



Planning Commission Agenda

Wednesday, August 2, 2023 at 7:00 PM
City Hall Council Chambers
700 Highway 2, Leavenworth, WA

Meeting hosted at City Hall with option to join via zoom by:

(1) connecting via the Zoom app: Meeting ID: 916 5926 4393 Passcode: 40805

(2) using the web link: <https://zoom.us/j/91659264393?pwd=L1JEa0NGemcrK0hPVFY5aGVuQ2Jqdz09> (3) calling: 1-253-215-8782. Alternative call-in phone numbers: <https://us02web.zoom.us/j/91659264393?pwd=L1JEa0NGemcrK0hPVFY5aGVuQ2Jqdz09>

The Planning Commission is responsible for long range planning and legislative policy recommendations to the City Council. Recommendations are based on thorough understanding of options and public comment/discussion. Every year, the City Council directs the Planning Commission work through the establishment of the [Docket](#).

Meeting Etiquette:

1. Have one discussion at a time and limit distractions.
 2. Seek to understand before being understood.
 3. Be respectful of each other; by assuming good intentions and acknowledging it is ok to disagree.
 4. Focus on constructive problem solving.
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Agenda

1. **Call Meeting to Order, 7:00 pm**
2. **Roll Call:** *Planning Commission Chair: Alison Miller (position #7 – expiration 2026)*
Planning Commission Commissioners: Kenny Renner-Singer (#2 - 2027), Brian Praye (#3 City Resident -2024), Drew Foulk (#4 - 2025), Angie Harrison (#5 - 2025), Colin Forsyth (#6 - 2026) and OPEN (#1-2026)
3. **Opening Statement – Purpose of the Planning Commission**
4. **Review and approval of Minutes – (sent separately)**
 - a. Sample Motion: *I move to approve the Planning Commission minutes from June 7, 2023 and July 5, 2023.*
5. **Bed & Breakfast Density Options**
 - a. Review of draft code
6. **Update of Multifamily Tax Exemption Code (being reviewed by City Council)**
7. **Open Discussion Items, at the Chair's discretion**
8. **Future Meeting Considerations – Cottage Housing, Inclusionary Zoning, Parking and Residential Condominiums or Unit Lot Subdivisions**
9. **Adjournment**

All Planning Commission meetings are open to the public

Goal to keep B&Bs but limit size and number

Draft code should include:

1. one bedroom ADU's Ok for B&B with no room in the associated SFR
 2. two bedrooms in the SFR with no rooms in the ADU
 3. All CUPs expire with new ownership
 4. Cap on B&Bs in residential zones for the overall housing stock
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DRAFT CODE AMENDMENTS

18.52.120 Conditional use permit – Bed and breakfast.

In granting a conditional use permit for a bed and breakfast in addition to the criteria in LMC 18.52.050 and 18.52.060 where applicable, the hearing examiner shall impose the following minimum conditions to allow a bed and breakfast as a conditional use:

A. The bed and breakfast facility shall be the principal residence of the property owner. A property owner must live on-site throughout the visitor's stay.

B. Single-family dwellings may use up to two bedrooms for a bed and breakfast; or, a~~Detached units with rooms are allowed. Accessory dwelling units~~ may use up to one bedroom for~~may be allowed to be a part of a~~ the bed and breakfast.

C. A bed and breakfast may only be offered in a space intended for human habitation. For example, a property owner may not rent a space in an accessory structure that is a storage shed or garage.

D. The maximum number of occupants permitted to stay overnight shall be two people for each bedroom, excluding children under the age of six.

E. Bed and breakfast facilities shall meet all applicable health, fire safety, and building codes. New, converted, or annexed bed and breakfast facilities shall be inspected by the city of Leavenworth prior to operations.

F. Bed and breakfasts shall obtain a city business license and separate annual permits from the city.

Thereafter with renewal of annual permits, inspections shall be conducted by the property owner via the "Annual Building, Fire and Life Safety Occupancy Permit Application" provided by the city with the annual permit renewal process. All bed and breakfasts shall receive an annual permit from January 1st to December 31st, under limited administrative review, documenting conformance with city code and agreement to conform to all permits, licenses and permits. The International Fire, Residential, and Building Codes shall be applied at the time of permit for use.

~~F. Bed and breakfasts shall be residential in appearance.~~

G. Bed and breakfast facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.

~~H.~~ ~~Bed and breakfasts shall obtain a city business license and separate annual permits provided by the city.~~ In any advertisement of the bed and breakfast, the property owner must include the business license number issued by the [State and note the city endorsement](#).

~~H.I.~~ 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, providing guests with information related to emergency exit routes, 24 hours a day seven days a week contact information, required guest rules and regulations, including for litter control, quiet hours, parking and proposed methods to enforce occupancy limitations and other requirements. In addition to providing the plan to the city of Leavenworth, contact information shall be provided to the adjacent properties, District 3 fire chief, and Chelan County sheriff. A legible sign shall be placed adjacent to the front door (outside), clearly visible to the general public listing the maximum number of occupants permitted to stay overnight, the maximum number of vehicles allowed to be parked on site, and the name and contact information of the contact person. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by city or state regulations, whichever is more stringent. The management plan may be modified with amendment to the conditional use permit.

~~H.J.~~ One nonilluminated sign, not to exceed four square feet, on the exterior of the bed and breakfast shall be permitted subject to the review process appropriate to the zoning district.

~~H.K.~~ The property owner must clearly advertise the bed and breakfast as property owner occupied. This applies even in cases in which the bed and breakfast takes place in an accessory dwelling unit.

~~H.L.~~ Driveways accessing a bed and breakfast which are more than 100 feet in length shall have an improved width of at least 12 feet with appropriately spaced cutouts to facilitate the passage of two vehicles traveling in opposite directions.

~~H.M.~~ One off-street patron/visitor parking space, not located within a required yard area, shall be provided for each room rented. All parking must be accommodated on site.

~~H.N.~~ The hearing examiner may impose other conditions, such as additional parking, improved access, landscaping, or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the site or the facility.

~~H.O.~~ An affidavit certifying that the property owner will comply with all of the provisions of the bed and breakfast regulations, conditional use permit, business license conditions for operating a bed and breakfast, and all relevant laws shall be required.

~~H.P.~~ Violation of the conditions of approval, as determined by the city, shall result in [a monetary penalty of \\$2,000; any second violation within three years, shall result in](#) revocation of the bed and breakfast permit ~~and a potential monetary penalty of \$2,000 enforced in accordance with Chapter 21.13 LMC~~. Re-establishment shall be ~~allowed~~ [permitted](#) administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.

~~H.Q.~~ Within the annual permits provided by the city, the property owner shall report to the city the following minimum information:

1. The address of the bed and breakfast; and the contact name(s) of the property owner.

2. The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.

3. The property owner shall both have legal responsibility for the collection of all applicable taxes and remittance of the collected tax.

4. The property owner must provide its clients or potential clients the following disclosure:

On January 24, 2017, the Leavenworth City Council adopted the new Bed and Breakfast Ordinance reiterating its existing prohibition on the rental of entire dwellings as vacation rentals. The new Bed and Breakfast Ordinance also legalized the short-term rental of a portion of a person's home when the property owner lives on-site throughout the visitor's stay and when the property owner obtains appropriate permits, including a business license. The property owner is also required to collect and remit necessary taxes.

RQ. The city of Leavenworth hereby adopts a fire and life safety self-inspection program for bed and breakfast facilities operating within the city limits of Leavenworth. After the initial inspections with permitting, the property owner from that time forward, shall conduct a self-inspection of their property annually and submit a self-inspection form to the city no later than 30 days after receipt from the city. The inspection is to be conducted by the property owner, or their designee.

RS. A standard letter from the city will be mailed to the property owner requiring the self-inspection. A partial list of fire and building inspection review elements will be included with the inspection form. The city supplied self-inspection form shall be completed and signed by the property owner and returned to the city. A copy of the certificate of occupancy or change of use permit application must accompany the self-inspection form together with the applicable application fee as established by resolution of the city of Leavenworth.

TS. In the event a property owner fails to timely file the self-inspection form with the city of Leavenworth, the city may order an on-site inspection by the city building and/or fire official or designee and the property owner shall be billed the applicable fee for said on-site inspection. Random inspections may be conducted by the city at the city's discretion. Within a three-year cycle, all properties shall be inspected by the city. The inspection fee shall be established by resolution of the city council.

TU. Any person, partnership, association, firm or corporation who violates or fails to comply with this chapter is guilty of a civil infraction and is subject to the civil penalties and remedies and corrective actions as set forth in Chapter 21.13 LMC.

[V. Expiration of Conditional Use Permit for Bed & Breakfasts. Conditional Use Permits for Bed & Breakfasts shall expire immediately upon transfer of ownership. This expiration shall be applicable to all B&B permits regardless of the date or decision-body that approved the permit.](#)

[W. Density of Bed & Breakfasts. No Bed & Breakfast shall be permitted within the City limits when the existing percentage of bed and breakfasts are at or above 4% of the total housing stock within the residential zoning districts. The 4% shall be defined by the Assessor's data, for residential dwellings \(State Code 11\) in residential zoning districts within the City Limits.](#)