



**City of Leavenworth
Planning Commission Meeting
November 7, 2018 (Wednesday)
7:00 PM
City Hall – Council Chambers**

AGENDA

1. Call Meeting to Order
2. Roll Call
3. Approval of October 3, 2018 Planning Commission Minutes
4. Public Hearing – LMC Chapter 18.26 Residential Density Incentives (Affordable/Workforce Housing)
 - a. Close or continue Public Hearings to a date, place and time certain.
5. Public Hearing – LMC Chapter 18.20.040 (New) Zero-lot Line Developments
 - a. Close or continue Public Hearings to a date, place and time certain.
6. Discussion – LMC Chapter 18.26 Residential Density Incentives (Affordable/Workforce Housing), see attached summary of questions from the Council Study Session 10.09.2018 & updated code draft
7. Discussion – LMC Chapter 18.20.040 (New) Zero-lot Line Developments, see attached summary of questions from the Council Study Session 10.09.2018 & updated code draft
8. Upcoming Meetings (agenda items to be determined)

Tentative Next Meeting: December 5, 2018

LEAVENWORTH MUNICIPAL CODE

Chapter 18.xx RESIDENTIAL DENSITY INCENTIVES

Sections:

- 18.xx.xxx Purpose.
- 18.xx.xxx Permitted locations of residential density incentives.
- 18.xx.xxx Public benefits and density incentives.
- 18.xx.xxx Density bonus recreation features.
- 18.xx.xxx Rules for calculating total permitted dwelling units.
- 18.xx.xxx Review process.
- 18.xx.xxx Regulatory modifications within a Residential Density Incentives Project.
- 18.xx.xxx Applicability of development standards.

18.xx.xxx Purpose.

The purpose of this chapter is to provide density incentives to developers of residential lands in exchange for public benefits to help achieve comprehensive plan goals of creation of quality places and livable neighborhoods, workforce housing, energy conservation, and environmentally responsible design by:

- A. Defining in quantified terms the public benefits that can be used to earn density incentives;
- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

Workforce housing refers to any form of housing, including owner occupied and/or rental units. For the purpose of this chapter, workforce housing is understood to mean “affordable housing” for households with earned income that is insufficient to secure quality housing in reasonable proximity to the workplace. Workforce housing is targeted at "essential workers." The City of Leavenworth (City) considers "essential workers" to include but is not limited to, service workers, police officers, firemen, teachers, nurses, and medical personnel. The City recognizes a high number of low-paying service jobs essential to the local economy. Workforce housing targets income levels of below 80% of Area Median Income (AMI).

18xx.xxx Permitted locations of Residential Density Incentives.

Residential Density Incentives (RDI) shall be used only on sites served by public sewer and waters and in zones that allow residential uses as permitted outright.

18.xx.xxx Public Benefits and Density Incentives.

- A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection (E) of this section. The density incentive is expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of public benefit provided. Where a range is specified, the earned credit will be determined by the Development Services Manager during project review.
- B. Where the creation of a lot is necessary for the implementation of a bonus dwelling unit, additional lots may be allowed subject to subsection 18.26.070 Regulatory Modifications.
- C. Bonus dwelling units may be earned through any combination of the listed public benefits. Listed in subsection (E) is a matrix of incentives that may be selected in combination or singular manner.
- D. Residential development with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus dwelling units as set forth in subsection (D) of this section when the public benefits provided exceed the basic development standards of the Leavenworth Municipal Code (LMC). When a development is located in a Planned Development (PD), bonus units may be earned if the development provides public benefits exceeding corresponding standards of the Planned Development.
- E. The following are the public benefits eligible to earn density incentives through RDI review:

Incentives Matrix	
Benefit	Density Incentive
<p>1. Workforce Housing</p> <p>Benefit units consisting of rental housing permanently priced to serve income households of gross income at or below 80 percent of Chelan County median income, adjusted for household size. A covenant on the site that specifies the income level being served, rent levels, and requirements for reporting to the City shall be recorded at final approval. Such covenant shall run with the land perpetuity. Covenant only applies to and can only be used for workforce housing units and not market value units.</p>	<p>1.5 bonus units per benefit.</p>
<p>2. Public Facilities (Public Buildings or Offices, Trails, and Active Parks)</p> <p>a. Dedication of public facilities site meeting to the City or agency. Location and functionality shall be acceptable to the City prior to dedication.</p>	<p>10 bonus units per usable acre of public facility land exceeding the minimum requirements outlined in other sections of the LMC.</p>

<p>b. Improvement of dedicated public facility site to City standards for the proposed facility type. Location and functionality shall be acceptable to the City prior to dedication.</p>	<p>2 – 10 (range dependent on facility improvements) bonus units per acre of improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.</p>
<p>c. Improvement of dedicated trail segment to City standards. Constructed to the Upper Valley Trails Plan or adopted Standard Details as determined by the City. Location and functionality shall be acceptable to the City prior to dedication.</p>	<p>1.8 bonus units per one-quarter mile of trail constructed to City standard for pedestrian trails; or</p> <p>2.5 bonus units per one-quarter mile of trail constructed to City standard for multipurpose trails, non-motorized trail use excluding equestrian use.</p> <p>Shorter segments shall be awarded bonus units on a pro rata basis. If the applicants is dedicating the site of the improvements shall be added to the bonus units earned by the dedication.</p>
<p>d. Dedication of open space, meeting City acquisition standards, to the City, Chelan County or a qualified public or private organization.</p>	<p>2 bonus units per acre of open space (including, but not limited to critical areas.)</p>
<p>3. Community Capital Projects</p> <p>Contribution towards an identified City capital improvement project, including, but not limited to, parks, roadways, and utilities.</p>	<p>\$35,000 per bonus unit at the time of application, to be reviewed annually and simultaneously with City rate schedule review.</p>
<p>4. Other Housing Projects</p> <p>Contribution towards City housing projects fund.</p>	<p>Application to be reviewed annually and simultaneously with City rate schedule review.</p>
<p>5. Storm Drainage Facilities</p> <p>Dual use retention / detention facilities.</p>	<p>5 bonus units per acre of the stormwater facility tract used for active recreation.</p>

Developments that incorporate active recreation facilities that utilize the stormwater facility tract.	
6. Project Design	
a. Retention or creation of a perimeter buffer composed of existing trees and vegetation, or additional plantings to improve design or compatibility between neighboring land uses. Irrigation and maintenance shall be required.	1 bonus unit per 500 lineal feet (minimum of 5 foot in width) of perimeter buffer retained, enhanced, or created (when not otherwise required by City code.) Shorter segments shall be awarded bonus units on a pro rata basis
b. Installation of perimeter fencing to improve design or compatibility between neighboring land uses.	1 bonus unit per 500 lineal feet of perimeter fencing (when not otherwise required by code.) Shorter segments shall be awarded bonus units on a pro rata basis
c. Projects area assembly involving 20 acres or more, incorporating a mixture of housing types (detached / attached) and densities.	10 percent increase allowed above the underlying zone (density).
d. Private park and open space facilities integrated into project design.	5 bonus units per improved acre of park and open space area. Ongoing private facility maintenance provisions are required as part of RDI approval.
7. Energy Conservation	
Construction of a certified Leader in Energy and Environmental Design (LEED), Evergreen Sustainable Development Standard (ESDS), Built Green, or other equivalent certified energy efficient unit as approved by the Development Services Manager.	0.20 bonus unit for each certified unit constructed.
8. Low Impact Development (LID)	
Integration of LID measures in project design and stormwater facility construction.	5 – 10 percent increase over base density (range dependent on degree of LID integration in project design and construction.)
9. Pedestrian Connections and Walkability	

<p>Construction of an identified (within an adopted City Plan) pedestrian / bicycle deficiency (per City plans, standards, and specifications.) Improvements may consist of sidewalk or detached path or walkway depending on adjoining conditions.</p>	<p>1 bonus unit per 200 lineal feet beyond required frontage improvement (curb, gutter, sidewalks.)</p> <p>1 bonus unit per 500 lineal feet of widened walkway improvement (7-foot or more.) (Rate may be increased if additional right-of-way is required.)</p> <p>Shorter segments shall be awarded bonus units on a pro rata basis. Location and functionality shall be acceptable to the City prior to dedication.</p>
<p>10. Critical Areas Buffer Enhancement</p> <p>Enhancement of a degraded critical areas buffer, in accordance with Chapter 16.08, Critical Areas.</p>	<p>1 bonus unit per ½ acre of buffer enhancement.</p>

18.xx.xxx Density bonus for public recreation features.

- A. Active recreation features qualifying for a density bonus shall include one or more of the following:
 - 1. Multipurpose sport court;
 - 2. Basketball court;
 - 3. Tennis court;
 - 4. Tot lot with play equipment (soft surface);
 - 5. Any other active recreation use approved by the Development Services Manager.
- B. Passive recreation qualifying for density bonus shall include one or more of the following:
 - 1. Open play areas;
 - 2. Non-motorized trail uses, excluding equestrian use;
 - 3. Picnic areas with tables and benches;
 - 4. Gazebos, benches and other resident gathering areas;
 - 5. Community gardens;
 - 6. Nature interpretive areas;
 - 7. Waterfalls, fountains, streams;
 - 8. Any other passive recreation use approved by the Development Services Manager.
- C. Design in bioswales/ponds as dual use stormwater retention/detention and/or recreation facilities.

1. The facility shall be designed with emphasis as a recreation area, not a stormwater control structure. The majority of the stormwater retention/detention tract shall be designed as usable open recreation area.
2. Control structures shall not be prominently placed and care should be taken to blend into the perimeter of the recreation area per an approved Stormwater Plan.
3. Bioswales/Ponds used as recreation areas shall have a curvilinear design with a shallow water safety bench per an approved Stormwater Plan.

18.xx.xxx Rules for calculating total permitted dwelling units.

The total dwelling units permitted through Residential Density Incentives (RDI) review shall be calculated using the following steps:

- A. Calculate the number of dwellings permitted by the underlying zone.
- B. Calculate the total number of bonus dwelling units earned by providing the public benefits listed in [18.26.030](#);
- C. Add the number of bonus dwelling units earned to the number of dwelling units permitted by the underlying zone;
- D. Round fractional dwelling units down to the nearest whole number; and
- E. On sites with more than one underlying zone (split zone) the maximum density shall be calculated separately per underlying zone allowances. For example, if ½ of the property is zoned commercial zone, maximum commercial zone densities are permissible on that ½ of the property. However, if the other ½ of the property is zoned RL-6 then maximum RL-6 densities are permissible on that ½ of the property. It is possible for one property to have differing density requirements due to split zoning.

18.xx.xxx Review process.

- A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:
 1. For the purpose of this section, a primary proposal is defined as a proposed rezone, subdivision or short subdivision, binding site plan, planned unit development, or site plan review;
 2. When the primary proposal requires a public hearing, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;
 3. When the primary proposal does not require a public hearing under this title, the Development Services Manager shall administratively make a consolidated decision on the proposed development and use of RDI under a full administrative review process; and
 4. The notice for the RDI proposal also shall include the development's proposed

number of units described in density and a general description of the public benefits offered to earn extra units / density.

- B. RDI applications which propose to earn bonus units by dedicating real property or allowable public facilities shall include a letter from the applicable receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. The City of Leavenworth shall also approve all proposals prior to granting density incentives to the project. The proposal must meet the intent of the RDI chapter and be consistent with the City of Leavenworth comprehensive plan.

18.xx.xxx Regulatory modifications within a Residential Density Incentives Project

- A. As a part of an RDI project, applicants may request modification of the regulatory requirements listed below; provided, that the project complies with applicable Washington state laws. Requests for modification must be accompanied by detailed supporting documentation regarding the appropriateness of, and the need for, the modification. Project applicants must meet all other applicable development regulations in the LMC pertaining to single/multi-unit dwellings (except as modified). Requests for regulatory modification must accompany the preliminary plat, short plat, binding site plan, or boundary line adjustment application and must be noted on submitted site plans to allow demonstration of innovative approaches to permanent workforce housing, energy conservation, low-impact development, stormwater management, and other measures to receive RDI.
 - 1. Minimum lot size;
 - 2. Minimum front, side, and rear yard setbacks;
 - 3. Maximum lot coverage;
 - 4. Other regulations to allow demonstration of innovative approaches to permanent workforce housing, energy conservation, low-impact development, stormwater management, and other measures to receive RDI.
- B. The Development Services Manager or his/her designee, may issue a recommendation to the hearing examiner for modification of regulatory requirements listed above, or administratively approve the modifications (as applicable), for projects applying under this chapter if the manager or his/her designee, determines that approvals of requested regulatory modifications are necessary to facilitate the construction of as many dwelling units as allowable.
- C. When issuing building permits in an approved RDI development, the department may allow adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:
 - 1. Decrease the amount of perimeter landscaping (if any)
 - 2. Decrease residential parking facilities (unless the number of dwelling units is decreased); or

3. Locate structures closer to any property line or other structure without compliance with the International Residential Code and/or International Fire Code.

18.xx.xxx Applicability of development standards.

- A. RDI developments shall be closely comparable to the underlying zone dimensional standards.
- B. All other development standards shall be applicable.

NEW LEAVENWORTH MUNICIPAL CODE

Sections:

- 18.xx.xxx.xx Purpose and intent.
- 18.xx.xxx.xx Zero lot line design standards.
- 18.xx.xxx.xx Application procedure.

18.xx.xxx.xx Purpose and Intent

The purpose of this chapter is to allow for development of single-family and duplex dwellings on property with design standards prescribed to allow for zero lot line setbacks. This concept is intended to provide more usable yard area, maximize views, conserve energy, and provide development flexibility. Zero lot line development is intended to allow for alternate siting of single-family, duplex, and townhouse dwellings on individual lots if the development standards of the residential zone can be met. The requirements of this chapter shall be considered as modifications to the zoning requirements relating only to setbacks. Any zero-lot line development approval under this section shall be restricted to development as herein prescribed.

18.xx.xxx.xx Zero Lot Line Design Standards

Notwithstanding any other provision in LMC and this title, a zero-lot line development may be approved and thereafter developed in conformity with the following design standards:

- A. All dwellings constructed within the zero-lot line development shall be constructed as to share a common property line with an adjoining parcel or lot.
- B. All lots located within the zero-lot line development shall be a minimum of 3,000 square feet.
- C. All lots located within a zero-lot line development shall be designated as having the following property lines:
 - 1. Front street property line, which shall be the property line adjacent to the street or public thoroughfare by which access is gained to the lot;
 - 2. Rear lot line, which shall be the lot line opposite the front street property line;
 - 3. Interior property line, which shall mean the lot line shared with the adjoining parcel or lots except for corner lots, where the side street property line shall be known as the side street property line;
 - 4. Common property line shall mean the property line on which the dwelling structure is located, and which is shared with an adjoining property owner.
 - 5. The dwelling unit shall be placed upon only one common property line with zero setbacks. The side building setback on one side of the house may be reduced to zero. This reduction does not apply to the side building setback adjacent to a street.
- D. The minimum distance between all buildings in the development must be equal to the required side building setback standard of the base zone.

- E. Accessory buildings and structures shall observe setback requirements applicable to the zone.
- F. Each dwelling unit shall be provided with a separate water meter, electric meter, and sanitary sewer, wholly contained on its lot.
- G. No zero-lot line shall be allowed for the yard adjacent to a street or alley.
- H. Each dwelling shall be located on its own individual platted lot. A construction maintenance agreement between the owners of the zero-lot line lots shall be recorded in the County Auditor's Office. The maintenance agreement shall provide for a minimum five-foot access extending in all directions from all zero setback walls. The purpose of the maintenance agreement access is for construction, maintenance, and repair of the dwellings located on zero-lot line.
- I. The two dwellings shall be constructed with an individual building permit and both dwellings must be completed simultaneously.

18.xx.xxx.xx Application Procedure.

For all applications for zero lot line development, the applicant shall submit with the application the following exhibits:

- A. A location map indicating existing zoning on the site and adjacent areas.
- B. A site plan of no less than one inch to 100 feet, including the following information:
 - 1. Lot lines and setbacks, location, shape, size, and height of existing and proposed buildings;
- C. Information indicating the following:
 - 1. Gross and net acreage;
 - 2. Lot sizes (dimensions in square footage);
 - 3. Building heights;
 - 4. Building coverage for each lot;
 - 5. Such other architectural and engineering data as may be required to evaluate the project.

Zero lot line development.

“Zero lot line development” means the location of a building on a lot in such a manner that any portion of one or more of the building’s walls rests directly on a side lot line. Each dwelling in a zero-lot line development shall be located on its own individually platted lot.

Notes from City Council Study Session
October 9, 2018
C. Duffy

Residential Incentives:

1. One person in the household's income needs to be earned locally to qualify? Need to define the prerequisites to qualify (i.e. employed for a year? full-time? part-time?)
2. Discount Rate. Do you sell at the price you bought at or is a cost of living increase allocated? House will go down in value.
3. 60-80% does not meet the intent of the workforce housing committed; needs to be as high as 130% to capture middle income earners (i.e. teachers, nurses, police).
4. Income analysis for compliance – only once or more often? The MEND model of compliance was only the initial analysis – need to assess income and locally employed.
5. Definitions need fine tuning
6. Definition of bonus unit
7. Need to clarify zoning not eligible.
8. Do bonus units need to be placed on-site or can they be used off-site anywhere within the City they are permitting?
9. Should we create another zone to accommodate and better define the intent of residential incentives?
10. Are there places the council can visit that illustrate how/where this works? Visually, as well as implementation.
11. Diversity housing without gentrifying it.
12. Source data; provide literature consulted to

Zero lot line:

1. Subdivision issues need to be resolved – is that something the City wants to entertain? In other words, is the intent only to allow two abutting 30-foot lots or is the intent to allow for a 60-foot lot to be subdivided to two (2) 30-foot lots? Are zero lot line dwellings allowed on FL12, RL10, and RL 6? What are the potential outcomes/visual scenarios?
2. Are there places the council can visit that illustrate how/where this works? Visually, as well as implementation.
3. Will character be maintained or is that not a goal? Is increasing density the only goal? How will the subdivision of lots be dealt with?
4. Add street view for graphics.

Other:

1. Vocabulary – Is “duplex” still a relevant term?
2. Understand how both chapters intermingle
3. Provide flexibility on lots confined by critical areas/wetland buffers but could provide public benefit (i.e. trails)