



Staff Report

Code Amendments reflective of
changing RL12 and RL10 to R-8

To: Leavenworth Planning Commission
From: Development Services Department
Date of Report: October 26, 2021 for the November 3, 2021 Hearing
Subject: Code Amendments changing RL12 and RL10 to R-8

OVERVIEW

The Planning Commission is recommending combining Residential Low Density 12,000 District and Residential Low Density 10,000 District and changing these areas to a Residential 8,000 District.

These changes reflect amendments to the Comprehensive Plan Land Use Designations.

SUMMARY OF DATES

60-day Agency review:	October 15, 2021, ID# 2021-S-3279
SEPA Determination	Exempt per WAC 197-11-800(19)
Notice of Planning Commission Hearing:	Published in the Echo: October 20, 2021
Planning Commission Public Hearing:	November 3, 2021
City Council Public Hearing:	Tentatively Scheduled for December 14, 2021

PUBLIC/AGENCY COMMENTS

Public comments were taken and incorporated into the Planning Commission hearing draft, issued October 26, 2021. The public is encouraged to attend the Planning Commission Hearing and provide comment before a recommendation is forwarded to the City Council. The Planning Commission may incorporate comments into the recommendation. Additionally, the City Council will have an opportunity for public comment prior to a decision at the Council Public Hearing.

STAFF REVIEW

The following findings of fact and conclusions of law review the proposed amendments in relationship to the Comprehensive Plan and development regulations.

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

Staff Finding: The 2020 Housing Action Plan recommended that Leavenworth “Evaluate converting RL-12 zone into RL-10 zone to reduce incentives for urban sprawl.” The benefits of this action were identified as

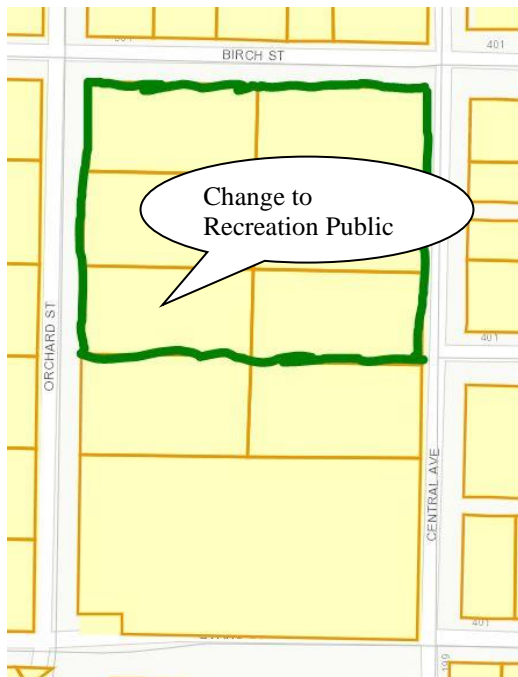
- Increasing housing supply, though this is limited given the limited areas of RL-12 zoning and the potential for subdivision into new lots.
- Potentially increasing the affordability of homeownership where new houses require less

land, though new housing on 10,000 square foot lots are not likely to be affordable to moderate-income households.

- Reducing urban sprawl and aligning to the goals of Washington’s Growth Management Act.

The Planning Commission found that the RL12 designations was associated with areas impacted by critical areas and/or existing development. Converting this land to RL10 would have a small impact; therefore, converting both RL12 and RL10 to a new R-8 could better achieve the identified benefits.

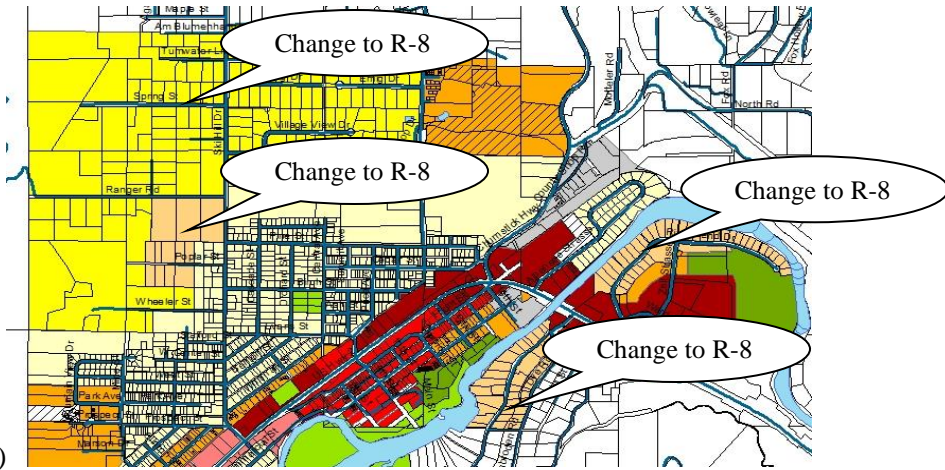
Additionally, staff is recommending changes to the zoning map to reflect changes to the Comprehensive Plan Land Use Designations, including changing the Osborn property from RL-6 to Recreation Public, see (1) below; citywide change to RL12 and RL10 to a new R-8 designation, see (2); and two areas of split designation northeast of Ski Blick Strasse, see (3); and, at River Bend Drive and Zelt Strasse, see (4).



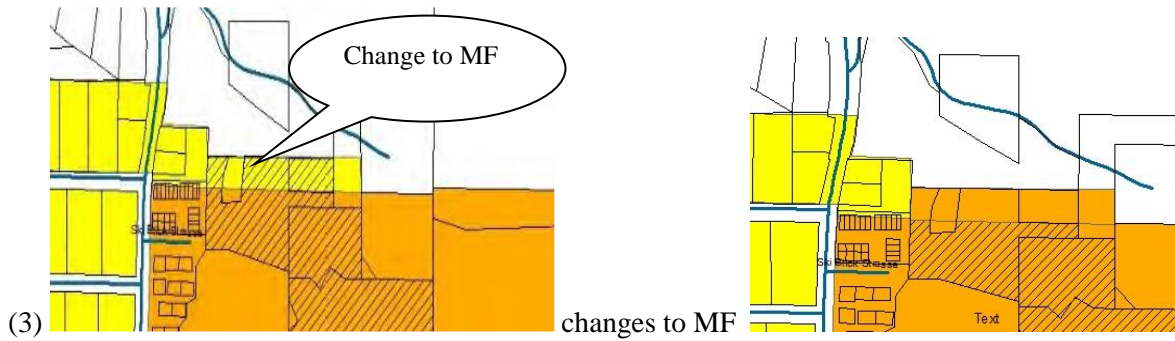
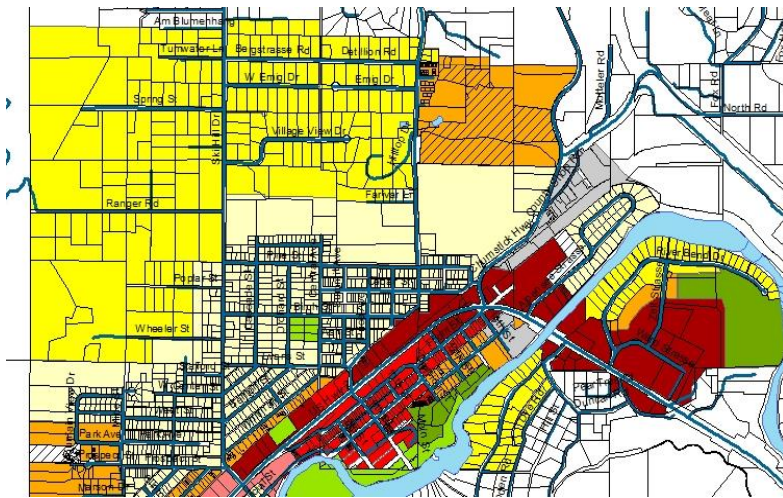
(1)

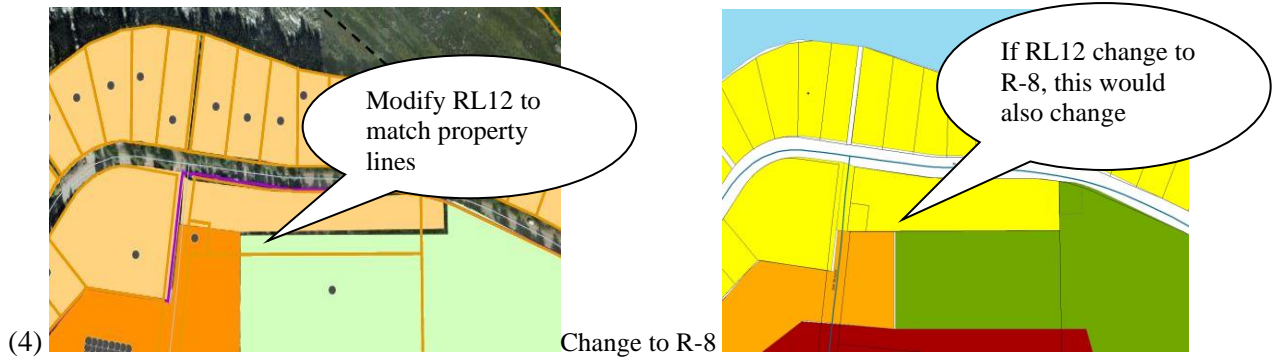
changes to RP:





(2)
Change to new R-8





The zoning map changes will result in a new Official Zoning Map, pursuant to LMC 18.12.

Conclusion: The amendments would reduce urban sprawl and support options to increase land for housing supply and promote diversified housing.

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

Staff Finding: The Comprehensive Plan encourages diversified housing:

Goal 1: Encourage the availability of affordable housing for all economic segments of the population.

Goal 2: Promote diversity of residential densities and housing types, being mindful for racial disparities and accommodating a range of housing needs, including elderly, physically challenged, mentally impaired, special needs segments of the population, low-income, workforce and emergency housing needs by:

- Supporting affordable housing needs for low-income residents.*
- Encouraging cluster subdivision, planned developments and other zoning techniques that allow for density bonuses or other mechanisms for higher density and greater utilization of land.*
- Supporting moderate density housing types, including accessory dwelling units, duplexes, triplexes and townhomes within all residential zones.*

Conclusion: The amendments are consistent with the intent of the comprehensive plan.

3. The amendments are 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.

Staff Finding: The proposed amendments reflect the recommendation of the 2020 Housing Action Plan. The Comprehensive Plan assumptions have been updated, where appropriate, to be consistent with the Housing Action Plan, including the 2020 Housing Needs Assessment.

Conclusion: The amendments are consistent with the assumptions and factors used to develop the comprehensive plan.

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

Staff Finding: The Growth Management Act promotes urban development within cities and densified housing options. The County-Wide Planning Policies encourage development of housing within the urban cities.

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

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

Staff Finding: The amendments are anticipated to encourage infill development or other new residential development activities.

Conclusion: The amendments will not change or impact the supply of land required to accommodate projected growth.

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;

Staff Finding: The amendments do not change the Comprehensive Plan assumptions.

Conclusion: 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;

Staff Finding: The amendments will update the zoning map and zoning code regulations to be consistent with the Comprehensive Plan land use designations.

Conclusion: Not applicable.

8. The proposed amendments are consistent with and do not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.

Staff Finding: The amendments do not change land uses, public facilities, utilities and infrastructure or directly impact the adopted levels of service. Development is required to be consistent with the adopted levels of service concurrent with the development. The review of concurrency occurs with the future land use and/or permits.

Conclusion: The amendments do not change the concurrency requirements which ensure no loss of the adopted level of services for development.

9. The proposed amendments do not adversely affect lands designated resource lands of long-term commercial significance or critical areas.

Staff Finding: There are no designated resource lands within the city limits. Review of known critical areas occurs at the time of future land use permit applications.

Conclusion: Not applicable.

STAFF RECOMMENDATION

Staff recommends adoption of the proposed zoning map and zoning regulations to combine and change RL12 and RL10 to a new R-8 zone.

ATTACHMENTS

Attachment A: Amendments to LMC 18.21

Attachment B: Amendments to LMC 18.23

Attachment C: Amendments to LMC 18.25

Attachment D: Zoning Map

ATTACHMENT A

Chapter 18.21 RESIDENTIAL ~~LOW DENSITY 128,000~~ DISTRICT (~~RL12~~R-8)

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, duplexes, and accessory 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 residents, 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.~~

~~18.21.030 Uses requiring a conditional use permit.~~

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~~-R-8 district, the lot size shall be as follows:

- A. The minimum lot area shall be 128,000 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 80-60 feet ~~for an interior lot and 90 feet for a corner lot.~~

18.21.070 Building height.

In a ~~RL12~~-R-8 district, no structure shall exceed a height of 35 feet.

18.21.080 Lot coverage.

In a ~~RL12~~R-8 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.

ATTACHMENT B

~~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.~~

~~Repealed by Ord. 1627.~~

~~18.23.030 Uses requiring a conditional use permit.~~

~~Repealed by Ord. 1627.~~

~~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 [Error! Hyperlink reference not valid.](#) LMC.~~

Attachment C

Land Uses	RL6	RL10R-8	RL12	MF		CDMUI	GC	CC	TC	LI	REC	RP
Residential (Specified Use Below)			-									
Accessory Dwelling Unit	AU	AU	AU	AU								
Boardinghouse, Lodging House, Rooming House			-	P								
Dwelling, Above Ground Floor			-			P	AU	AU	AU			
Dwelling, Duplex	P	P	P	P		AU						
Dwelling, Multifamily			-	P		P	P	P	P			
Dwelling, Single-Family	P	P	P	P		AU						
Dwelling, Tiny Home	P	P	P	P								
Manufactured Home, Designated	P	P	P	P								
Manufactured Home/Mobile Home			-									
Vacation (Short-Term) Rental			-				P	P	P			
Accessory Structures and Uses			-									
Accessory Structure	AU	AU	AU	AU			AU	AU	AU	AU	AU	AU
Adult Family Home	P	P	P	P		P	P	P	P			
Bed and Breakfast	C	C	C	C								
Child Day Care	AU	AU	AU	AU		P	P	P	P			
Day Care Center	C	C	C	C		C	P	P	P			
Foster Home	P	P	P	P			P	P	P			
Group A Home Occupation	AU	AU	AU	AU								
Group B Home Occupation	AU	AU	AU	AU								
Nursing/Convalescent Home, Congregate Care Facility	C	C	C	C			C					
Stacked Parking	AU	AU	AU	AU			AU	AU	AU			
Swimming Pools	AU	AU	AU	AU			P	P	P		P	P
Youth Home			-	C								
Public/Semi-Public (Specified Use Below)			-									
Bus or Taxicab Stop	C	C	C	C		P	P	P	P	P		
Clinic			-				P	P	P	P		
Community Center	C	C	C				C				C	
Educational Centers	C	C	C			C	P	C	C	C	C	C
Educational Facilities	C	C	C			C						
Golf Courses			-								P	P

Land Uses	RL6	RL10R-8	RL12	MF		CDMUI	GC	CC	TC	LI	REC	RP
Hospital			-				C	C	C		C	
Place of Worship	C	C	€			C						
Preschool	C	C	€			C	C					
Public Facility, High Impact			-			P	P	P	P	P	C	C
Public Facility, Low Impact	C	C	€			P	P	P	P	P	C	C
Public Utility	C	C	€	C		C	C	C	C	P	C	C
Recreation, Outdoor Use	C	C	€	C			C	C	C		P	P
Recreation, Passive	P	P	€	P		P	P	P	P	P	P	P
Recycling Center			-							C		
Wireless Telecommunications Facility	C		-	C		C	C	C	C	P	C	C
Development Options			-									
Commercial District Mixed Use Incentives			-				P	P	P			
Condominiums (with Binding Site Plan)			-	P		P	P	P	P			
Incubator Planned Site Development			-							P		
Manufactured Home Park	C	C	€	P								
Temporary Subdivision Tract Offices	C	C	€									
Tiny Home Park	C	C	€	P								
Commercial/Retail			-									
Adult Entertainment Facilities			-				P	P	P			
Bakery			-			P	P	P	P			
Banks			-			P	P	P	P			
Battery Exchange Stations/Rapid Charging Stations			-			P	P		P	P		
Car Wash			-				P			P		
Club, Lodge or Fraternal Organization			-	C			P	P	P			
Coffee Roasting			-			C	C	C	C	P		
Commercial Amusement Enterprise, High Impact			-									
Commercial Amusement Enterprise, Low Impact			-				C	C	C			
Copy/Printing Establishment			-			C	P	P	P	P		
Eating and Drinking Establishment			-			P	P	P	P			
Exercise Facilities			-			P	P	P	P			
Family Entertainment Enterprise			-				P	P	P			

Land Uses	RL6	RL10R-8	RL12	MF		CDMUI	GC	CC	TC	LI	REC	RP
Food/Grocery Store			-			P	P	P	P			
Gasoline Service Station			-				C		C	C		
Hostels			-				P	P	P			
Hotel or Motels			-			P	P	P	P			
Indoor Events/Auditoriums			-			P	P	P	P		P	P
Laundry or Dry-Cleaning Establishment			-			P	P	P	P	P		
Micro Brewery, Distillery or Winery			-			C	C	C	C	P		
Brewery			-							P		
Mobile Food Vendor			-								P	P
Parking Structure/Lots			-	AU			P	P	P	AU		
Personal Service			-			P	P	P	P	P		
Pet Care Centers/Kennels			-			C	C	C	C	P		
Professional Offices (Business and Professional)			-			P	P	P	P	P		
Recreational Vehicle Parks/Campground			-				C		C		C	
Retail Stores and Services			-			P	P	P	P			
Vehicle Repair Services			-				P	P		P		
Vehicle Sales or Rental			-				P		P	P		
Veterinarian/Animal Hospital			-			C	C			P		
Industrial (Specified Use Below)			-									
Bulk Fuel Storage			-							C		
Construction Yards			-							P		
Cryptocurrency Mining			-							P		
Essential Public Facilities			-							P		
Feed Lots, Livestock, Rendering or Meat Packing Plants			-									
Hazardous Waste Facilities			-									
Heliports and Aviation Activities			-							C		
High Tech Industry, Computer Assembly and Similar Type Uses			-			C				P		
Junk/Wrecking Yards			-									
Landfills			-									
Light Industry			-			C	C	C	C	P		
Storage Facilities, Including Mini- and Self-Storage			-							P		

Land Uses	RL6	RL10 <u>R-8</u>	RL12	MF		CDMUI	GC	CC	TC	LI	REC	RP
Truck and Freight Terminals, Warehousing and Storage, Parcel Delivery Service, Packaging and Crating			-							P		
Vehicle Repair, Service Maintenance, Paint, Powder Coating and Body Work			-							P		
Vehicle Towing, Including Secured Storage of Vehicles			-							P		
Warehousing Establishments			-							P		

Attachment D

