - 2. Work and/or storage sheds for noncommercial use or equipment;
 - 3. Swimming pools, cabana, children’s play structures, or gazebo;
 - 4. Accessory dwelling unit not used for transient accommodation (“accessory dwelling unit”)(non-transient), meaning a subordinate, habitable living unit added

to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the following minimum requirements are met:

- a. There shall be no more than one accessory dwelling unit per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot;
 - b. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit;
 - c. The accessory dwelling unit will require one off-street parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit which may be accessed from an alley with the recording of a notice to title of an indemnity agreement regarding alley access and maintenance as provided by the city;
 - d. The total habitable floor area of any accessory dwelling unit(s) shall in no case exceed 1,200 square feet;
 - e. An accessory dwelling unit, together with the primary single-family dwelling unit with which it is associated, shall conform to all other provisions of the of City code. LMC. Conversions of existing structures to accessory dwelling units shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
 - f. The accessory dwelling unit shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies; and
 - g. The accessory dwelling unit must be connected to the water and sewer utilities of the City, and shall have separate services for any accessory dwelling unit greater than 900 square feet in area;
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care center home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;
- G. Group A home occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the limited administrative review process, provided the following minimum conditions shall apply to the approval of any such application:
1. There shall be no nonresident worker(s). No persons other than the immediate resident(s) of the dwelling/property may be employed in the home occupation;

2. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
3. A maximum of two customers per month shall visit the home occupation;
4. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number). Deliveries shall be limited to one per day, regardless of carrier;
5. Not over 20 percent of the total floor area of one floor of the residence shall be used for the home occupation;
6. No article shall be sold or offered for sale on the premises. No stock in trade or commodities kept for sale, which are not produced on the premises, shall be permitted;
7. No parking space shall be obstructed and no additional parking space will be required for the home occupation;
8. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; provided, that there shall be only one garage and/or accessory structure on the property and use does not eliminate any required parking;
9. No structural alterations shall be allowed to accommodate the home occupation except when consistent with residential construction and occupancy;
10. A certificate of occupancy will be required for buildings constructed after January 28, 2014~~the date of adoption of the ordinance codified in this section (January 28, 2014)~~ prior to issuance of a home occupation permit;
11. No sign(s) advertising the business shall be permitted;
12. No window display and no sample commodities, equipment, vehicles or other materials related to the business shall be displayed or stored outside, with the exception of the owner's vehicle;
13. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
14. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
15. For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation. The following uses are is prohibited as Group A home occupations:
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a

frequency less than two per calendar year for a maximum of two days per event;

- b. Delivery services, equipment/trailer rental services, industry, kennels, motorized/nonmotorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;

- c. Transient accommodations and/or lodging;

H. Group B home occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the full administrative review process, provided the following minimum conditions shall apply to the approval of any such application:

1. Not over 50 percent of the total floor area of one floor is to be used for the home occupation;
2. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; provided, that there shall be only one garage and/or accessory structure on the property and does not eliminate any required parking;
3. Structural alterations consistent with residential development and occupancy shall be allowed which result in compliance with the building, fire safety, and handicap accessibility codes and standards. The structure shall be fully compliant with all applicable laws, including but not limited to building, fire and accessibility codes, prior to occupancy;
4. Prior to issuance of a Group B home occupation permit, a certificate of occupancy will be required for buildings constructed after the date of adoption of the ordinance codified in this section (January 28, 2014);
5. No persons other than the immediate resident(s) of the home and, at any given time, one outside employee may be employed in the home occupation;
6. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
7. No article shall be sold or offered for sale on the premises unless by individual appointment which does not exceed occupancy limits within this section and/or the International Building, Residential and/or Fire Codes;
8. No sign(s) advertising the business shall be permitted;
9. No window display and no sample commodities or related materials shall be displayed or stored outside the building;
10. No outdoor storage of stock and trade shall be permitted;

11. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
12. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number), and there shall be no parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate on-street parking;
13. Off-street parking stall shall be provided to accommodate all vehicles associated with the operations of the home occupation;
14. Occupancy shall be limited to the maximum allowed by the adopted International Building, Residential and/or Fire Codes. In addition, the development services department may limit maximum occupancy loads based on impacts and/or infrastructure available to support the home occupation. In general, 10 students, customers, and/or clients within each 12-hour period shall be the maximum without the completion of a traffic, access and/or noise study which demonstrates no impact to neighbors, the community, and/or infrastructure. Class times and/or visitor appointments shall be spaced a sufficient time (minimum of 15 minutes) so that there is not an overlap in pick-up and/or drop-off;
15. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.;
16. All classes and activities shall occur indoors in a closed window environment that prevents the passage of noise into the outside atmosphere unless such activity does not generate noise or disturbance;
17. Vehicles shall not be allowed to idle outside of the building;
18. Water and sewer service shall be determined by the city engineer based on the home occupation equivalent residential unit. Water and sewer service shall be connected to the primary residence and shall not be separate. Upgrade of sanitary sewer and water, as necessary, shall be compliant with Chapter 13.04 LMC and other applicable requirements prior to occupancy;
19. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
20. For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation. The following uses are prohibited as Group B home occupations:
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a frequency less than two per calendar year for a maximum of two days per event;

- b. Events, recitals, performances, promotions, and similar attractions outside of daily operations shall not be allowed unless the applicant completes and obtains approval by the city for a traffic, access and/or noise study which demonstrates no impact to neighbors or the community.
- c. Delivery services, equipment/trailer rental services, industry, kennels, motorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;

d. Transient accommodations and/or lodging:-

I. Two-family dwelling/ duplex ~~(non-transient)~~; provided, that the lot size is in conformance with LMC 18.20.060(A), and provided the following minimum requirements are met:

- 1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
- 2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
- 3. Parking shall be pursuant to Chapter 14.12 LMC;
- 4. Two-family dwelling unit / duplex shall conform to all other provisions of city code ~~the LMC~~. Conversions of existing structures to a duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
- 5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies; ~~The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and~~
- 6. Separate water and sewer utilities shall be required for each unit.

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18.20.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In thea RL6 district, the following uses and their accessory uses are permitted as conditional uses when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);
- ~~J. Farming, truck gardening and flower gardening;~~
- ~~K.J. _____ Educational centers for advanced study and research in an academic field of learning;~~
- ~~L.K. _____ Temporary subdivision tract offices subject to approval of the Leavenworth design review board;~~
- ~~M.L. _____ Day nurseries and nursery schools;~~
- ~~N. Two family dwelling; provided, that the lot size is in conformance with LMC 18.20.060(A), and the project is in compliance with LMC 18.52.130;~~
- ~~O.M. _____ Hospital;~~
- ~~P.N. _____ Manufactured home park;~~
- ~~Q.O. _____ Public utility structures;~~
- ~~R. (Reserved);~~
- ~~S.P. _____ Bed and breakfast facilities located in, meaning a single-family dwelling (single family residential) unit and/or accessory dwelling unit on the same lot which provides transient accommodation or lodging, and may include the supply of breakfast for guests only, for compensation, by renting up to three rooms within the primary residence property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:~~
 - ~~1. Compliance with and approvals under LMC 18.52.050. 060, and 120(A) through (F) shall be complied with;~~
 - ~~2. The minimum lot size for an in single family dwelling with a bed and breakfast facility shall be 6,000 square feet; and~~
 - ~~3. Existing and permitted bed and breakfast facilities annexed into the city after January 1, 2017 the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use; and~~

~~F.Q.~~ _____ Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

~~U. (Reserved).~~

18.20.040 Yard requirements – Specifications. Unless City Code provides for a deviation:

- A. Front Yard. There shall be a front yard of not less than 25 feet.
- B. Side Yard. There shall be side yards of not less than five feet.
- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, 6,000 square feet or greater in size, the street side yard shall be a minimum of 10 feet, and at least one rear yard setback shall be provided. For corner lots less than 6,000 square feet in size, the street side yard shall be a minimum of five feet and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.20.060 Lot size.

In a RL6 district, the lot size shall be as follows:

- A. The minimum lot area shall be 6,000 square feet for a single-family dwelling and 12,000 square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

18.20.070 Building height.

In a RL6 district, no structure shall exceed a height of 35 feet.

18.20.080 Lot coverage.

In a RL6 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.20.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

Chapter 18.21
RESIDENTIAL LOW DENSITY 12,000 DISTRICT (RL12)

Sections:

- 18.21.010 Purpose.
- 18.21.020 Permitted uses.
- 18.21.030 Uses requiring a conditional use permit.
- 18.21.040 Yard requirements – Specifications.
- 18.21.060 Lot size.
- 18.21.070 Building height.
- 18.21.080 Lot coverage.
- 18.21.090 Off-street parking.

18.21.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit almost all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.21.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed as a permitted or conditional use, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In thea RL12 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling ~~(non-transient)~~;
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space,
 - 2. ~~Swimming pools, cabana, children’s play structures, or gazebo~~
 - 3. Work and/or storage sheds for noncommercial use or equipment,

- ~~3.4. Accessory dwelling unit not used for transient accommodation (“accessory dwelling unit”), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the Accessory dwelling unit (non-transient), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the~~ minimum requirements of LMC 18.20.020(B)(43) are met;
- C. Family day care home, provided it is licensed by the state and has a current city business license;
 - D. Public parks;
 - E. Mini-day care home facility, provided it is licensed by the state and has a current city business license;
 - F. Adult family home. See RCW 70.128.175 for definition;
 - G. Group A home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group A home occupations~~limited administrative review of applications~~;
 - H. Group B home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group B home occupations~~full administrative review of applications~~.
 - I. Two-family dwelling/ duplex (non-transient); provided, that the lot size is in conformance with LMC 18.21.060(A), and provided the following minimum requirements are met:
 - 1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
 - 2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
 - 3. Parking shall be pursuant to Chapter 14.12 LMC;
 - 4. Two-family dwelling unit/ duplex shall conform to all other provisions of city code~~the LMC~~. Conversions of existing structures to a two family dwelling/duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
 - 5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies~~The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies~~; and
 - 6. Separate water and sewer utilities shall be required for each unit.

18.21.030 Uses requiring a conditional use permit.

~~Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code.~~ ~~Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code.~~ Code. In a RL12 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);
- ~~J. Farming, truck gardening and flower gardening;~~
- K.J. Educational centers for advanced study and research in an academic field of learning;
- ~~L.K.~~ L.K. Temporary subdivision tract offices ~~subject to approval of the Leavenworth design review board;~~
- ~~M.L.~~ M.L. Day nurseries and nursery schools;
- ~~N. (Reserved) Two-family dwelling; provided, that the lot size is in conformance with LMC 18.21.060(A), and the project is in compliance with LMC 18.52.130;~~
- ~~O.M.~~ O.M. Hospital;
- ~~P.N.~~ P.N. Manufactured home park;
- ~~Q.~~ Q. Public utility structures;
- ~~R. (Reserved);~~

~~Bed and breakfast facilities, meaning a single family dwelling (single family residential) unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:
LMC 18.52.120;~~

~~The minimum lot size for a bed and breakfast facility shall be 6,000 square feet; and~~

~~S.O. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use~~ rental facilities, meaning a single family residential unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence, provided the minimum conditions found in LMC 18.20.030(S) shall apply to the approval of any such conditional use permit;

P. ~~Bed and breakfast facilities located in a single family dwelling and/or accessory dwelling unit on the same lot which provides transient accommodation or lodging, and may include the supply of breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:~~

~~1. Compliance with and approvals under LMC 18.52.050, 060, and 120;~~

~~2. The minimum lot size for a single family dwelling with a bed and breakfast facility shall be 6,000 square feet; and~~

~~3. Existing and permitted bed and breakfast facilities annexed into the city after January 1, 2017 which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use; and~~

~~T.Q. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;~~

~~U. (Reserved).~~

18.21.040 Yard requirements – Specifications. Unless City code provides for a deviation:

A. Front Yard. There shall be a front yard of not less than 25 feet.

B. Side Yard. There shall be side yards of not less than 10 feet.

C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.

D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.21.060 Lot size.

In a RL12 district, the lot size shall be as follows:

- A. The minimum lot area shall be 12,000 square feet for a single-family dwelling and duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 80 feet for an interior lot and 90 feet for a corner lot.

18.21.070 Building height.

In a RL12 district, no structure shall exceed a height of 35 feet.

18.21.080 Lot coverage.

In a RL12 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.21.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC

Chapter 18.22
MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

- 18.22.010 Purpose.
- 18.22.020 Permitted uses.
- 18.22.030 Site plan review.
- 18.22.040 Uses requiring a conditional use permit.
- 18.22.050 Lot size.
- 18.22.060 Yard requirements.
- 18.22.070 Building height.
- 18.22.080 Lot coverage.
- 18.22.090 Off-street parking.

18.22.010 Purpose.

This is a medium density residential district designed to accommodate multifamily uses, together with recreational, religious, and educational uses required to serve the community. This district is intended to provide for increased variety and range of cost for housing in Leavenworth. The multifamily district is also intended to serve as a buffer between commercial and single-family districts, and to provide incentive for renewal and redevelopment of older residential areas.

18.22.020 Permitted uses.

In a multifamily residential district, the following uses and their accessory uses are permitted outright:

- A. A use permitted outright in the low density residential districts;
- B. Two-family dwelling/duplex and multifamily dwellings ~~(non-transient)~~, including both rental apartments and condominiums, subject to the provisions of LMC 18.22.030;
- C. Boardinghouse, lodginghouse, roominghouse, subject to the provisions of LMC 18.22.030;

~~D. RCW 35.63.220, Treatment of Residential structures occupied by persons with handicaps as allowed by RCW 35.63.220~~

E.D. Accessory building and/or uses as follows:

- 1. Garage, carport or parking space;
- 2. ~~Swimming pools, cabana, children's play structures, or gazebo;~~

2.3. Work and/or storage sheds for noncommercial use or equipment.

F.E. ~~Accessory dwelling unit, meaning a subordinate, habitable living unit added to, created within, or detached from a single family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the minimum requirements of LMC 18.20.020(B)(3) are met~~ Adult family home. See RCW 70.128.175 for definition.

18.22.030 Site plan review.

Multifamily ~~dwelling and rooming house developments~~ involving three or more units, as provided in LMC 18.22.020, shall be subject to site plan review for the following minimum landscaping standards:

- A. Planting Area. A minimum five-foot-wide planting strip shall be provided adjacent to all street frontages, as directed by the public works director, and along all property lines which front upon a low density residential district. The total landscaped planting area, exclusive of lawns, shall not be less than eight percent of the gross project area.
- B. Trees. One tree shall be required for each 250 square feet of required planting area. Trees of two-inch caliper (measured three feet above ground level) are required. At least one out of every four of the required trees shall be planted within the interior (20 feet from any lot line, unless prevented by the structures). Nuisance trees, which are susceptible to breakage, disease, or insect infestation, or which have undesirable growth habits (roots which invade sewer lines, trees which produce messy blooms and/or fruit) should be avoided.
- C. Shrubs. The planting area must be 50 percent covered with shrubs which are two feet or higher at maturity.
- D. Ground Cover. Ground cover is required to complete the landscaping of the planting areas.
- E. Other Areas. All areas not covered by structures, paving or landscaped planting areas shall be maintained in grass.
- F. Irrigation and Maintenance. A permanent, underground irrigation system shall be provided for all planting areas and lawns. All plantings shall be the owner's responsibility to maintain and replace as needed.

18.22.040 Uses requiring a conditional use permit.

In a multifamily residential district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. A use permitted as a conditional use in a low density residential district;
- A.B. Bed and breakfast when located within an existing single family dwelling constructed prior to January 1, 2017.
- B.C. Club, lodge or fraternal organization;

- ~~C.D.~~ _____ Clinic, hospital or sanitarium;
- ~~D.E.~~ _____ Nursing home, retirement home, rest home or convalescent home;
- ~~E.F.~~ _____ Youth home, juvenile home or orphanage;
- ~~F.G.~~ _____ Public facilities and utilities;
- ~~G.H.~~ _____ Day care center (within existing and new church, public or semipublic buildings only);
- ~~H.I.~~ _____ Underground parking facility in the multifamily zone district to provide parking for a commercial zone district.

18.22.050 Lot size.

In a multifamily residential district, the lot size shall be as follows:

- A. The minimum lot area for new land divisions shall be 6,000 square feet for up to three units. Two thousand square feet of additional area on the lot is required for each additional dwelling unit. No lot shall be created which is less than 6,000 square feet in size, but multiple lots of 6,000 square feet and larger may be platted.
- B. For existing legal lots of record, at a minimum, 2,000 square feet of lot area are required for each dwelling unit.
- C. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

18.22.060 Yard requirements.

- A. The front yard shall be a minimum of 25 feet. On through lots, front yards shall be required on both streets.
- B. The side yard shall be a minimum of five feet.
- C. The rear yard shall be a minimum of 15 feet for lots without an alley adjacent to the rear yard, and the rear yard shall be not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 10 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.22.070 Building height.

In a multifamily residential district, no structure shall exceed a height of 35 feet.

18.22.080 Lot coverage.

In a multifamily residential district, buildings and structures shall not occupy more than 40 percent of the lot area.

18.22.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

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Chapter 18.23
RESIDENTIAL LOW DENSITY 10,000 DISTRICT (RL10)

Sections:

- 18.23.010 Purpose.
- 18.23.020 Permitted uses.
- 18.23.030 Uses requiring a conditional use permit.
- 18.23.040 Yard requirements – Specifications.
- 18.23.060 Lot size.
- 18.23.070 Building height.
- 18.23.080 Lot coverage.
- 18.23.090 Off-street parking.

18.23.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit almost all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.23.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed as a permitted or conditional use, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code~~Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code.~~ In thea RL10 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling;
- B. Accessory building and/or uses as follows:

1. Garage, carport or parking space,
 - ~~2. Swimming pools, cabana, children's play structures, or gazebo,~~
 - ~~3. Work and/or storage sheds for noncommercial use or equipment,~~
 - ~~3.4. Accessory dwelling unit not used for transient accommodation ("accessory dwelling unit"), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the minimum requirements of LMC 18.20.020(B)(4) are met; Accessory dwelling unit, meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation provided the minimum requirements of LMC 18.20.020(B)(3) are met;~~
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care center home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;
- ~~G. Group A home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group A home occupations;~~
- ~~G. Group B home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group B homeGroup A home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such limited administrative review of applications;~~
- ~~H. Group B home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such full administrative review of applications occupations;~~
- I. Two-family dwelling/ duplex (non-transient), provided, that the lot size is in conformance with LMC 18.23.060(A), and provided the following minimum requirements are met:
1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
 2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
 3. Parking shall be pursuant to Chapter 14.12 LMC;
 4. The Two-family dwelling unit / duplex shall conform to all other provisions of City code. the LMC. Conversions of existing structures to a two family dwelling/duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established

- structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies; andThe structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and
 6. Separate water and sewer utilities shall be required for each unit.:-

18.23.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL10 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);
- ~~J. Farming, truck gardening and flower gardening;~~
- ~~K.J. _____ Educational centers for advanced study and research in an academic field of learning;~~
- ~~L.K. _____ Temporary subdivision tract offices-subject to approval of the Leavenworth design review board;~~
- ~~M. Day nurseries and nursery schools;~~
- ~~N.L. _____ (Reserved) Two family dwelling; provided, that the lot size is in conformance with LMC 18.23.060(A), and the project is in compliance with LMC 18.52.130;~~
- ~~O.M. _____ Hospital;~~

~~P.N.~~ _____ Manufactured home park;

~~Q.O.~~ _____ Public utility structures;

P. Bed and breakfast facilities located in a single family dwelling and/or accessory dwelling unit on the same lot which provides transient accommodation or lodging, and may include the supply of breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:

1. Compliance with and approvals under LMC 18.52.050. 060, and 120;
2. The minimum lot size for a single family dwelling with a bed and breakfast facility shall be 6,000 square feet; and
3. Existing and permitted bed and breakfast facilities annexed into the city after January 1, 2017 which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use

~~R. (Reserved);~~

~~— Bed and breakfast facilities, meaning a single family dwelling (single family residential) unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:~~

- ~~— LMC 18.52.120;~~
- ~~— The minimum lot size for a bed and breakfast facility shall be 6,000 square feet; and~~
- ~~1. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming userental facilities, meaning a single-family residential unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence, provided the minimum conditions found in LMC 18.20.030(S) shall apply to the approval of any such conditional use permit;~~

S.Q. _____ Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

~~(Reserved).~~

18.23.040 Yard requirements – Specifications. Unless City code provides for a deviation:

- A. Front Yard. There shall be a front yard of not less than 25 feet.
- B. Side Yard. There shall be side yards of not less than eight feet.

- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.23.060 Lot size.

In a RL10 district, the lot size shall be as follows:

- A. The minimum lot area shall be 10,000 square feet for a single-family dwelling and 12,000 square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 70 feet for an interior lot and 80 feet for a corner lot.

18.23.070 Building height.

In a RL10 district, no structure shall exceed a height of 35 feet.

18.23.080 Lot coverage.

In a RL10 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.23.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

Excerpts of applicable definitions (from the definitions amendment underway)

“Accessory or secondary use or structure” means a use or structure on the same lot with and incidental or subordinate to the primary use or structure, and which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use.

“Bed and breakfast” means an activity whereby the resident(s) host visitors in their homes, up to three rooms for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit’s primary residents lives on-site, in the dwelling unit, throughout the visitors’ stay.

“Boardinghouse,” “lodginghouse” or “roominghouse” means a building where lodging, with or without meals, is provided by members occupying such building. This term shall not be construed to include buildings which fit the definition of the term “motel.”

“Conditional use” means a use allowed in one or more zones as defined by the zoning code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

“Dwelling, multifamily” or “multifamily dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided for owner occupancy, rent, or lease on a monthly or longer basis.

“Dwelling, single-family” or “single family dwelling” means a detached residential dwelling unit, which is site-built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied on a monthly or longer basis by one family.

“Dwelling/Duplex, two-family” or “two family dwelling/duplex” means a detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families. Each unit shall be designed for and occupied on a monthly or longer basis.

“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as separate living quarters. A dwelling unit includes a single-family dwelling, a unit in a two family dwelling/duplex, an apartment or other leased premises leased on a monthly or longer basis, or residential condominium unit. A dwelling unit shall include a detached Accessory Dwelling Unit that is intended for human habitation (i.e. living quarters). Dwelling unit does not include individual hotel/motel guest rooms, condominium timeshare units, cabins, transient accommodations or similar guest accommodations rented to transient guests in a motel, hotel, inn, or similar transient lodging establishment

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not all related by blood or marriage, living together in a dwelling unit.

“Guest or visitor” means a person who rents a unit within a bed and breakfast, motel, hotel, or lodging room.

“Home occupation, Group B” means a home occupation that meets all of the home occupation minimum standards of Chapter 18.20 LMC, as amended, and has a maximum of one nonresident worker. In addition, customers visit the business. Group B home occupation allows more flexibility, including the potential of impacting the neighbors; therefore, a full administrative review of applications is required. Examples of Group B home occupation include, but are not limited to: hairdressers, music teachers, and a consultant’s office with customer and/or client visits (more frequent than two per month). Transient accommodations and/or lodging are not considered a home occupation and are prohibited within residential zones.

“Host” means a person engaged in providing a bed and breakfast rental.

“Hotel” means a building or portion thereof designed or used for transient rental of more than five units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

“Lives on-site” means being present in the dwelling unit where the bed and breakfast rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining, and engaging in other activities in the dwelling unit that are typically enjoyed by a person in their home.

"Lodging unit" means an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

“Month” means a calendar month.

“Owner” means any person who, alone or jointly or severally with others, has title or interest in any building and/or structure with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building and/or structure.

“Person” means any individual, firm, corporation, association, partnership, or public entity and their agents or assigns.

“Transient accommodation and/or lodging” means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days.

“Nontransient lodging” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Chapter 18.20
RESIDENTIAL LOW DENSITY 6,000 DISTRICT (RL6)

Sections:

- 18.20.010 Purpose.
- 18.20.020 Permitted uses.
- 18.20.030 Uses requiring a conditional use permit.
- 18.20.040 Yard requirements – Specifications.
- 18.20.060 Lot size.
- 18.20.070 Building height.
- 18.20.080 Lot coverage.
- 18.20.090 Off-street parking.

18.20.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit almost all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.20.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In thea RL6 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling (non-transient);
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space;
 - 2. Work and/or storage sheds for noncommercial use or equipment;
 - 3. Swimming pools, cabana, children’s play structures, or gazebo;
 - 4. Accessory dwelling unit not used for transient accommodation (“accessory dwelling unit”)(non-transient), meaning a subordinate, habitable living unit added

to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the following minimum requirements are met:

- a. There shall be no more than one accessory dwelling unit per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot;
 - b. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit;
 - c. The accessory dwelling unit will require one off-street parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit which may be accessed from an alley with the recording of a notice to title of an indemnity agreement regarding alley access and maintenance as provided by the city;
 - d. The total habitable floor area of any accessory dwelling unit(s) shall in no case exceed 1,200 square feet;
 - e. An accessory dwelling unit, together with the primary single-family dwelling unit with which it is associated, shall conform to all other provisions of the of City code. LMC. Conversions of existing structures to accessory dwelling units shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
 - f. The accessory dwelling unit shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies; and
 - g. The accessory dwelling unit must be connected to the water and sewer utilities of the City, and shall have separate services for any accessory dwelling unit greater than 900 square feet in area;
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care center home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;
- G. Group A home occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the limited administrative review process, provided the following minimum conditions shall apply to the approval of any such application:
1. There shall be no nonresident worker(s). No persons other than the immediate resident(s) of the dwelling/property may be employed in the home occupation;

2. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
3. A maximum of two customers per month shall visit the home occupation;
4. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number). Deliveries shall be limited to one per day, regardless of carrier;
5. Not over 20 percent of the total floor area of one floor of the residence shall be used for the home occupation;
6. No article shall be sold or offered for sale on the premises. No stock in trade or commodities kept for sale, which are not produced on the premises, shall be permitted;
7. No parking space shall be obstructed and no additional parking space will be required for the home occupation;
8. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; provided, that there shall be only one garage and/or accessory structure on the property and use does not eliminate any required parking;
9. No structural alterations shall be allowed to accommodate the home occupation except when consistent with residential construction and occupancy;
10. A certificate of occupancy will be required for buildings constructed after January 28, 2014~~the date of adoption of the ordinance codified in this section (January 28, 2014)~~ prior to issuance of a home occupation permit;
11. No sign(s) advertising the business shall be permitted;
12. No window display and no sample commodities, equipment, vehicles or other materials related to the business shall be displayed or stored outside, with the exception of the owner's vehicle;
13. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
14. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
15. For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation. The following uses are is prohibited as Group A home occupations:
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a

frequency less than two per calendar year for a maximum of two days per event;

- b. Delivery services, equipment/trailer rental services, industry, kennels, motorized/nonmotorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;

- c. Transient accommodations and/or lodging;

H. Group B home occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the full administrative review process, provided the following minimum conditions shall apply to the approval of any such application:

1. Not over 50 percent of the total floor area of one floor is to be used for the home occupation;
2. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; provided, that there shall be only one garage and/or accessory structure on the property and does not eliminate any required parking;
3. Structural alterations consistent with residential development and occupancy shall be allowed which result in compliance with the building, fire safety, and handicap accessibility codes and standards. The structure shall be fully compliant with all applicable laws, including but not limited to building, fire and accessibility codes, prior to occupancy;
4. Prior to issuance of a Group B home occupation permit, a certificate of occupancy will be required for buildings constructed after the date of adoption of the ordinance codified in this section (January 28, 2014);
5. No persons other than the immediate resident(s) of the home and, at any given time, one outside employee may be employed in the home occupation;
6. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
7. No article shall be sold or offered for sale on the premises unless by individual appointment which does not exceed occupancy limits within this section and/or the International Building, Residential and/or Fire Codes;
8. No sign(s) advertising the business shall be permitted;
9. No window display and no sample commodities or related materials shall be displayed or stored outside the building;
10. No outdoor storage of stock and trade shall be permitted;

11. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
12. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number), and there shall be no parking of customer's vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate on-street parking;
13. Off-street parking stall shall be provided to accommodate all vehicles associated with the operations of the home occupation;
14. Occupancy shall be limited to the maximum allowed by the adopted International Building, Residential and/or Fire Codes. In addition, the development services department may limit maximum occupancy loads based on impacts and/or infrastructure available to support the home occupation. In general, 10 students, customers, and/or clients within each 12-hour period shall be the maximum without the completion of a traffic, access and/or noise study which demonstrates no impact to neighbors, the community, and/or infrastructure. Class times and/or visitor appointments shall be spaced a sufficient time (minimum of 15 minutes) so that there is not an overlap in pick-up and/or drop-off;
15. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.;
16. All classes and activities shall occur indoors in a closed window environment that prevents the passage of noise into the outside atmosphere unless such activity does not generate noise or disturbance;
17. Vehicles shall not be allowed to idle outside of the building;
18. Water and sewer service shall be determined by the city engineer based on the home occupation equivalent residential unit. Water and sewer service shall be connected to the primary residence and shall not be separate. Upgrade of sanitary sewer and water, as necessary, shall be compliant with Chapter 13.04 LMC and other applicable requirements prior to occupancy;
19. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
20. For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation. The following uses are prohibited as Group B home occupations:
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a frequency less than two per calendar year for a maximum of two days per event;

- b. Events, recitals, performances, promotions, and similar attractions outside of daily operations shall not be allowed unless the applicant completes and obtains approval by the city for a traffic, access and/or noise study which demonstrates no impact to neighbors or the community.
- c. Delivery services, equipment/trailer rental services, industry, kennels, motorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;

d. Transient accommodations and/or lodging:-

I. Two-family dwelling/ duplex ~~(non-transient)~~; provided, that the lot size is in conformance with LMC 18.20.060(A), and provided the following minimum requirements are met:

- 1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
- 2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
- 3. Parking shall be pursuant to Chapter 14.12 LMC;
- 4. Two-family dwelling unit / duplex shall conform to all other provisions of city code ~~the LMC~~. Conversions of existing structures to a duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
- 5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies; ~~The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and~~
- 6. Separate water and sewer utilities shall be required for each unit.

I.—

18.20.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In thea RL6 district, the following uses and their accessory uses are permitted as conditional uses when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);
- ~~J. Farming, truck gardening and flower gardening;~~
- ~~K.J. Educational centers for advanced study and research in an academic field of learning;~~
- ~~L.K. Temporary subdivision tract offices subject to approval of the Leavenworth design review board;~~
- ~~M.L. Day nurseries and nursery schools;~~
- ~~N. Two family dwelling; provided, that the lot size is in conformance with LMC 18.20.060(A), and the project is in compliance with LMC 18.52.130;~~
- ~~O.M. Hospital;~~
- ~~P.N. Manufactured home park;~~
- ~~Q.O. Public utility structures;~~
- ~~R. (Reserved);~~
- ~~S.P. Bed and breakfast facilities located in, meaning a single-family dwelling (single family residential) unit and/or accessory dwelling unit on the same lot which provides transient accommodation or lodging, and may include the supply of breakfast for guests only, for compensation, by renting up to three rooms within the primary residence property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:~~
 - ~~1. Compliance with and approvals under LMC 18.52.050. 060, and 120(A) through (F) shall be complied with;~~
 - ~~2. The minimum lot size for an in single family dwelling with a bed and breakfast facility shall be 6,000 square feet; and~~
 - ~~3. Existing and permitted bed and breakfast facilities annexed into the city after January 1, 2017 the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use; and~~

~~F.Q.~~ _____ Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

~~U. (Reserved).~~

18.20.040 Yard requirements – Specifications. Unless City Code provides for a deviation:

- A. Front Yard. There shall be a front yard of not less than 25 feet.
- B. Side Yard. There shall be side yards of not less than five feet.
- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, 6,000 square feet or greater in size, the street side yard shall be a minimum of 10 feet, and at least one rear yard setback shall be provided. For corner lots less than 6,000 square feet in size, the street side yard shall be a minimum of five feet and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.20.060 Lot size.

In a RL6 district, the lot size shall be as follows:

- A. The minimum lot area shall be 6,000 square feet for a single-family dwelling and 12,000 square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

18.20.070 Building height.

In a RL6 district, no structure shall exceed a height of 35 feet.

18.20.080 Lot coverage.

In a RL6 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.20.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

Chapter 18.21
RESIDENTIAL LOW DENSITY 12,000 DISTRICT (RL12)

Sections:

- 18.21.010 Purpose.
- 18.21.020 Permitted uses.
- 18.21.030 Uses requiring a conditional use permit.
- 18.21.040 Yard requirements – Specifications.
- 18.21.060 Lot size.
- 18.21.070 Building height.
- 18.21.080 Lot coverage.
- 18.21.090 Off-street parking.

18.21.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit almost all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.21.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed as a permitted or conditional use, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In thea RL12 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling ~~(non-transient)~~;
- B. Accessory building and/or uses as follows:
 - 1. Garage, carport or parking space,
 - 2. ~~Swimming pools, cabana, children’s play structures, or gazebo~~
 - 3. Work and/or storage sheds for noncommercial use or equipment,

~~3.4. Accessory dwelling unit not used for transient accommodation (“accessory dwelling unit”), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the Accessory dwelling unit (non-transient), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the~~ minimum requirements of LMC 18.20.020(B)(43) are met;

- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;
- G. Group A home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group A home occupations~~limited administrative review of applications~~;
- H. Group B home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group B home occupations~~full administrative review of applications~~.
- I. Two-family dwelling/ duplex (non-transient); provided, that the lot size is in conformance with LMC 18.21.060(A), and provided the following minimum requirements are met:
 - 1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
 - 2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
 - 3. Parking shall be pursuant to Chapter 14.12 LMC;
 - 4. Two-family dwelling unit/ duplex shall conform to all other provisions of city code~~the LMC~~. Conversions of existing structures to a two family dwelling/duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
 - 5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies~~The structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies~~; and
 - 6. Separate water and sewer utilities shall be required for each unit.

18.21.030 Uses requiring a conditional use permit.

~~Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code.~~ ~~Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code.~~ Code. In a RL12 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);
- ~~J. Farming, truck gardening and flower gardening;~~
- K.J. Educational centers for advanced study and research in an academic field of learning;
- ~~L.K.~~ L.K. Temporary subdivision tract offices ~~subject to approval of the Leavenworth design review board;~~
- ~~M.L.~~ M.L. Day nurseries and nursery schools;
- ~~N. (Reserved) Two-family dwelling; provided, that the lot size is in conformance with LMC 18.21.060(A), and the project is in compliance with LMC 18.52.130;~~
- ~~O.M.~~ O.M. Hospital;
- ~~P.N.~~ P.N. Manufactured home park;
- ~~Q.~~ Q. Public utility structures;
- ~~R. (Reserved);~~

~~Bed and breakfast facilities, meaning a single family dwelling (single family residential) unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:
LMC 18.52.120;~~

~~The minimum lot size for a bed and breakfast facility shall be 6,000 square feet; and~~

~~S.O. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use~~ rental facilities, meaning a single family residential unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence, provided the minimum conditions found in LMC 18.20.030(S) shall apply to the approval of any such conditional use permit;

P. ~~Bed and breakfast facilities located in a single family dwelling and/or accessory dwelling unit on the same lot which provides transient accommodation or lodging, and may include the supply of breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:~~

~~1. Compliance with and approvals under LMC 18.52.050, 060, and 120;~~

~~2. The minimum lot size for a single family dwelling with a bed and breakfast facility shall be 6,000 square feet; and~~

~~3. Existing and permitted bed and breakfast facilities annexed into the city after January 1, 2017 which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use; and~~

~~T.Q. Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;~~

~~U. (Reserved).~~

18.21.040 Yard requirements – Specifications. Unless City code provides for a deviation:

A. Front Yard. There shall be a front yard of not less than 25 feet.

B. Side Yard. There shall be side yards of not less than 10 feet.

C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.

D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.21.060 Lot size.

In a RL12 district, the lot size shall be as follows:

- A. The minimum lot area shall be 12,000 square feet for a single-family dwelling and duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 80 feet for an interior lot and 90 feet for a corner lot.

18.21.070 Building height.

In a RL12 district, no structure shall exceed a height of 35 feet.

18.21.080 Lot coverage.

In a RL12 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.21.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC

Chapter 18.22
MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

- 18.22.010 Purpose.
- 18.22.020 Permitted uses.
- 18.22.030 Site plan review.
- 18.22.040 Uses requiring a conditional use permit.
- 18.22.050 Lot size.
- 18.22.060 Yard requirements.
- 18.22.070 Building height.
- 18.22.080 Lot coverage.
- 18.22.090 Off-street parking.

18.22.010 Purpose.

This is a medium density residential district designed to accommodate multifamily uses, together with recreational, religious, and educational uses required to serve the community. This district is intended to provide for increased variety and range of cost for housing in Leavenworth. The multifamily district is also intended to serve as a buffer between commercial and single-family districts, and to provide incentive for renewal and redevelopment of older residential areas.

18.22.020 Permitted uses.

In a multifamily residential district, the following uses and their accessory uses are permitted outright:

- A. A use permitted outright in the low density residential districts;
- B. Two-family dwelling/duplex and multifamily dwellings ~~(non-transient)~~, including both rental apartments and condominiums, subject to the provisions of LMC 18.22.030;
- C. Boardinghouse, lodginghouse, roominghouse, subject to the provisions of LMC 18.22.030;

~~D. RCW 35.63.220, Treatment of Residential structures occupied by persons with handicaps as allowed by RCW 35.63.220~~

E.D. Accessory building and/or uses as follows:

- 1. Garage, carport or parking space;
- 2. Swimming pools, cabana, children's play structures, or gazebo;

2.3. Work and/or storage sheds for noncommercial use or equipment.

F.E. ~~Accessory dwelling unit, meaning a subordinate, habitable living unit added to, created within, or detached from a single family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the minimum requirements of LMC 18.20.020(B)(3) are met~~ Adult family home. See RCW 70.128.175 for definition.

18.22.030 Site plan review.

Multifamily ~~dwelling and rooming house developments~~ involving three or more units, as provided in LMC 18.22.020, shall be subject to site plan review for the following minimum landscaping standards:

- A. Planting Area. A minimum five-foot-wide planting strip shall be provided adjacent to all street frontages, as directed by the public works director, and along all property lines which front upon a low density residential district. The total landscaped planting area, exclusive of lawns, shall not be less than eight percent of the gross project area.
- B. Trees. One tree shall be required for each 250 square feet of required planting area. Trees of two-inch caliper (measured three feet above ground level) are required. At least one out of every four of the required trees shall be planted within the interior (20 feet from any lot line, unless prevented by the structures). Nuisance trees, which are susceptible to breakage, disease, or insect infestation, or which have undesirable growth habits (roots which invade sewer lines, trees which produce messy blooms and/or fruit) should be avoided.
- C. Shrubs. The planting area must be 50 percent covered with shrubs which are two feet or higher at maturity.
- D. Ground Cover. Ground cover is required to complete the landscaping of the planting areas.
- E. Other Areas. All areas not covered by structures, paving or landscaped planting areas shall be maintained in grass.
- F. Irrigation and Maintenance. A permanent, underground irrigation system shall be provided for all planting areas and lawns. All plantings shall be the owner's responsibility to maintain and replace as needed.

18.22.040 Uses requiring a conditional use permit.

In a multifamily residential district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. A use permitted as a conditional use in a low density residential district;
- A.B. Bed and breakfast when located within an existing single family dwelling constructed prior to January 1, 2017.
- B.C. Club, lodge or fraternal organization;

- ~~C.D.~~ _____ Clinic, hospital or sanitarium;
- ~~D.E.~~ _____ Nursing home, retirement home, rest home or convalescent home;
- ~~E.F.~~ _____ Youth home, juvenile home or orphanage;
- ~~F.G.~~ _____ Public facilities and utilities;
- ~~G.H.~~ _____ Day care center (within existing and new church, public or semipublic buildings only);
- ~~H.I.~~ _____ Underground parking facility in the multifamily zone district to provide parking for a commercial zone district.

18.22.050 Lot size.

In a multifamily residential district, the lot size shall be as follows:

- A. The minimum lot area for new land divisions shall be 6,000 square feet for up to three units. Two thousand square feet of additional area on the lot is required for each additional dwelling unit. No lot shall be created which is less than 6,000 square feet in size, but multiple lots of 6,000 square feet and larger may be platted.
- B. For existing legal lots of record, at a minimum, 2,000 square feet of lot area are required for each dwelling unit.
- C. The minimum lot width at the front building line for new land divisions shall be 60 feet for an interior lot and 70 feet for a corner lot.

18.22.060 Yard requirements.

- A. The front yard shall be a minimum of 25 feet. On through lots, front yards shall be required on both streets.
- B. The side yard shall be a minimum of five feet.
- C. The rear yard shall be a minimum of 15 feet for lots without an alley adjacent to the rear yard, and the rear yard shall be not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 10 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.22.070 Building height.

In a multifamily residential district, no structure shall exceed a height of 35 feet.

18.22.080 Lot coverage.

In a multifamily residential district, buildings and structures shall not occupy more than 40 percent of the lot area.

18.22.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

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Chapter 18.23
RESIDENTIAL LOW DENSITY 10,000 DISTRICT (RL10)

Sections:

- 18.23.010 Purpose.
- 18.23.020 Permitted uses.
- 18.23.030 Uses requiring a conditional use permit.
- 18.23.040 Yard requirements – Specifications.
- 18.23.060 Lot size.
- 18.23.070 Building height.
- 18.23.080 Lot coverage.
- 18.23.090 Off-street parking.

18.23.010 Purpose.

This is a restricted residential district of low density in which the principal use of land is for single-family dwellings, together with recreational, religious, and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life where children are members of most families, and to prohibit almost all activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

18.23.020 Permitted uses.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed as a permitted or conditional use, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code~~Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code.~~ In thea RL10 district, the following uses and their accessory uses are permitted outright:

- A. Single-family dwelling;
- B. Accessory building and/or uses as follows:

1. Garage, carport or parking space,
 - ~~2. Swimming pools, cabana, children's play structures, or gazebo,~~
 - ~~3. Work and/or storage sheds for noncommercial use or equipment,~~
 - ~~3.4. Accessory dwelling unit not used for transient accommodation ("accessory dwelling unit"), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the minimum requirements of LMC 18.20.020(B)(4) are met; Accessory dwelling unit, meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation provided the minimum requirements of LMC 18.20.020(B)(3) are met;~~
- C. Family day care home, provided it is licensed by the state and has a current city business license;
- D. Public parks;
- E. Mini-day care center home facility, provided it is licensed by the state and has a current city business license;
- F. Adult family home. See RCW 70.128.175 for definition;
- ~~G. Group A home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group A home occupations;~~
- ~~G. Group B home occupations, provided the prohibitions and minimum conditions found in Chapter 18.20 LMC shall apply to the prohibition or approval of any such Group B homeGroup A home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such limited administrative review of applications;~~
- ~~H. Group B home occupations, provided the minimum conditions found in Chapter 18.20 LMC shall apply to the approval of any such full administrative review of applications occupations;~~
- I. Two-family dwelling/ duplex (non-transient), provided, that the lot size is in conformance with LMC 18.23.060(A), and provided the following minimum requirements are met:
1. The minimum lot area shall be 12,000 square feet for a two-family dwelling / duplex;
 2. There shall be no more than one two-family dwelling unit / duplex per building lot or home site;
 3. Parking shall be pursuant to Chapter 14.12 LMC;
 4. The Two-family dwelling unit / duplex shall conform to all other provisions of City code. the LMC. Conversions of existing structures to a two family dwelling/duplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established

- structure may receive an administrative deviation to encroach no more than 20 percent into the setback;
5. The structure shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the City, Fire District, health district and all other local, state and federal agencies; andThe structure shall meet the minimum requirements of the International Building Code, International Fire Code, health district and all other local, state and federal agencies; and
 6. Separate water and sewer utilities shall be required for each unit.-

18.23.030 Uses requiring a conditional use permit.

Those uses not listed as permitted or allowed by a conditional use permit are prohibited; provided, that if a proposed use is not specifically listed, the city administrator and/or his/her designee shall determine if the proposed use is similar to one that is already enumerated in the listed permitted or conditional uses and may therefore be allowed, subject to the requirements associated with that use and all other applicable provisions of the Leavenworth Municipal Code. In a RL10 district, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 18.52 LMC:

- A. Churches, convents and monasteries;
- B. Day care center;
- C. Educational institutions;
- D. Mini-day care center, not in family day care provider's home;
- E. Community center buildings, nonprofit;
- F. Public libraries and governmental buildings;
- G. Public recreation areas;
- H. Public museums or art galleries;
- I. Golf courses (not including miniature golf courses, professional putting courses, and/or driving ranges);
- ~~J. Farming, truck gardening and flower gardening;~~
- ~~K.J. _____ Educational centers for advanced study and research in an academic field of learning;~~
- ~~L.K. _____ Temporary subdivision tract offices-subject to approval of the Leavenworth design review board;~~
- ~~M. Day nurseries and nursery schools;~~
- ~~N.L. _____ (Reserved) Two-family dwelling; provided, that the lot size is in conformance with LMC 18.23.060(A), and the project is in compliance with LMC 18.52.130;~~
- ~~O.M. _____ Hospital;~~

~~P.N.~~ _____ Manufactured home park;

~~Q.O.~~ _____ Public utility structures;

P. Bed and breakfast facilities located in a single family dwelling and/or accessory dwelling unit on the same lot which provides transient accommodation or lodging, and may include the supply of breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:

1. Compliance with and approvals under LMC 18.52.050. 060, and 120;
2. The minimum lot size for a single family dwelling with a bed and breakfast facility shall be 6,000 square feet; and
3. Existing and permitted bed and breakfast facilities annexed into the city after January 1, 2017 which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use

~~R. (Reserved);~~

~~— Bed and breakfast facilities, meaning a single family dwelling (single family residential) unit and/or accessory dwelling unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the property, provided the following minimum conditions shall apply to the approval of any such conditional use permit:~~

~~— LMC 18.52.120;~~

~~— The minimum lot size for a bed and breakfast facility shall be 6,000 square feet; and~~

- ~~1. Existing and permitted bed and breakfast facilities annexed into the city after the effective date of the ordinance codified in this chapter which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming userental facilities, meaning a single-family residential unit which provides transient lodging, and may include breakfast for guests only, for compensation, by renting up to three rooms within the primary residence, provided the minimum conditions found in LMC 18.20.030(S) shall apply to the approval of any such conditional use permit;~~

S.Q. _____ Wireless telecommunications facilities (WTF), in accordance with the requirements of Chapter 18.74 LMC;

~~(Reserved).~~

18.23.040 Yard requirements – Specifications. Unless City code provides for a deviation:

- A. Front Yard. There shall be a front yard of not less than 25 feet.
- B. Side Yard. There shall be side yards of not less than eight feet.

- C. Rear Yard. There shall be a rear yard of not less than 15 feet for lots without an alley adjacent to the rear yard, and a rear yard of not less than eight feet for lots with an alley adjacent to the rear yard.
- D. For corner lots, the street side yard shall be a minimum of 15 feet, and at least one rear yard setback shall be provided. For the purposes of this title, street side yard shall be that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

18.23.060 Lot size.

In a RL10 district, the lot size shall be as follows:

- A. The minimum lot area shall be 10,000 square feet for a single-family dwelling and 12,000 square feet for a duplex.
- B. The minimum lot width at the front building line for new land divisions shall be 70 feet for an interior lot and 80 feet for a corner lot.

18.23.070 Building height.

In a RL10 district, no structure shall exceed a height of 35 feet.

18.23.080 Lot coverage.

In a RL10 district, buildings and structures shall not occupy more than 35 percent of the lot area.

18.23.090 Off-street parking.

Off-street parking shall be provided as required in Chapter 14.12 LMC.

Excerpts of applicable definitions (from the definitions amendment underway)

“Accessory or secondary use or structure” means a use or structure on the same lot with and incidental or subordinate to the primary use or structure, and which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use.

“Bed and breakfast” means an activity whereby the resident(s) host visitors in their homes, up to three rooms for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit’s primary residents lives on-site, in the dwelling unit, throughout the visitors’ stay.

“Boardinghouse,” “lodginghouse” or “roominghouse” means a building where lodging, with or without meals, is provided by members occupying such building. This term shall not be construed to include buildings which fit the definition of the term “motel.”

“Conditional use” means a use allowed in one or more zones as defined by the zoning code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

“Dwelling, multifamily” or “multifamily dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided for owner occupancy, rent, or lease on a monthly or longer basis.

“Dwelling, single-family” or “single family dwelling” means a detached residential dwelling unit, which is site-built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied on a monthly or longer basis by one family.

“Dwelling/Duplex, two-family” or “two family dwelling/duplex” means a detached residential building containing two dwelling units, designed for occupancy on a monthly or longer basis by not more than two families. Each unit shall be designed for and occupied on a monthly or longer basis.

“Dwelling unit” means one or more rooms designed, occupied or intended for occupancy as separate living quarters. A dwelling unit includes a single-family dwelling, a unit in a two family dwelling/duplex, an apartment or other leased premises leased on a monthly or longer basis, or residential condominium unit. A dwelling unit shall include a detached Accessory Dwelling Unit that is intended for human habitation (i.e. living quarters). Dwelling unit does not include individual hotel/motel guest rooms, condominium timeshare units, cabins, transient accommodations or similar guest accommodations rented to transient guests in a motel, hotel, inn, or similar transient lodging establishment

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not all related by blood or marriage, living together in a dwelling unit.

“Guest or visitor” means a person who rents a unit within a bed and breakfast, motel, hotel, or lodging room.

“Home occupation, Group B” means a home occupation that meets all of the home occupation minimum standards of Chapter 18.20 LMC, as amended, and has a maximum of one nonresident worker. In addition, customers visit the business. Group B home occupation allows more flexibility, including the potential of impacting the neighbors; therefore, a full administrative review of applications is required. Examples of Group B home occupation include, but are not limited to: hairdressers, music teachers, and a consultant’s office with customer and/or client visits (more frequent than two per month). Transient accommodations and/or lodging are not considered a home occupation and are prohibited within residential zones.

“Host” means a person engaged in providing a bed and breakfast rental.

“Hotel” means a building or portion thereof designed or used for transient rental of more than five units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

“Lives on-site” means being present in the dwelling unit where the bed and breakfast rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining, and engaging in other activities in the dwelling unit that are typically enjoyed by a person in their home.

"Lodging unit" means an individual room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

“Month” means a calendar month.

“Owner” means any person who, alone or jointly or severally with others, has title or interest in any building and/or structure with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building and/or structure.

“Person” means any individual, firm, corporation, association, partnership, or public entity and their agents or assigns.

“Transient accommodation and/or lodging” means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days.

“Nontransient lodging” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.