



**City of Leavenworth  
Planning Commission Meeting  
May 16, 2018 (Wednesday)  
7:00 PM  
City Hall – Council Chambers**

**AGENDA**

1. Call Meeting to Order
2. Roll Call
3. PC Minutes: April 4, 2018
4. PC selected Sample Codes regarding Incentives for Affordable Housing.
  - a. Modified City of Marysville
5. Upcoming Meetings (agenda items to be determined)
  - a. Continue the study and review of the definition of Affordable Housing
  - b. Joint City Council and Planning Commission meeting – June 6, 2018

**Chapter 22C.090**  
**RESIDENTIAL DENSITY INCENTIVES**

Sections:

- 22C.090.010 Purpose.
- 22C.090.020 Permitted locations of residential density incentives.
- 22C.090.030 Public benefits and density incentives.
- 22C.090.040 Density bonus recreation features.
- 22C.090.050 Rules for calculating total permitted dwelling units.
- 22C.090.060 Review process.
- 22C.090.070 Minor adjustments in final site plans.
- 22C.090.080 Applicability of development standards.
- 22C.090.010 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, affordable housing, open space protection, ~~historic preservation~~, energy conservation, and environmentally responsible design by:

- (1) Defining in quantified terms the public benefits that can be used to earn density incentives;
- (2) Providing rules and formulae for computing density incentives earned by each benefit;
- (3) Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- (4) 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

22C.090.020 Permitted locations of residential density incentives.

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in ~~the following~~ zones that allow residential as permitted outright.:

- ~~(1) In R ?? zones;~~
- ~~(2) Planned residential developments; and~~
- ~~(3) In MF zones;~~

22C.090.030 Public benefits and density incentives.

- (1) The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection (4) 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 ~~community development director~~ Development Services Manager during project review.
- (2) Bonus dwelling units may be earned through any combination of the listed public benefits.
- (3) Residential development ~~in R-?? zones~~ 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 (4) of this section when the public benefits provided exceed the basic development standards of ~~this title~~ the LMC. When a development is located in a ~~special overlay~~ Planned Unit Development district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the Planned Unit Developments ~~special district~~.
- (4) The following are the public benefits eligible to earn density incentives through RDI review:

Benefit	Density Incentive
<p>1. Affordable Housing</p> <p><del>a.</del> Benefit units consisting of rental housing permanently priced to serve <del>nonelderly</del> low-income households (i.e., no greater than 30 percent of gross income for household at or below <del>50-80</del> 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.</p>	<p>1.5 bonus units per benefit, <del>up to a maximum of 30 low income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low income units.</del></p>
<p><del>b.</del> Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one or two person households, one member of which is 62 years of age or older, with incomes at or below 50 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 of Leavenworth shall be recorded at final approval.</p>	<p>1.5 bonus units per benefit, up to a maximum of 60 low income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low income units.</p>

Benefit	Density Incentive
<del>e. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home that has been or will be displaced due to closure of a mobile home park located in the city of Leavenworth.</del>	<del>1.0 bonus unit per benefit unit.</del>
2. Public Facilities ( <del>Schools,</del> Public Buildings or Offices, Trails and Active Parks) a. Dedication of public facilities site or trail right-of-way <del>meeting to the</del> city of Leavenworth <del>or agency location and size standards for the proposed facility type.</del>	10 bonus units per usable acre of public facility land or one-quarter mile of trail exceeding the minimum requirements outlined in other sections of <del>this title</del> <u>the LMC.</u>
b. Improvement of dedicated public facility site to city of Leavenworth standards for the proposed facility type.	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.
c. Improvement of dedicated trail segment to city of Leavenworth standards.	1.8 bonus units per one-quarter mile of trail constructed to city standard for pedestrian trails; or  2.5 bonus units per one-quarter mile of trail constructed to city standard for multipurpose trails (pedestrian/bicycle/equestrian).  Shorter segments shall be awarded bonus units on a pro rata basis. 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.
d. Dedication of open space, meeting city of Leavenworth acquisition standards, to the city, county or a qualified public or private organization such as a nature conservancy.	2 bonus units per acre of open space.
3. Community <del>Image and Identity</del> <u>capital projects</u> a. Contribution towards an identified capital improvement project, including, but not limited to, parks, roadways, utilities, gateway sign, etc.	\$15,000 per bonus unit.
4. <del>Historic Preservation</del> a. <del>Dedication of a site containing an historic landmark to the city of Leavenworth or a</del>	<del>0.5 bonus unit per acre of historic site.</del>

Benefit	Density Incentive
<del>qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation.</del>	
<del>b. Restoration of a site or structure designated as an historic landmark.</del>	<del>0.5 bonus unit per acre of site or 1,000 square feet of floor area of building restored.</del>
5. Locational/Mixed Use <del>a. Developments located within one quarter mile of transit routes, and within one mile of fire and police stations, medical, shopping, and other community services.</del>	5 percent increase above the base density of the zone.
<del>b. Mixed use developments over one acre in size having a combination of commercial and residential uses.</del>	10 percent increase above the base density of the zone.
6. Storm Drainage Facilities Dual use retention/detention facilities. a. Developments that incorporate active recreation facilities that utilize the storm water facility tract.	5 bonus units per acre of the storm water facility tract used for active recreation.
<del>b. Developments that incorporate passive recreation facilities that utilize the storm water facility tract.</del>	<del>2 bonus units per acre of the storm water facility tract used for passive recreation.</del>
7. Project Design <del>a. Preservation of substantial overstory vegetation (not included within a required NGPA). No increase in permitted density shall be permitted for sites that have been cleared of evergreen trees within two years prior to the date of application for PRD approval. Density increases granted which were based upon preservation of existing trees shall be forfeited if such trees are removed between the time of preliminary and final approval and issuance of building permits.</del>	5 percent increase above the base density of the zone.
b. Retention or creation of a perimeter buffer, composed of existing trees and vegetation, or additional plantings, in order to improve design or compatibility between neighboring land uses.	1 bonus unit per 500 lineal feet of perimeter buffer retained, enhanced or created (when not otherwise required by city code).
c. Installation of perimeter fencing or landscaping, in order to improve design or compatibility between neighboring land uses.	1 bonus unit per 500 lineal feet of perimeter fencing or landscaping installed (when not otherwise required by code).

Benefit	Density Incentive
d. Project area assembly involving 20 acres or more, incorporating a mixture of housing types (detached/attached) and densities.	10 percent increase above the base density of the zone.
e. Private park and open space facilities integrated into project design.	5 bonus units per improved acre of park and open space area. Ongoing facility maintenance provisions are required as part of RDI approval.
8. Energy Conservation a. 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 director.	0.20 bonus unit for each certified unit constructed.
9. Low Impact Development (LID) a. Integration of LID measures in project design and storm water facility construction.	5 – 10 percent increase over base density (range dependent on degree of LID integration in project design and construction).
10. Pedestrian Connections and Walkability a. Construction of an identified pedestrian/bicycle deficiency (per city of Leavenworth improvement plan). Improvements may consist of paved shoulder, sidewalk or detached path or walkway depending on adjoining conditions.	1 bonus unit per 75 lineal feet of frontage improvement (curb, gutter, sidewalks) on minor arterial streets. (Fee in lieu of improvement at \$15,000 per bonus unit.)  1 bonus unit per 100 lineal feet of frontage improvement (curb, gutter, sidewalks) on neighborhood collector or collector arterial streets.  1 bonus unit per 300 lineal feet of walkway improvement (7-foot paved shoulder or walkway). (Rate may be increased if additional right-of-way is required.)
11. Critical Areas Buffer Enhancement a. Enhancement of a degraded critical areas buffer, in accordance with Chapter, Critical Areas Management.	1 bonus unit per <u>1/2</u> acre of buffer enhancement.

22C.090.040 Density bonus for public recreation features.

- (1) Active recreation features qualifying for a density bonus shall include one or more of the following:
  - (a) Multipurpose sport court;
  - (b) Basketball court;
  - (c) Tennis court;

- (d) Tot lot with play equipment (soft surface);
  - (e) Any other active recreation use approved by the ~~director~~Development Services Manager.
- (2) Passive recreation qualifying for density bonus shall include one or more of the following:
- (a) Open play areas;
  - (b) Pedestrian or bicycle paths;
  - (c) Picnic areas with tables and benches;
  - (d) Gazebos, benches and other resident gathering areas;
  - (e) Community gardens;
  - (f) Nature interpretive areas;
  - (g) Waterfalls, fountains, streams;
  - (h) Any other passive recreation use approved by the Development Services Manager~~director~~.
- (3) Design in ponds as dual use storm water retention/detention and/or recreation facilities.
- (a) The facility should be designed with emphasis as a recreation area, not a storm water control structure. The majority of the storm water retention/detention tract shall be designed as usable open recreation area.
  - (b) Control structures shall not be prominently placed. Care should be taken to blend them into the perimeter of the recreation area.
  - (c) Ponds used as recreation areas shall have a curvilinear design with a shallow water safety bench

22C.090.050 Rules for calculating total permitted dwelling units.

The total dwelling units permitted through RDI review shall be calculated using the following steps:

- (1) Calculate the number of dwellings permitted by the ~~base density~~underlying zone of the site in accordance with the underlying zone;
- (2) Calculate the total number of bonus dwelling units earned by providing the public benefits listed in 22C.090.030;
- (3) Add the number of bonus dwelling units earned to the number of dwelling units permitted by the ~~base density~~underlying zone;
- (4) Round fractional dwelling units down to the nearest whole number; and
- (5) On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be reallocated within the zone in the same manner set forth for base units in 22C.010.230 and 22C.020.200.

22C.090.060 Review process.

- (1) 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:
  - (a) 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;
  - (b) 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;
  - (c) When the primary proposal does not require a public hearing under this title, the Development Services Manager ~~director~~ shall administratively make a consolidated decision on the proposed development and use of RDI under a full administrative review process; and
  - (d) 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.
- (2) RDI applications which propose to earn bonus units by dedicating real property or 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.

22C.090.070 Regulatory modifications~~Minor adjustments in final site plans.~~

- A. 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 Leavenworth Municipal Code pertaining to multi-family, single-family detached or attached houses (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 permanently affordable home ownership, energy conservation, low-impact development, and stormwater management.
1. Minimum lot size;
  2. Minimum street frontage;



3. Minimum front, side, and rear yard setbacks;
4. Maximum lot coverage;
5. Minimum usable open space;
6. Other regulations to allow demonstration of innovative approaches to permanently affordable home ownership, energy conservation, low-impact development, and stormwater management.

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 affordable homes as allowable.

C. When issuing building permits in an approved RDI development, the department may allow ~~minor~~ adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

- ~~1.—~~
- ~~2. Increase the number of dwelling units;~~
- ~~3.1. Decrease the amount of perimeter landscaping (if any);~~
- ~~4.2. Decrease residential parking facilities (unless the number of dwelling units is decreased);~~
- ~~5.3. Locate structures closer to any site boundary line property line or other structure without compliance with the International Residential Code and/or International Fire Code; or~~

~~Change the locations of any points of ingress and egress to the site.~~

#### 22C.090.080 Applicability of development standards.

- (1) RDI developments shall ~~comply with dimensional standards of the zone with a base density most be~~ closely comparable to the ~~total approved density of the RDI development underlying zone dimensional standards.~~
- ~~(2) RDI developments in the R-?? zones and the mixed use zone shall be landscaped in accordance with Chapter.~~
- ~~(3)~~(2) RDI developments shall provide parking as follows:
  - (a) Projects with 100 percent affordable housing shall provide one and 1/2 off-street parking space per unit. The ~~community development director~~ Development Services Manager may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.

Projects with less than 100 percent affordable housing shall provide parking per title 14.

~~(a)~~(b) Parking and/or access shall be allowed to use alleys; and be gravel when accessed from a gravel or dirt alley. Parking and/or access from the street shall be paved and compliant with the LMC.

~~(b)~~(c) All other RDI proposals shall provide parking consistent with title 14Chapter ??.

(3) RDI developments shall provide on-site recreation space at the levels required in 22C.010.320 and 22C.020.270.

(4) All other development standards shall be applicable.

~~Chapter 20.27~~

~~DEMONSTRATION PROGRAM FOR INNOVATIVE  
PERMANENTLY AFFORDABLE HOMEOWNERSHIP PROJECTS~~

Sections:

~~20.27.010—Authority and purpose.~~

~~20.27.020—Affordable homeownership defined.~~

~~20.27.030—Earned increased density criteria.~~

~~20.27.040—Procedures.~~

~~20.27.050—Annual reporting requirements.~~

~~20.27.010 Authority and purpose.~~ 

~~1.—Authority. The Growth Management Act require the city to provide housing opportunities for all economic segments of the community. Similarly the city’s comprehensive plan encourages revisions to the city’s development regulations to increase the supply of affordable housing. This chapter will allow the use of alternative development standards and processes that are not currently allowed under existing land use regulations, while protecting residential character and maintaining overall consistency with the neighborhood plans and the goals and policies of the Leavenworth comprehensive plan.~~

~~A.—Purpose. In accordance with the directives of the Growth Management Act and the city’s comprehensive plan, the purpose of this chapter is to facilitate, for a specified trial period of one year, the construction of innovative owner-occupied affordable homes by organizations that can demonstrate, to the city council’s satisfaction, after review and approval by the development services manager or his/her designee, an ability to finance, manage, and monitor affordable home sales to assure permanent affordability.~~

~~20.27.020 Affordable homeownership defined.~~

~~Purchasers of affordable homes constructed under this chapter shall meet the following requirements:~~

~~A.—Annual Income. All purchasers shall be from a household whose annual income, at the household’s initial occupancy of the single family residence, is 80 percent or less of the median income (determined by HUD) as adjusted by family size of the; and~~

~~B.—Housing Expenses. The monthly expenditure by a purchaser, as described in subsection (A) of this section, for housing including mortgage repayment, insurance, taxes and utilities (water and sewer) shall not exceed 38 percent of the gross household income at~~

~~the time of purchase and the amount for mortgage shall not exceed 30 percent of gross household income. All other variable living expenses associated with the resident's occupancy shall not be a factor in the calculation of affordability.~~

- ~~2. 20.27.030 Earned increased density criteria.~~
- ~~3. Earned increased density of up to 50 percent over the otherwise allowable density in the applicable residential zone may be granted to a project if 100 percent of dwelling units in the project are provided and retained as permanently affordable owner-occupied homes, subject to the following eligibility requirements:
  - ~~A. Project Applicant.
    - ~~1. The organization has as its purpose the creation and retention of owner-occupied, permanently affordable, income-qualified home ownership.~~
    - ~~2. The organization can demonstrate experience in providing affordable housing. Notwithstanding this requirement, an organization that can demonstrate experience in providing housing and a mission statement of its intent to use that experience toward achieving the goal of providing permanently affordable housing shall be deemed to have met this requirement.~~
    - ~~3. The organization can demonstrate the ability to employ a mechanism to retain all of the units as permanently affordable to income-qualified buyers as defined herein and which specifically requires that the units be either owner-occupied or vacant.~~
    - ~~4. The organization can demonstrate an ability and commitment to submit an annual report to the city council documenting all residential units, past and pending sales, and ownership by qualified home buyers.~~~~
  - ~~C. Single Family Home Ownership. The project must create single family residences that are individually owned by their occupants. It must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the residences remain owner-occupied.~~
  - ~~D. Guarantee of Permanent Affordability. The project must have controls in place, subject to approval by the planning director or his/her designee, to ensure that the project's single-family residences remain permanently affordable in accordance with the definition of affordable homeownership herein. The controls shall include:
    - ~~1. Continued ownership of the land by the project applicant with the owner occupants of the single family residences leasing the land back from the project applicant;~~
    - ~~2. Purchase/sale agreements with the owner/occupants which require that the single-family residences be sold only to qualified purchasers who meet the requirements of 20.27.020;~~
    - ~~3. A requirement that the project applicant can only transfer the land to another entity that meets the requirements of subsection (A) of this section; or~~
    - ~~4. Other methods approved by the planning director, or his/her designee, to ensure that the project's single family residences remain permanently affordable in accordance with the definition of affordable homeownership.~~~~
  - ~~E. Project Location. Affordable single family homes developed under this chapter must be located in a residential single family or multifamily zone within the city of Leavenworth.~~~~

- ~~F. Design Review. Single family housing projects receiving earned increased density under this chapter must comply with the design review process and site location criteria for multifamily residential development in Chapter ?? to protect, maintain, or enhance neighborhood character and compatibility.~~
- ~~G. Request for Regulatory Modification. 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 Leavenworth Municipal Code pertaining to single family detached or attached houses. Requests for regulatory modification must accompany the preliminary plat, short plat, or lot line adjustment application and must be noted on submitted site plans.~~
- ~~1. Minimum lot size;~~
  - ~~2. Minimum street frontage;~~
  - ~~3. Minimum front, side, and rear yard setbacks;~~
  - ~~4. Minimum parking requirements;~~
  - ~~5. Maximum lot coverage;~~
  - ~~6. Minimum usable open space;~~
  - ~~7. Other regulations to allow demonstration of innovative approaches to permanently affordable home ownership, energy conservation, low impact development, and stormwater management.~~
- ~~H. Recommendation for Regulatory Modification. The development services manager or his/her designee, may issue a recommendation to the hearing examiner for modification of regulatory requirements listed in subsection (F) of this section, for projects applying under this chapter if the planning director or his/her designee, determines that approvals of requested regulatory modifications are necessary to facilitate the construction of as many affordable homes as allowable.~~
- ~~I. Request for Exemption from Stormwater Fee. Project applicant may request exemption from the stormwater fee.~~

#### ~~20.27.040 Procedures.~~

~~Projects applied for under this chapter shall follow the procedures listed below.~~

- ~~A. Preapplication Conference. A preapplication conference with development services department staff is required.~~
  - ~~B. Neighborhood Meeting. An applicant is required to conduct a neighborhood meeting prior to the submittal of an application and after the preapplication conference. The city may provide standard notice formats and guidelines for conducting the meeting. The notice shall include a brief description of the project, date, time and location of the neighborhood meeting and name and phone number of the applicant or their representative. The applicant shall post the notice of the neighborhood meeting on the project site at least 14 days prior to the meeting and shall mail the notice at least 14 days prior to the meeting to:~~
- ~~2. The development services department with a copy of the mailing list;~~

- ~~3. The owner of the property as listed on the application;~~
- ~~4. Owners of property within 350 feet of the site boundary of the subject property as listed by the Chelan County assessor records; and~~
- ~~5. The local newspaper.~~

~~C. Submittal Requirements. The city shall establish submittal requirements and forms to be used for applications. A complete application shall consist of the completed application form with all required information, a SEPA environmental checklist, if applicable, and any filing fee as established by the city council.~~

~~D. Determination of Complete Application. A complete application consists of a completed design review application form together with all required information listed in the submittal requirements, including those established by the planning director for applications under this chapter, and payment of the application fee as may be established by the city council. If a subdivision of land is required, the preliminary plat, short plat, or lot line adjustment shall also be submitted. An application shall be reviewed to determine whether it is complete under the procedures in BMC Title 21.~~

~~E. Concurrent Review. The application for design review, subdivision, and project approval under this chapter shall be processed concurrently. The director's decision regarding design review shall be forwarded to the hearing examiner with the staff recommendation for the application.~~

~~F. Notice of Application. A notice of application shall be provided under the procedures in BMC Title 21 by the following methods:~~

~~2. The development services department shall mail notice of application to:~~

- ~~a. The applicant;~~
- ~~b. The owner of the property as listed on the application;~~
- ~~c. Owners of property within 500 feet of the site boundary of the subject property as listed by the Whatcom County assessor records;~~
- ~~d. The mayor's neighborhood advisory commission representative and any neighborhood association registered with the development services department for the neighborhood in which the project is proposed, and for any neighborhood within 500 feet of the project site boundary;~~
- ~~e. Any person or organization that has filed a written request for notice with the development services department; and~~
- ~~f. The local newspaper.~~

~~G. Date of Notice. The date of the notice of application shall be the date the notice is mailed.~~

~~H. Posted Notice. The applicant shall post one or more "notice of application" signs on the site or in a location immediately adjacent to the site that provides visibility from adjacent streets. The director shall establish standards for size, color, layout, materials, placement and timing of installation and removal of the signs.~~

~~I. Public Comment Period. The minimum comment period shall be 14 days following the date of notice of application.~~

~~J.—Project Review. Complete applications shall be reviewed by development services department staff for consistency with the applicable neighborhood plan, the regulatory requirements of the BMC, requests for modifications to regulatory requirements of the BMC, and the residential multifamily design review guidelines. A written recommendation for approval, modification, or denial of the project will be made by the development services department director or his/her designee and forwarded to the hearing examiner.~~

~~K.—Notice of Public Hearing. The public hearing shall be consolidated with the hearing on any preliminary application submitted for the project. Notice of public hearing shall meet the following requirements:~~

- ~~2.—An open record public hearing before the hearing examiner shall be scheduled for a date no sooner than 15 days after the notice of application and no sooner than 15 days after the issuance of a SEPA determination. Staff recommends and the SEPA decision shall not be issued until after the close of the minimum public comment period; provided, that the optional DNS process may be used if authorized.~~
- ~~3.—Notice of the public hearing for the application shall be published in a newspaper of general circulation at least 10 days prior to the hearing date.~~
- ~~4.—Notice of the hearing shall be mailed at least 10 days prior to the hearing in the same manner as for the notice of application.~~
- ~~5.—The notices shall contain a brief description and the general location of the proposal, the time, date and location of the hearing and information about the availability of the staff report.~~

~~L.—Public Hearing. A public hearing shall be conducted as follows:~~

- ~~2.—The hearing examiner shall conduct an open record public hearing on the proposal. Any person may participate in the hearing by submitting written comments to the development services department prior to the hearing or by submitting written comments or making oral comments at the hearing.~~
- ~~3.—The development services department shall transmit to the hearing examiner a copy of the department file on the application including all written comments received prior to the hearing. The file shall also include the SEPA threshold decision and records regarding public notice of the application.~~
- ~~4.—The hearing examiner shall create a complete record of the public hearing including all exhibits introduced at the hearing and an electronic sound recording of each hearing.~~

~~M.—Hearing Examiner Recommendation. The hearing examiner shall make a written recommendation to approve, approve with modifications, or deny the application based on the compliance with the earned increased density criteria of BMC 20.27.030. The recommendation shall be transmitted to the city council and shall be contingent on a final decision of approval by the city council. The hearing examiner's decision on any preliminary plat shall be contingent on council approval of the affordable home ownership project with earned increased density.~~

~~N.—City Council Decision. The city council shall conduct a closed record hearing on the application consistent with the procedures of BMC 1.26.040. The city~~

~~council's decision shall be based upon the record established in the hearing examiner's proceedings, written argument submitted by the parties, and such oral argument as city council may allow at its discretion. The city council shall accept the hearing examiner's recommendation, accept it with modifications, or reject it based on the criteria in BMC 20.27.030.~~

~~O. Council Action. The council's action shall be in the form of an ordinance.~~

~~P. Notice of Decision. A notice of decision shall be issued as provided in BMC Title 21.~~

#### ~~20.27.050 Annual reporting requirements.~~

~~The owner(s) of a project receiving earned increased density under this chapter must report annually to city council regarding the status of the project. Information presented to city council annually shall include:~~

- ~~A. Total number of units in the project;~~
- ~~B. Number of units that changed ownership during the past year;~~
- ~~C. The purchase price of each unit that changed ownership; and~~
- ~~D. The steps taken by the owner to ensure that each unit that changed ownership was transferred at an affordable price in accordance with BMC 20.27.020.~~



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