

**LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall – Council Chambers & Zoom
September 8, 2026 | 5:30 – 6:50 PM**

5:30-5:45 Chamber Report

This time is provided for a Chamber of Commerce representative to provide an update to the City Council on items of interest to the Chamber and City.

There are no items included under **TAB B**.

5:45-6:10 Comprehensive Plan/Development Regulations Review

This time is provided for the Council to discuss the draft Comprehensive Plan and the associated draft Development Regulations and understand the required approval timelines. The action list for the required adoption timeline has been drafted, as follows:

- **September 22:** Comprehensive Plan Public Hearing/Ordinance to CC and potential adoption.
- **Before September 24:** Issue 60-day Notice to Commerce for Development Regulations. *Note – This 60-Day Notice period assumes an approval will take place at the November 24th Council Meeting.*
- **By October 15:** Issue SEPA Addendum, incorporating updated development regulations, and submit a copy to the SEPA register, to ensure the environmental record is complete prior to the November hearing.
- **October 23** (at least 10 days before public hearing): Public notice for PC Hearing on development regulations. Any notice and public comment issued needs to include previous SEPA documents to ensure any new information is considered; as such, the SEPA Checklist and the DNS must be attached to the SEPA Addendum.
- **October 28** (at least 7 days before public hearing): Prepare staff report and distribute to PC.
- **November 4:** PC Public Hearing and formal recommendation on the corresponding development regulations updates.
- **November 10:** CC Development Regulations Study Session, set Public Hearing date.
- **Before November 24:** 60-day clock ends
- **November 24:** CC Public Hearing on development regulations updates. Ordinance and adoption to follow
- **December TBD:** If necessary, schedule an additional CC meeting for development regulation adoption
- **December 31:** Comprehensive Plan and Development Regulations both become effective on this date.

Also included is the draft zoning map, which is consistent with the comprehensive plan.

Concurrently, City staff is also drafting code amendments outside of those required by the comprehensive planning process. In order to streamline the review process, Leavenworth Municipal Code (LMC) amendments to Title 14 – Development Standards that impact utilities are being included.

LMC 14.14.085 - Required Connections: This chapter is being revised to clarify the necessity of all Accessory Dwelling Units (ADU) connected to City utilities to have separate utility connections for ADUs over 900 square feet, regardless of whether the property is within or outside of City limits. This chapter was revised in 2025 to clarify requirements in the Urban Growth Area (UGA), however the revisions adopted now do not clearly require

an ADU within the UGA where the primary dwelling unit is connected to City utilities to have a separate connection, as was the intention of City staff.

LMC 14.14.100 - Water Supply Standards: This chapter is being revised to further detail the hardships required in order for a property outside of the City's UGA to obtain City water. This was discussed during a regular Council meeting on July 28, 2026 and during the Council study session on August 11, 2026. Council feedback from these discussions have been incorporated into the draft before you tonight. In addition, the 2023 Chelan County Water Supply Planning Coordination Interlocal Agreement was located; this requires that when parcels served by existing exempt wells outside the UGA connect to City water, they shall return their water rights to the County's water bank.

The following items are included under **TAB C**.

- Process Timeline for Comprehensive Plan & Development Regulations
- Draft Zoning Map Updates
- LMC 14.14.085: Required Connections – Redline
- LMC 14.14.100: Water Supply Standards – Redline
- 2023 Interlocal Agreement with Chelan County: Water Supply Planning Coordination Agreement

6:10-6:45 BearWise Discussion

At the July 14, 2026 City Council meeting, several residents spoke during the public comment period urging the City to subsidize the cost of bear-resistant trash cans for residents. Waste Management (WM) provides residential solid waste removal services for the residential areas of the City (excluding specific multi-family accounts). There are approximately 850 accounts, and the cost of bear-resistant cans would be roughly \$500,000. Under the current rate and fee schedule, WM customers in Leavenworth can rent a bear-resistant can for an additional \$14.34 per month.

This time is for the Council to hear from Waste Management representatives about how they can get bear-resistant cans to every residential account for approximately \$5 per month.

If time allows, the Council can also discuss a draft BearWise ordinance, developed at the request of the Washington Department Fish & Wildlife, focusing on keeping trash secure.

The following items are included under **TAB D**.

- Change.org petition encouraging the city to subsidize bear-resistant trash cans
- WM 2026 rate and fee schedule
- Draft BearWise ordinance

6:45-6:50 Council Updates / Suggestions for Future Agenda Items

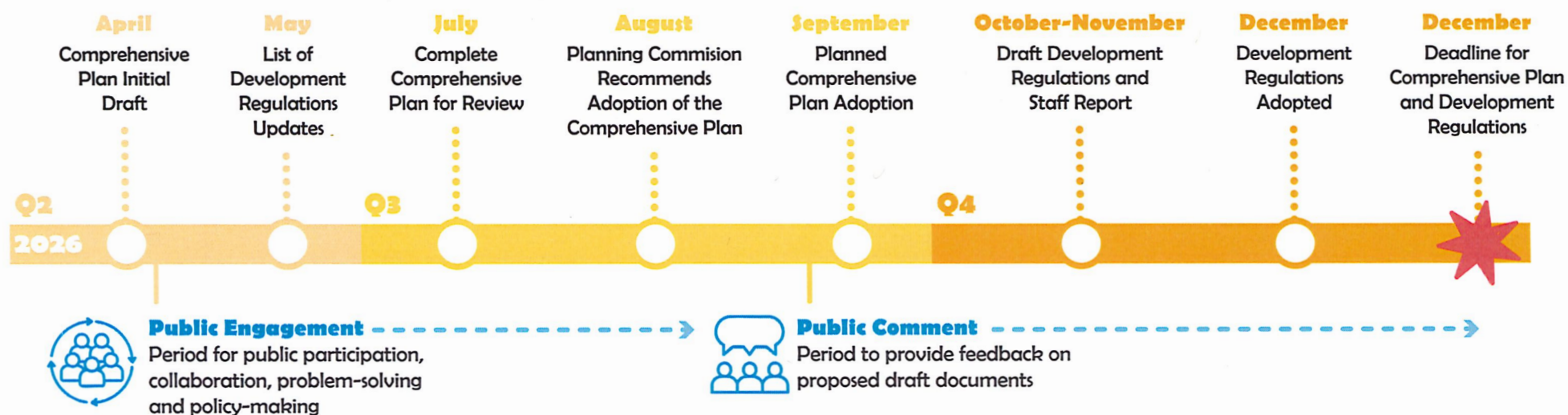
There are no items included under **TAB E**.

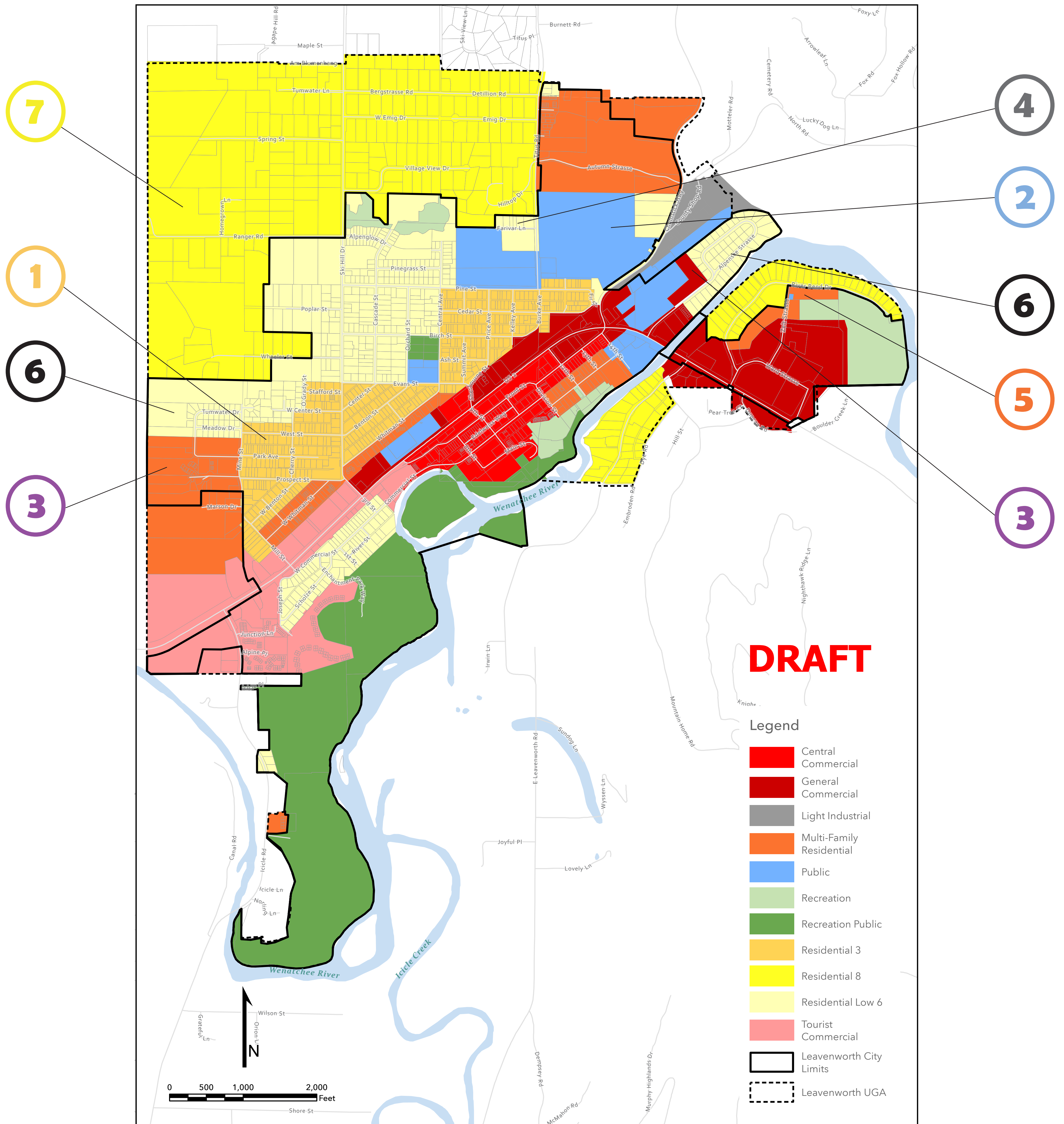


Update Process and Next Steps



Process Timeline





New R3 Zone

- 1** The R3 zone reflects the character of the City's older residential neighborhoods, with smaller platted lots. The zoning is intended to maintain this established neighborhood pattern while providing opportunities for infill.

New Public Zone

- 2** This zone recognizes the importance of public facilities, parks, and schools, ensuring that these uses continue and are preserved.

Map clean-ups

- 3** Removed the Planned Development Zone, as this has been superseded.
- 4** Cleaned up split-lot zones.
- 5** Updated a few multifamily zoned areas.
- 6** Kept R6 for within city limits.
- 7** Kept R8 for UGA only.

14.14.085 Required connections.

- A. ~~Except within the city's urban growth area, a~~ An 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, except for the following:
1. Within the city's urban growth area, if water or sewer utilities are not provided by the city to the parcel containing the primary and accessory dwelling unit, then no service for the primary dwelling unit or separate service for any accessory dwelling unit shall be required.
- ~~A. Such connections and separate services shall not apply to an accessory dwelling unit located within the city's urban growth area.~~
- B. The public works director may require separate connections or private metering for any unit created pursuant to Chapter 17.10 LMC.

Attachment A

14.14.100 Water supply standards.

- A. All projects shall be served by the water system of the city of Leavenworth as approved by the public works director or city engineer working in consultation with the community development director.
- B. It is compulsory for every new building(s) or existing building(s) meeting the criteria below within the UGA to hook up to the city water system, if said buildings are located within 200 feet of existing water mains. The existing domestic water source (well) shall be abandoned in conformance with local and state regulations with any rights associated with the well transferred to the city at the option of the city.

Pursuant to LMC § **13.04.040**, all individuals, firms or organizations located within city limits requiring domestic water service shall be required to be connected to the city's water system. Private domestic wells are not permitted. Any existing private domestic well shall be abandoned in conformance with local and state regulations with any rights associated with the well transferred to the city at the option of the city. Private irrigation wells will be permitted within the city limits on parcels two acres or larger; provided, that the city reserves the right to deny approval of wells which may threaten the city's present or future domestic supplies or water rights. A permit signed by the city administrator must be obtained for such systems. Appropriate backflow prevention devices are required and inspection of the installation by the city is required for such systems.

- 1. For existing buildings, as described above, which become located within the 200 feet as a result of improvements to the city water system, connection to those improvements shall be made when one of the following occurs:
 - a. Remodeling or expansion of the existing building which exceeds 50 percent of the value of the building/structure;
 - b. Remodeling or expansion of the existing building occurs which would require an upgrade of an existing on-site water system, as determined by the Chelan-Douglas health district; or
 - c. The existing water system is failing, as determined by the Chelan-Douglas health district.
- C. All water supply systems shall be designed and constructed according to all applicable provisions of this chapter and specifications on file in the office of the city engineer unless otherwise provided for in the Leavenworth Municipal Code.
- D. For properties within the city's urban growth area, ~~W~~when water rights are appurtenant to the land, the property owner shall covenant to transfer water rights to the city in a quantity which is equal to the quantity to be utilized by the

development and the covenant shall run with the land into perpetuity. The transfer may occur at the time of development or at a future point in time, as decided by the city. Property owner shall cooperate with the transfer. For properties outside the city's urban growth area, if a parcel is served by an existing exempt well and becomes served by the city's water system instead, the exempt quantities shall return to Chelan County's water bank and the supply it manages.

~~D.~~—

- E. Whenever possible, if either a public or private irrigation source is available and is currently being utilized for the applicable property, the property owner shall continue to utilize this source for all outside irrigation. The feasibility of this shall be evaluated and a determination of applicability made by the city as part of the application process. The property owner shall provide such information the city determines necessary to make this decision.
- F. Public Works Director or City Engineer Approval. For properties located inside of the city's UGA and its city limits, the city public works director or city engineer shall approve water connection subject to requirements for connection as found within the Leavenworth Municipal Code.
- G. Council Approval. For properties located outside of the city's UGA, the city council may grant (at the council's sole discretion) an exception to allow an extension and/or connection to the city water system subject to the following:
 - 1. Consideration for the protection of water use for properties within the city as a priority and paramount prior to granting water outside of the city. Granting water connections outside of the city UGA is a not a right, and the intent is to ensure water is available to the citizens of Leavenworth; and
 - 2. After purchase of property, a plight of the applicant is due to unique and unexpected circumstances over which the property owner has no control, ~~which may include but is not limited to~~ for one or more of the following criteria:
 - a. Unsuccessful Well Development
 - 1. A minimum of two (2) well drilling attempts have been completed for each five (5) acres of the subject property; and
 - 2. Each drilling location was selected by a Washington State licensed well driller based on available hydrogeologic information and accepted industry practices; and
 - 3. Each well was drilled to a depth determined appropriate by the licensed well driller; and

4. The licensed well driller has determined that additional drilling is not reasonably expected to produce sufficient potable water to serve one single-family residence; and
 5. Reasonable efforts to develop a shared or group well with adjacent property owners have been unsuccessful; and
 6. The following documentation shall be provided:
 - a. Well logs for each drilling attempt.
 - b. Site plan showing well locations.
 - c. Written report from the licensed well driller documenting drilling locations, depths, yields, and professional findings.
 - d. Log of correspondence with adjacent property owners to attempt to obtain water from a shared or group well.
- ~~a.—At least one attempt to drill a well down to bedrock yielded insufficient quantities of potable water necessary to serve one single-family resident as determined by the city; or~~
- b. Existing Well with Insufficient Water Supply
 1. An existing well has been evaluated by a Washington State licensed well driller; and
 2. Reasonable improvements recommended by the licensed well driller have been completed to increase water production; and
 3. The licensed well driller has determined that the well remains incapable of providing sufficient potable water for one single-family residence; and
 4. A minimum of two (2) well drilling attempts for a new well on the same property have been completed for each five (5) acres of the subject property consistent with all criteria in LMC 14.14.100(G)(2)(a) that were unsuccessful; and
 5. Reasonable efforts to develop a shared or group well with adjacent property owners have been unsuccessful; and
 6. The following documentation shall be provided:
 - a. Existing well log.
 - b. Written evaluation from the licensed well driller.
 - c. Documentation of improvements completed.
 - d. Pump test or production results following improvements.
 - e. Documentation of unsuccessful well development consistent with LMC 14.14.100(G)(2)(a)(6).

~~b.—An existing well to bedrock yields insufficient quantities of potable water necessary to serve one single-family resident as determined by the city; or~~

c. Existing Well Presents a Health Risk

1. An existing well has been determined to present a contamination or other public health risk.
2. The contamination cannot be reasonably corrected or the well cannot be rehabilitated to provide a safe potable water supply; and
3. A minimum of two (2) well drilling attempts for a new well on the same property have been completed for each five (5) acres of the subject property consistent with all criteria in LMC 14.14.100(G)(2)(a) that were unsuccessful; and
4. Reasonable efforts to develop a shared or group well with adjacent property owners have been unsuccessful; and
5. The following documentation shall be provided:
 - a. Laboratory water quality results.
 - b. Written determination from the applicable regulatory agency or Washington State licensed well driller.
 - c. Documentation describing why rehabilitation is not feasible.
 - d. Documentation of unsuccessful well development consistent with LMC 14.14.100(G)(2)(a)(6).

~~c.—An existing well is to be abandoned in favor of connection to the city domestic water system due to contamination or other similar health risk from the existing well; or~~

d. Previously Approved Subdivision

1. The property is located within a final plat recorded prior to March 12, 1996.
2. The approved plat or other City-approved documents identify the City water system as the intended water source.
3. The lot was created in reliance on the City's commitment to provide municipal water service.
4. The following documentation shall be provided:
 - a. Recorded final plat.
 - b. Utility plans, development agreement, or other City documentation identifying City water as the approved water source.

c. Any additional documentation demonstrating the City's commitment to provide water service.

~~d.—A recorded subdivision in situations where the final plat was based on the city's prior commitment to provide water and the lot was legally created prior to March 12, 1996; and~~

3. The authorization of the exception shall not be materially detrimental to the purposes of this title, be injurious to property in the same district or neighborhood in which the property is located, or be otherwise detrimental to the objectives of any comprehensive plan; and
4. Water extension and/or connection for the creation of a lot shall be a one-time waiver, shall not be allowed to serve more than one lot, shall not be transferable, and the properties created shall not be allowed future/additional water extension and/or connection for a period of no less than 10 years. Such moratorium shall include a notice to title recorded with the Chelan County auditor's office which shall be recorded at the expense of the property owner; and
5. When a water connection outside of the UGA has been authorized, the Applicant shall complete all Water Connection Permit processing with the City of Leavenworth, including payment of all applicable fees, within one year from the date upon which the City Council authorized the connection. If the Water Connection Permit is not paid for and issued within this time period, the connection authorization shall be considered null and void; and
6. If the Applicant has not completed the physical connection to the City's water system prior to the expiration date of the Water Connection Permit, both the Water Connection Permit and the connection authorization shall be considered null and void. The City Council may grant a one-time extension of a Water Connection Permit for up to a maximum of one year from the original expiration date upon finding that the Applicant has demonstrated a hardship beyond the Applicant's reasonable control that has prevented timely completion of the connection. The hardship must be specific to the property or project, must not have resulted from the Applicant's actions or lack of diligence, and must be supported by documentation acceptable to the City Council; and

~~7.—Not more than a total of three equivalent residential units (ERU) per calendar year shall be authorized for connections outside of the UGA, beginning the first of January of each year. For purposes of the annual ERU calculation, a connection shall be counted on the date the City Council authorizes the connection, regardless of when the Water Connection Permit is issued; and~~

~~8-7.~~ Prior to ~~physical connection~~ issuance of a Water Connection Permit, the property owner shall transfer ~~to the city of Leavenworth~~ their present domestic water rights and cooperate in any process to transfer those rights. All water rights shall be transferred to the city of Leavenworth to the city, unless otherwise specifically waived by the city council, except properties outside the city's urban growth area who are served by an existing exempt well and will be by the city's water system instead, who shall transfer their exempt quantities to Chelan County's water bank; and

~~9-8.~~ The applicant shall install a new water main to the property within right-of-way or public utility easement. The line size shall be determined by the city engineer; and

~~10-9.~~ The applicant shall be responsible to install necessary appurtenances for the water line extension; such may include but are not limited to fire hydrant(s). At no time may an extension of water line, for the purposes of this provision, be extended beyond that of the original approval; and

~~11-10.~~ Construction and installation shall adhere to the adopted Construction Standard Details and/or applicable LMC standards and specifications; and

~~12-11.~~ A water connection shall not be allowed to split into two or more. The lateral line (connection) shall serve a maximum of a single structure. To be considered a single structure, the roof and wall of any accessory use (e.g. garage) must be an extension of the roof and wall of the primary structure. In no case shall the attachment be made through an unenclosed structure. In addition, water shall serve only 1 ERU (one primary residence with the allowance for a maximum of one interior ADU less than 900 square feet); and

~~13-12.~~ The property owner, their successors, heirs, and assigns shall record with the Chelan County auditor's office a notice to title, as approved by the city of Leavenworth, which provides notice of and binds all future property owners to the following waivers of protest and other requirements. It shall also be the obligation of the property owner, their successors, heirs, and assigns to inform potential buyers of these items:

- a. Property owners, their successors, heirs, and assigns shall not protest annexation. Provided further, nothing in approval of extension of city water shall bind the city to annex said property nor obligate the city to approve future subdivision and development of the property, nor impose or not impose any particular conditions or requirements for said development and land use actions, nor implement improvements to its utilities and/or roads that may be

required to serve the development. If the city agrees to annex this property, the city does not warrant that existing facilities are adequate to serve this development.

- b. Property owners, their successors, heirs, and assigns agree to participate in future local improvement districts (LID) and/or other similar financing mechanisms for the redevelopment of streets, sidewalks, utilities and related infrastructure in the area. This participation shall be in accordance with reasonable methods established by Washington State law and/or by local law, and shall be for a pro-rata share of improvements in the geographic area as established by a benefits assessment or other similar mechanism.

~~14.~~13. No extension or connection for water service may be allowed if such connection or extension outside the city's UGA would violate the Growth Management Act of the state of Washington.

Chelan County, City Of Leavenworth Interlocal Agreement
Water Supply Planning Coordination Agreement

This Interlocal Agreement ("Agreement") is entered into this date between Chelan County ("County") and the City of Leavenworth ("City"), collectively called "The Parties" pursuant to RCW 39.34.030.

WHEREAS the County and City entered into an Interlocal Agreement dated April 22, 2014 regarding coordination of water supply planning;

WHEREAS several of the tasks in the April 22, 2014 Interlocal Agreement have now occurred or have been subsumed by coordination efforts between the Parties under the Icicle Strategy, including the issuance of permits to the City under the Wenatchee Coordinated Cost-Reimbursement Program;

WHEREAS both Parties agreed the City shall be allocated 1.074 cfs and the County allocated 0.75 cfs from the Wenatchee River Instream Flow Rule reserve under WAC 173-545-090 and the Coordinated Cost-Reimbursement Program, the City has received a permit for its quantity in 2019, the permits issued by Ecology recognize that the County is actively managing its portion of the reserve;

WHEREAS new planning efforts are underway in both Parties' jurisdictions in the Icicle and Wenatchee Basin including coordinated water supply planning and development;

WHEREAS both parties have an interest in the potential joint acquisition of water rights that may be made available through the Icicle Strategy; and

WHEREAS planning numbers are available in each jurisdiction on which to base water allocation decisions, including allocation of 1,750 acre-feet per year (AFY) under the Icicle Strategy domestic Guiding Principle to the Parties.

NOW THEREFORE, the Parties agree as follows:

1. This Agreement replaces the April 22, 2014 Interlocal Agreement.
2. Both Parties desire to plan for buildout or at least 50 years of their respective jurisdictional growth needs.
3. The City seeks an additional 811 AFY to settle the litigation with the Department of Ecology over interpretations of its water right portfolio.
4. If 1,750 AFY is made available in a single year through the Icicle Strategy, the City will be eligible to receive up to 1,150 AFY in authority, and Chelan County will be eligible to receive up to 600 AFY.
5. If the 1,750 AFY of supply is made available incrementally over several years, then the Parties will evenly split such allocations each year up to their maximum authority identified in Provision 4.
 - a. Example Year 1: 500 AFY of the 1,750 AFY is made available. The City would receive 250 AFY towards its 1,150 acre-foot allocation, and the County would receive 250 AFY towards its 600 acre-foot allocation.

- Approved by the City Council of the City of Leavenworth, Washington at an Open Public Meeting the 13th day of June, 2023.

Andrea K. Fischer
Attest:

Board of Chelan County Commissioners:

7



Subsidize bear-resistant trash bins in Leavenworth

New petition



Gaining momentum in Government and Politics

60

Shares

1

Comments

e G • 7 hours ago tiffa T • 8 hours ago Tawnee M • 8 hours ago Pamel

The Issue

In Leavenworth, our community is facing a recurring and distressing problem: frequent bear encounters. As residents and business owners, we've seen firsthand the repercussions of black bears becoming habituated. A heartbreaking reality unfolds each time a bear, lured into town by easily accessible trash, gets habituated and

120[✓]

Verified signatures ▾

Let's get to 200 signatures!

Petitions with 1,000+ supporters are 5x more likely to win!

Sign this petition

First name

Last name

Email

☒ Display my name on this petition

Continue

subsequently becomes a threat to human safety, and is euthanized. This is where our call to progress lies—by encouraging the City to provide subsidized bear-resistant trash bins, we can shift the narrative from conflict to coexistence.

Our community cherishes its wildlife, and the presence of black bears is an integral part of the natural heritage of Leavenworth. However, bears entering urban areas pose serious safety concerns and often meet tragic fates. The adage, "a fed bear is a dead bear," echoes through our streets. Yet, this situation is entirely preventable with a robust and sustainable solution.

Bear-resistant trash bins are a part of the answer. These bins are designed to be secure, ensuring that bears cannot access our waste. Not only does this reduce the attraction of bears into residential and commercial areas, but it also decreases the likelihood of bears being euthanized. Similar approaches have succeeded in communities facing analogous challenges, resulting in notable reductions in bear-related incidents.

Implementing this change requires the support of our local government. We respectfully urge the City of Leavenworth to subsidize the cost of bear-resistant trash bins for both private residents and businesses. While initial costs may seem significant, the long-term benefits include fewer euthanized bears, improved public safety, and the preservation of our community's natural allure.

The investment in bear-resistant bins is not merely financial; it's an affirmation of our commitment to living alongside wildlife in a respectful and secure environment. It prioritizes the safety of both humans and bears, fostering a sustainable coexistence that honors both the environment and community values.

Join us in this initiative to protect bears and ensure the safety of our community. Demand action and encourage the City of Leavenworth to implement these necessary measures. Sign this petition today to help us secure a future where humans and bears can peacefully coexist.

PLEASE NOTE: When change.org asks for a donation after you sign, this does not go towards the cause but goes towards change.org.

[Report a policy violation](#)



Marwa Mahmoud

Petition Starter

[Media inquiries](#)

The Decision Makers ⁱ



Leavenworth City Council

8 Members



Mike Bedard ⁱ

Leavenworth City Council - Position 4



Rob Eaton ⁱ

Leavenworth City Council - Position 7



Anne Hessburg ⁱ

Leavenworth City Council - Position 3

+ 5 members



Carl Florea ⓘ

Leavenworth City Mayor

Supporter Voices

“

An important issue in town, would love to keep our people and our bears safe with a simple solution!

Nichole, South salt lake



Sign and share why you care!

View all supporter voices

About the supporters



85% of supporters come from: 98826



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Not beholden to politics or power brokers, Change.org is free for people everywhere to make change. Every day there are real victories for issues you care about, only possible because we are 100% funded by everyday people like you.

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Other

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**Will you stand with us to protect the power of
everyday people to make a difference?**

Petition Updates



100 supporters!

18 hours ago



Marwa Mahmoud started this petition!

5 days ago

Share this petition

Petition created on August 23, 2026

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Subsidize bear-resistant trash bins in Leavenworth

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English (United States) ▼

EXHIBIT A

RATES

FOR CITY OF LEAVENWORTH/WASTE MANAGEMENT CONTRACT

(Rates are monthly unless otherwise stated)

CPI

Two B&O tax increases

	3.25%				0.76%			
	10/1/2025	City B & O Tax	State Tax on City B & O Fee	Total	1/1/2026	City B & O Tax	State Tax on City B & O Fee	Total
	<u>Rates</u>	<u>10.00%</u>	<u>1.75%</u>		<u>Rates</u>	<u>10.00%</u>	<u>2.42%</u>	
<u>Residential Garbage Cart Services:</u>								
Weekly Residential Curbside Garbage Service								
35 Gallon Garbage Cart	\$ 21.86	\$ 2.19	\$ 0.04	\$ 24.09	\$ 22.03	\$ 2.20	\$ 0.05	\$ 24.28
64 Gallon Garbage Cart	\$ 28.54	\$ 2.85	\$ 0.05	\$ 31.44	\$ 28.76	\$ 2.88	\$ 0.07	\$ 31.71
96 Gallon Garbage Cart	\$ 35.22	\$ 3.52	\$ 0.06	\$ 38.80	\$ 35.49	\$ 3.55	\$ 0.09	\$ 39.13
(Customers requesting multiple carts will be charged the rates above times the number of additional carts requested)								
<u>Recycling Services (Optional):</u>								
96 Gallon Recycle Cart - Every Other Week	\$ 13.77	n/a	n/a	\$ 13.77	\$ 13.87	n/a	n/a	\$ 13.87
Extra Recycling Cart	\$ 7.54	n/a	n/a	\$ 7.54	\$ 7.60	n/a	n/a	\$ 7.60
<u>Additional Services:</u>								
Qualified Low Income Discount	50% of regular garbage/recycle rate				50% of regular garbage/recycle rate			
Senior Citizen/ Physically Challenged	\$ -	Carryout Service at Curbside Rates			\$ -	Carryout Service at Curbside Rates		
Carry Out Service per Container	\$ 1.56	\$ 0.16	\$ -	\$ 1.72	\$ 1.57	\$ 0.16	\$ -	\$ 1.73
Overweight Container per container	\$ 6.40	\$ 0.64	\$ 0.01	\$ 7.05	\$ 6.45	\$ 0.65	\$ 0.02	\$ 7.12
Over 25 Feet from Curb per pickup per container	\$ 0.32	\$ 0.03	\$ -	\$ 0.35	\$ 0.32	\$ 0.03	\$ -	\$ 0.35
Bulk/Loose Material Pickup per yard	\$ 21.31	\$ 2.13	\$ 0.04	\$ 23.48	\$ 21.47	\$ 2.15	\$ 0.05	\$ 23.67
Extra Garbage Collection Charge (per 35-gallon equivalent)	\$ 5.01	\$ 0.50	\$ 0.01	\$ 5.52	\$ 5.05	\$ 0.51	\$ 0.01	\$ 5.57
(Cart lids lifted over 6 inches or bags on ground)								
Return Trip on service day	\$ 10.37	\$ 1.04	\$ 0.02	\$ 11.43	\$ 10.45	\$ 1.05	\$ 0.03	\$ 11.53
Resume Service or Reactivation Charge from Bad Debt	\$ 37.63	\$ 3.76	\$ 0.07	\$ 41.46	\$ 37.92	\$ 3.79	\$ 0.09	\$ 41.80
Cart Redelivery/Swap after 1st size selection/Cart Cleaning Swap	\$ 19.89	\$ 1.99	\$ 0.03	\$ 21.91	\$ 20.04	\$ 2.00	\$ 0.05	\$ 22.09
Cart Replacement (Customer negligence or cart not available for removal)	\$ 75.23	\$ 7.52	\$ 0.13	\$ 82.88	\$ 75.80	\$ 7.58	\$ 0.18	\$ 83.56
Recycling Contamination Fee, per pick up	\$ 34.73	\$ 3.47	\$ 0.06	\$ 38.26	\$ 34.99	\$ 3.50	\$ 0.08	\$ 38.57
64-gallon garbage cart - Kodiak or Equivalent Bear Resistant Carts	\$ 14.23	\$ 1.42	\$ 0.02	\$ 15.67	\$ 14.34	\$ 1.43	\$ 0.03	\$ 15.80
96-gallon garbage cart - Kodiak or Equivalent Bear Resistant Carts	\$ 14.23	\$ 1.42	\$ 0.02	\$ 15.67	\$ 14.34	\$ 1.43	\$ 0.03	\$ 15.80

EXHIBIT A

RATES

FOR CITY OF LEAVENWORTH/WASTE MANAGEMENT CONTRACT

(Rates are monthly unless otherwise stated)

CPI

Two B&O tax increases

	3.25%				0.76%			
	City		State Tax		City		State Tax	
	B & O		on		B & O		on	
	Tax		City B & O		Tax		City B & O	
	10.00%		Fee		10.00%		2.42%	
	10/1/2025		1/1/2026		1/1/2026		1/1/2026	
	Rates		Rates		Rates		Rates	

2.5.7 Annual Adjustments. The rates and charges set for solid waste collection, as set forth in Exhibit A, shall be effective October 1, 2019. Commencing on October 1, 2019, and on every October 1st annually thereafter (the "Adjustment Date"), the Rates, as adjusted hereunder, shall be automatically increased by 3.25%. At least thirty (30) days prior to the Adjustment Date, WM shall notify the City of the adjustment to take effect on the Adjustment Date and shall provide the City with its computations therefor. The Annual Adjustment in rates shall only become effective following WM timely compliance with the provision of notices to customers as required by RCW 35A.21.152, as the same exists now or may hereafter be amended.

2.5.8 Extraordinary Rate Adjustments. WM's Rates set by this Agreement are calculated to pay certain expenses and costs that are of a contingent and uncertain nature. Therefore, in addition to the Annual Adjustment, WM's Rates shall, upon written request of WM, be further adjusted on an interim basis for increased expenses or reduced revenue associated with performance of the services hereunder due to any one or more of the following causes:

- (a) material changes in WM's costs resulting from a Force Majeure event;
- (b) changes in the scope or method of services provided by WM or changes in other fees required, initiated, or approved by the City;
- (c) any change in Applicable Law that becomes effective after the Effective Date of this Agreement;
- (d) any increase in fees for the processing of Recyclable Materials;
- (e) any increase in surcharges, fees, assessments or taxes levied by federal, state or local regulatory authorities, other governmental entities or international policy in relation to the Solid Waste Services;
- (f) a material increase in the volume of Refuse, Recyclable Material or other materials collected by WM hereunder, whether caused by customer growth and/or annexation;
- (g) any other extraordinary circumstances or causes or reasons that are not within the reasonable control of WM.

If WM requests an adjustment due to the extraordinary circumstances set forth above, WM shall prepare a rate adjustment request setting forth its calculation of the increased costs or reduced revenue and accompanying rate adjustment necessary to offset such increased costs or reduced revenue. The City may request any and all documentation and data reasonably

necessary to evaluate such request by WM, and may retain, at its own expense, an independent third party to audit and review such documentation and such request. If such third party is retained, the City shall take reasonable steps, consistent with state law, to protect the confidential or proprietary nature of any data or information supplied by WM. The City shall act within ninety (90) days of receipt of the request from WM, but shall approve the request if reasonably sufficient supporting information is provided.

Notwithstanding the foregoing, if the request is based upon any new or increased third party fees, taxes, assessments or charges, the City shall approve the interim rate adjustment within such time period as necessary to ensure that such fees, taxes, assessments or charges are passed on to customers by the date the same are effective.

- 2.5.9 Changes in Recyclable Markets/Costs.** In the event that a change in Applicable Law or a material change in market conditions occurs, including but not limited to lack of commercially reasonable market availability for a type of processed Recyclable Material, changes in market specifications affecting the salability of a type of processed Recyclable Material, or changes affecting the recyclability or marketability of a type of processed Recyclable Material (each a "Material Change"), and such Material Change has the effect of materially altering the terms of this Agreement, or preventing or precluding compliance with one or more provisions of this Agreement, or preventing, precluding or substantially affecting the benefit(s) bargained for under this Agreement, including profits of WM, this Agreement shall be modified or suspended as may be necessary to comply with, ameliorate, or prevent the detrimental effects on the Agreement of, such Material Change. A party detrimentally affected by a Material Change shall so notify the other party and request amendment to this Agreement accordingly, and the Parties shall engage in good faith negotiations regarding such amendments of this Agreement that reflect the extent to which the provisions hereof have been, or should be, so modified or suspended. If a Material Change precludes or reduces any of Company's Rates or other revenues, then the parties shall modify this Agreement in accordance with this provision in order that WM can achieve, on an ongoing basis, profits that existed immediately prior to the Material Change.
- 2.5.10 Notice of Rate Increases.** WM shall implement all adjustments to rates authorized under 2.5.7 above by providing notice on the customers' invoices for the month of the adjustment. Notwithstanding WM's obligation to provide notice of rate increases hereunder, the City shall remain responsible for the 45-day notices of rate increases required under RCW 35.21.157. WM hereby agrees to include such notice on behalf of the City on the customers' invoices for the next billing cycle.

WORKING DRAFT

BearWise Garbage and Refuse Ordinance

City of Leavenworth, Washington | Proposed amendment to LMC Chapter 8.04

Purpose	Reduce bear-human conflict by preventing bears from accessing garbage, the principal human-generated attractant addressed by this draft.
Recommended model	Citywide secure-storage rule; ordinary carts permitted only during a narrow collection-day window; approved plans available for operational hardship.
Status	Policy and attorney-review draft. Bracketed items require City confirmation before introduction.

Recommended policy choices

- Apply the rule citywide. Bears move through the community, and a parcel-by-parcel or mapped overlay would be harder to explain and enforce.
- Regulate bear-attractant garbage, not every possible attractant. This keeps the ordinance aligned with the immediate problem and avoids sweeping fruit trees, bird feeders, compost, grills, and livestock feed into the first enactment.
- Allow compliance through either a bear-resistant container or a bear-resistant enclosure. Residents without a compatible bear-resistant cart can keep an ordinary cart in a garage, shed, or qualifying enclosure until collection morning.
- Require commercial, multifamily, lodging, institutional, and food-service generators to use bear-resistant equipment or obtain an approved site-specific waste management plan.
- Use education-first enforcement, followed by graduated civil penalties within the existing LMC 8.04.080 maximum of \$250 per offense.

Items to confirm before introduction

Decision	Draft approach
Collection window	Draft uses 4:00 a.m. through 9:00 p.m. on collection day. Confirm the hauler's earliest routes and whether carts must be unlatched before service.
Commercial rollout	Draft allows 180 days for larger generators. Confirm availability, cost, and compatibility of carts, dumpsters, locks, and enclosures.

Approving official	Draft assigns alternative-plan and equivalent-product approvals to the Public Works Director or designee, after consultation with the collector and, when useful, WDFW.
Penalty schedule	Draft proposes warning/correction first, then \$50, \$100, and \$250 for repeated violations in 12 months. Confirm municipal-court and infraction-form practices.
Rental responsibility	Draft makes the person controlling the waste responsible and separately requires lodging operators to provide instructions and a workable disposal method.

CITY OF LEAVENWORTH, WASHINGTON

ORDINANCE NO. []

AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON, AMENDING CHAPTER 8.04 OF THE LEAVENWORTH MUNICIPAL CODE TO REQUIRE SECURE STORAGE AND COLLECTION OF BEAR-ATTRACTANT GARBAGE; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, black bears occur in and around Leavenworth, and unsecured human-generated food waste can condition bears to seek food in developed areas, increasing risks to people, property, pets, and bears; and

WHEREAS, the Washington Department of Fish and Wildlife identifies unsecured garbage as a leading cause of conflict between black bears and humans and recommends securing garbage until the morning of collection; and

WHEREAS, LMC Chapter 8.04 already requires garbage to be placed in approved, covered, weatherproof, rodent-proof, and insect-proof containers, and the City Council finds that additional standards are necessary to prevent access by bears; and

WHEREAS, RCW 35A.11.020 grants code cities broad authority to regulate for the health, safety, and welfare of their residents, and state nuisance law recognizes conditions that endanger public safety or make persons insecure in life or property; and

WHEREAS, the City Council intends to focus this ordinance on unsecured garbage while pairing implementation with public education, reasonable compliance options, and progressively stronger enforcement for repeated violations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEAVENWORTH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings and purpose.

The recitals above are adopted as findings. The purpose of this ordinance is to reduce bear-human conflicts by preventing bears from obtaining food rewards from garbage and refuse. The requirements are intended to be practical, uniform, and compatible with the City's collection system.

Section 2. New LMC 8.04.005 - Definitions.

The following definitions apply in this chapter:

- A. "Bear attractant garbage" means garbage or refuse containing food, food residue, cooking grease, used cooking oil, meat or fish scraps, bones, fruit or vegetable waste, pet food, or other putrescible material that by odor or content is reasonably likely to attract a bear. The term does not include clean recyclables that contain no food residue, yard waste that contains no fruit or food material, construction debris, roadkill, or human waste handled through an approved sanitary system.
- B. "Bear-resistant container" means a fully enclosed container with a lid and latching mechanism designed to prevent access by bears when properly closed and secured. A product currently certified by the Interagency Grizzly Bear Committee is deemed bear resistant. The Public Works Director may approve an equivalent product or design that provides substantially similar resistance and is compatible with collection equipment.

- C. “Bear-resistant enclosure” means a fully enclosed and securable building, structure, dumpster enclosure, or other physical barrier constructed and maintained to reliably prevent entry by a bear. A dwelling, garage, or substantial shed qualifies when doors and openings are closed and secured.
- D. “Collection day” means the calendar day on which the City or its authorized garbage collector is scheduled to collect garbage from the premises.
- E. “Responsible person” means an owner, occupant, tenant, lessee, property manager, business operator, lodging operator, association, or other person who possesses, controls, stores, or places garbage for collection.
- F. “Secure” or “secured” means closed and latched or locked in the manner required for the container or enclosure to prevent access by a bear.

Section 3. LMC 8.04.020 amended - Container and secure-storage requirements.

LMC 8.04.020 is amended by adding the following subsections:

- E. General duty. A responsible person shall not accumulate, store, or place bear attractant garbage outdoors in a manner that allows or is reasonably likely to allow access by a bear. Except during lawful placement for collection under subsection F, bear attractant garbage stored outdoors must be secured in a bear-resistant container or bear-resistant enclosure.
- F. Residential collection-day alternative. A responsible person for a single-family, duplex, triplex, or fourplex residential premises may place an ordinary, non-bear-resistant container holding bear attractant garbage at the approved collection location no earlier than 4:00 a.m. on collection day. After collection, the container must be removed from the collection location and returned to a building or bear-resistant enclosure no later than 9:00 p.m. that day. If a bear-resistant container is used, any latch that must be released for automated collection shall be placed in the position directed by the collector and shall be resecured by 9:00 p.m.
- G. Commercial and shared-container requirements. A business, food-service establishment, lodging establishment, public facility, institutional use, multifamily premises with five or more dwelling units, and any premises using a shared cart, dumpster, or compactor shall keep bear attractant garbage secured in a bear-resistant container, bear-resistant enclosure, or outdoor compactor meeting subsection H at all times except while waste is being deposited or removed. The container or enclosure must be closed and secured immediately after each use.
- H. Compactors. An outdoor trash compactor may be used if no waste is exposed, all doors and access points are closed when not actively loading or servicing the compactor, and the surrounding area is kept free of spilled garbage and residue.
- I. Capacity; overflow; cleanup. Containers must have sufficient capacity for all garbage generated between collections. No bear attractant garbage may be placed on top of, beside, or outside a container or enclosure. A responsible person shall promptly collect and securely dispose of garbage scattered by a bear or other animal and clean residue from the container and surrounding area.
- J. Condition and operation. Bear-resistant containers and enclosures must be maintained in working order and used according to manufacturer instructions. A container is not bear resistant while its required latch or lock is disengaged, except during active loading or collection as allowed by this chapter.

- K. Collector access. Nothing in this section requires the collector to service a container that is inaccessible, improperly placed, overfilled, latched contrary to collector instructions, or incompatible with collection equipment.

Section 4. New LMC 8.04.025 - Alternative waste management plans and temporary exceptions.

- A. The Public Works Director or designee may approve a written, site-specific waste management plan when strict compliance with LMC 8.04.020(E) through (K) is impracticable because of collection equipment, site constraints, disability-related access needs, temporary construction, a special event, or another substantial operational hardship.
- B. A plan must identify the premises, responsible person, waste types and volumes, collection schedule, proposed containers or controls, cleaning procedures, and the method by which access by bears will be prevented. The Director may consult the authorized collector and the Washington Department of Fish and Wildlife.
- C. The Director may approve, condition, modify, suspend, or revoke a plan. Approval must be in writing and may not exceed two years without renewal. Failure to comply with an approved plan is a violation of this chapter.
- D. During a documented interruption of collection service, equipment failure, or other emergency beyond the responsible person's control, the Director may authorize temporary alternative storage measures that reasonably prevent access by bears.
- E. Cost alone does not require approval of an alternative plan, but the Director may consider cost together with site constraints, available equipment, and the risk of bear access.

Section 5. New LMC 8.04.027 - Lodging establishments and short-term rentals.

- A. The operator of a hotel, motel, vacation rental, short-term rental, or other transient lodging shall provide guests with clear written instructions for disposal of bear attractant garbage and shall provide a disposal method that complies with this chapter at check-out and between scheduled collections.
- B. A lodging operator may not direct or allow guests to leave bear attractant garbage outside a secured container or enclosure or in an ordinary container before the collection-day window in LMC 8.04.020(F).
- C. This section does not relieve a guest or other responsible person from compliance with this chapter.

Section 6. LMC 8.04.080 amended - Enforcement and penalties.

LMC 8.04.080 is amended to read as follows:

- A. A violation of this chapter is a civil infraction subject to a civil penalty not to exceed \$250 for each offense. Each calendar day a violation continues after notice may constitute a separate offense.
- B. Except when an immediate public-safety risk, intentional conduct, refusal to correct, or repeated bear access warrants a citation, the City should seek voluntary compliance and issue an educational warning for a first observed violation. The responsible person shall correct an unsecured-garbage condition as soon as reasonably practicable and within the time stated in the warning.
- C. For violations of LMC 8.04.020(E) through (K), 8.04.025, or 8.04.027 occurring within 12 months after a warning or prior violation involving the same responsible person or premises, the recommended

penalties are: first cited violation, \$50; second cited violation, \$100; third and subsequent cited violations, \$250. A court may impose a different amount within the maximum allowed by this section.

- D. The City may photograph a condition visible from a public place or from property where the City is lawfully present and may rely on observations by the authorized collector, law enforcement, code enforcement, City employees, or other competent evidence. This section does not authorize entry onto private property without consent, a warrant, or other lawful authority.
- E. Enforcement under this chapter is cumulative and does not limit nuisance abatement, recovery of lawful cleanup costs, enforcement of an approved waste management plan, or enforcement by the Washington Department of Fish and Wildlife under state law.

Section 7. Implementation period.

- A. For the first 90 days after the effective date, the City shall emphasize education and warnings and shall not issue a monetary penalty unless the violation is intentional, creates an immediate public-safety risk, involves refusal to correct an unsecured-garbage condition, or follows bear access to garbage at the same premises after a warning.
- B. LMC 8.04.020(G), as applied to replacement or physical modification of an existing commercial or shared container or enclosure, becomes enforceable 180 days after the effective date. During that period, the responsible person must use reasonable interim measures and comply with any written direction from the Public Works Director to prevent bear access.
- C. The City should coordinate public information with the authorized collector and may publish approved container specifications, collection instructions, sample waste management plans, and financial-assistance information.

Section 8. Administrative rules.

The Public Works Director may adopt written administrative rules consistent with this ordinance concerning approved equivalent containers, enclosure performance standards, collector compatibility, application forms, operational instructions, and temporary measures. The rules shall be made available to the public.

Section 9. Severability.

If any section, subsection, sentence, clause, phrase, or application of this ordinance is held invalid, the remainder of the ordinance and its application to other persons or circumstances are not affected.

Section 10. Corrections by City Clerk and Code Reviser.

Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary clerical corrections, including correction of references, numbering, section or subsection designations, punctuation, grammar, and typographical errors.

Section 11. Effective date.

This ordinance shall take effect five days after publication as provided by law.

PASSED by the City Council of the City of Leavenworth and approved by the Mayor this [____] day of [____], 2026.

CITY OF LEAVENWORTH _____ Carl J. Florea, Mayor	ATTEST/AUTHENTICATED _____ Andrea Fischer, City Clerk
APPROVED AS TO FORM _____ City Attorney	

Drafting notes and legal review checklist

Issue	Review point
Code placement	The proposal adds definitions and operational rules to Chapter 8.04, which already regulates garbage service and containers. It replaces the current one-sentence penalty section with a more specific civil-enforcement framework.
State overlap	RCW 77.15.790 independently addresses intentional or negligent feeding or attracting of certain large wild carnivores. The local ordinance is framed as a garbage-storage standard and expressly preserves state enforcement.
Product standard	IGBC certification is a clear safe harbor, but not the only path. Equivalent approval avoids unlawfully or impractically locking the City to one private product list and lets Public Works account for hauler compatibility.
Due process and entry	The draft relies on observable conditions, warnings, civil infractions, and existing procedures. It does not create warrantless inspection authority. Confirm the City’s citation, appeal, and service practices with the City Attorney and municipal court.
Responsibility	The broad “responsible person” definition supports enforcement against the person controlling the waste. Counsel should confirm how the City wishes to allocate responsibility among owner, tenant, manager, association, and lodging guest.
Labor and operations	Before introduction, verify route start times, latch handling, missed-pickup rules, worker safety, equipment compatibility, overflow service, and any bargaining or contract implications.
Accessibility	The alternative-plan section includes disability-related access needs. Counsel should confirm whether a separate reasonable-accommodation process or administrative rule is preferable.
Evidence and records	Use photographs, collector reports, warning records, and documented cleanup. Establish a consistent retention practice and avoid entering private property without consent or lawful authority.

Source notes

- City of Leavenworth Municipal Code, Chapter 8.04 (Garbage), current through legislation included on the City’s online code site as of April 14, 2026.
- Whitefish, Montana, Municipal Code Chapter 4-2 and 2022 bear-resistant refuse-container implementation materials supplied by the City.

- Missoula, Montana, Ordinance No. 3419 (2010), especially the bear-buffer-zone secure-storage rule, approved waste-management plans, compactor provision, warning period, and penalty structure.
- Washington Department of Fish and Wildlife, Living with Wildlife: Be Bear Aware (black bear guidance), identifying unsecured garbage as a leading cause of bear-human conflict and recommending secure storage until collection morning.
- RCW 35A.11.020 (code-city powers); chapter 7.48 RCW (nuisances); chapter 7.80 RCW (civil infractions); RCW 77.15.790 (feeding or attracting large wild carnivores).
- Interagency Grizzly Bear Committee, Bear-Resistant Products Testing Program and current certified-products list.
- Municipal Research and Services Center, Code Enforcement (updated July 29, 2025), including voluntary compliance, civil infractions, due process, inspection, and abatement considerations.

Important: This is a policy-development draft, not legal advice. The City Attorney should review statutory authority, enforcement procedure, penalty language, public-record implications, and consistency with the City's solid-waste collection contract before introduction.