

**LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall – Council Chambers & Zoom
October 13, 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 Development Regulations that are currently in review with the Planning Commission. These include updates to Title 18 zoning; specifically, new zoning purpose statements, updated district use chart and dimensional standards, and a new Conditional Use Permits (CUP) chapter.

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

- Memo to Council – Development Regulations Summary
- Planning Commission Memo – ADUs and Bed & Breakfasts
- Draft LMC Title 18 – Zoning edits

6:10-6:20 Resolution XX-2026 – Legislative Priorities for 2027

This is an opportunity for the Council to review what the priorities were last year, see what the Association of WA Cities has chosen to focus on, and give feedback and input on the priorities for 2027.

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

- Last year's legislative agenda
- This year's AWC legislative agenda

6:20-6:30 Resolution XX-2026 – Rate & Fee Schedule Call for Changes

The Council is being provided with a copy of the current Rate & Fee schedule that will be adopted in December with suggested changes. At this time, staff are requesting recommended changes if the Council so desires; staff recommended changes will be forthcoming in future meetings.

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

- Resolution 09-2026 – Current Rate & Fee Schedule

6:30-6:45 Neighborhood Block Party Discussion

In April 2022, the City Council reviewed and discussed a proposed pilot neighborhood block party program. Since that meeting, city staff have approved neighborhood block

parties according to the pilot program specifications that were presented to the Council in that study session.

In the summer of 2026, the block party program parameters were challenged by an applicant who sought to close off Titus Road for two days for the sole purpose of selling alcohol in a “beer garden” on the city right-of-way. The application was denied, but in reviewing the block party materials, staff realized that the block party requirements had never been officially approved by the City Council, only reviewed in a study session.

This time is the for the City Council to review the pilot block party program and discuss any desired changes before staff comes back with a resolution to formalize the program. One change that staff recommends is to automatically approve a noise variance with each approved application.

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

- Block Party Pilot Program Application Materials

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

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



Memo

To: Mayor and City Council

From: Community Development Staff

Date: September 29, 2026

Re: Development Standards – Title 18 attached.

Title 18 has been attached for your review. The Planning Commission will hold a Public Hearing on the draft Development Regulations on November 4, 2026. I did not include Title 21 as the changes are definitions and timelines only. Some of the changes are mandated by the State and cannot be removed. Summary of changes include:

- Changes to District Use Chart
- Changes to the Purpose statements
- Add co-living housing
- Removal of CDMI section of code as it has never been used and is no longer necessary after changes to the zoning code to allow for mixed use in commercial zones.
- Added Chapter 18.45 Shelter, Transitional, Emergency, and permanent supportive housing (STEP)
- Removed design standards for affordable housing – all development must have the same standards, we are not allowed to have special standards for affordable housing.
- Removed Manufacture home parks chapter. Ensures manufactured housing is regulated the same as site/stick-built housing, add tiny homes, and some design standards for the manufactured home park code.
- Deleted almost all definitions related to manufactured homes and mobile homes and simplified the definition of manufactured homes to be: new, built offsite, permanent foundation. This definition explicitly excludes RVs and Tiny homes on wheels. Basically, if you have a structure, place it on a foundation, and connect it to utilities – that's a house and allowed by zoning.
- Any dwelling, however small, that is on a permanent foundation and meets building codes for permanent housing is a house, so Tiny Homes (as a structure) should not be regulated separately from other houses.

- Tiny Homes on Wheels are different – those are not up to the building codes for permanent housing and treated more like RVs. We gave THOWs their own definition and added them to RV Park standards.
- Removed Conditional Use code, replaced with new CUP code that aligns with the rest of Title 18 and updates the application requirements and processes.
- Added an optional Tiny Home Village section in the new STEP housing chapter, 18.45.040 (see comments in draft)
- Deleted other references to manufactured homes/tiny home parks from Title 18, including from 18.42.030- Other Affordable Housing Options
- Added references to THOW in Chapter 18.51- RV Parks
- Allow additional units in commercial, mf, and mu buildings (RCW 35A.21.440)

Basically, this deals with making the code compliant with state statute that needs Leavenworth to make it easier to convert existing buildings into housing. There is a long list of things the City can no longer regulate under this statute, so these edits include small exemptions in lots of different parts of the municipal code.

- Can't require additional parking. We added exemptions in 14.12.040 and 14.12.045 – Off Street Loading and Parking
- Can't require a change in use permit, new design standards, or re-launch design review. We added exemptions to 14.08.025 – Old World Bavarian Architectural Theme
- Can't deny a permit or require certain energy code updates for portions of the converted building. We added an exemption in 15.04.030 – General requirements for all referenced codes (building & construction).
- Can't require a Transportation Concurrency Study. We added an exemption to 17.020.070 – Concurrency for public facilities and utilities
- Can't require environmental studies. We added to the list of instances where a critical area study can be waived 16.08.220 – Critical Areas Review Process
- Changes to Title 14 Parking code, Lighting Standards
- Changes to Title 17 regarding updated State mandated timelines and removal of applications in sets of 10. Removed all references to he/she and changed to they/them.
- Changes to 21.90 definitions.
- Changes to Title 21 timelines to follow State laws.

The Planning Commission does not support differentiating the allowable use of an ADU based on whether it was constructed using pre-approved plans provided by the City or through a conventional design and permitting process. Accordingly, the Planning Commission is not recommending code language that would establish separate Bed and Breakfast (B&B) requirements for ADUs constructed using pre-approved plans.

The Planning Commission position is based on three primary considerations:

1. All housing units contribute to the City's overall housing stock.

The City needs a balance of various housing types, and ADUs have been established as a valuable component of the City's housing supply. The use of an individual dwelling unit may also change over time. For example, many single-family homes function as second homes or remain vacant except for occasional holidays. Those homes are still considered part of the City's overall housing stock, although their occupancy patterns may require adjustments when analyzing housing availability and vacancy rates.

The same principle applies to ADUs. An owner may choose to operate an ADU as a B&B for several years and later convert it to a long-term rental. Conversely, a property owner may use an ADU as a long-term rental and later transition it to B&B use. A subsequent owner may make an entirely different choice regarding how the ADU is utilized. The value of an ADU is, in part, the flexibility it provides to property owners as their circumstances and needs change over time.

Placing additional restrictions on the future use of ADUs constructed using pre-approved plans could discourage property owners from utilizing those plans and, ultimately, reduce the number of ADUs constructed within the City. At the same time, such a restriction will not reduce the overall number of B&Bs, as the maximum number of allowable B&B permits is calculated by the City. Discouraging the construction of pre-approved ADUs to limit future B&B use could therefore have the unintended consequence of reducing the City's housing supply without providing a corresponding reduction in B&B activity.

2. The City's existing B&B program is already highly regulated.

The City's B&B program includes significant regulations intended to ensure that B&Bs are operated by full-time residents (who are on-site during B&B occupancy) seeking to generate supplemental income.

The City Council and Planning Commission have previously considered the balance between allowing B&Bs as a source of supplemental income for local residents and addressing potential neighborhood impacts. As a result, the City has established a number of regulations specifically applicable to B&B operations, including additional fees, inspections, and other requirements. These regulations are directed toward the operation and impacts of the B&B, rather than the manner in which the underlying dwelling unit was designed or permitted. Adding another restriction based solely on whether an ADU was constructed using pre-approved plans would introduce an additional and potentially confusing distinction without a clear corresponding public benefit.

The Planning Commission believes that if additional regulation of B&Bs is warranted, it should be addressed through the City's established B&B regulatory framework rather than by imposing different requirements on otherwise comparable ADUs based solely on their design and permitting history.

3. Administering a fee modification for certain ADUs would be difficult and potentially infeasible.

The Planning Commission also has concerns regarding the practical administration of any fee modification, reimbursement, or additional fee applicable to ADUs constructed using pre-approved plans when a B&B CUP is subsequently requested.

For example, if an ADU was constructed several years earlier, potentially by a previous property owner, it is unclear whether the current owner applying for a B&B CUP would be required to retroactively pay additional permit fees. If retroactive collection is not required, the proposed fee distinction would effectively apply only when an owner applies for the B&B approval and ADU building permit at the same time, which is often not the case.

There is also uncertainty regarding which fees the City could appropriately collect or be reimbursed for. The existing pre-approved ADU program already accounts for the City's reduced workload associated with reviewing previously approved plans.

The City paid a one-time fee to an architectural firm to develop the pre-approved plans. Because those plans have already been reviewed, less City staff time is required to review building permit applications utilizing them. This reduced workload is reflected in the discount provided to applicants using the pre-approved plans. The City will continue to collect applicable zoning and site-review fees because those reviews are still required for these projects. It appears the existing fee structure already recognizes the reduced administrative burden associated with the use of pre-approved plans, while fees for services that the City continues to provide remain applicable.

Conclusion

For these reasons, the Planning Commission does not recommend establishing separate B&B requirements or fees based solely on whether an ADU was constructed using City pre-approved plans. Such a distinction could discourage the construction of ADUs, provide little practical benefit in regulating B&B activity, create unnecessary administrative complications, and result in different treatment of otherwise comparable dwelling units.

The Planning Commission believes the City's existing B&B regulations provide a more direct and appropriate means of addressing B&B activity while allowing ADUs to serve their intended purpose of expanding the City's housing options and providing property owners with flexibility as their housing and financial needs change over time.

Title 18 ZONING

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For statutory provisions authorizing cities to enact zoning ordinances, see RCW 35.63.110.

Editor's note: LMC Title 18 was readopted in its entirety by Ord. 1006 § 1, 1996.

CHAPTER 18.04 GENERAL PROVISIONS**§ 18.04.010. Interpretation – Purpose.**

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or plat restrictions, the most restrictive or those imposing the higher standards shall govern.

(Ord. 531 § 1, 1973; Ord. 551 § 18.100, 1976; Ord. 1421 § 1 (Att. B), 2012; Ord. 1423 § 1 (Att. B), 2012)

§ 18.04.015. Administrative deviation.

The city administrator or his/her designee working in consultation with other agencies and departments with expertise has discretionary authority to rule on the applicability of this title's dimensional standards, determine modifications necessary to fit development patterns, topography, and other constraints, and, at his/her discretion, to require formal application to the hearing examiner for variance of the standards. At no time shall an administrative deviation from the dimensional standards exceed 10 percent of the adopted standard. A deviation is not a right. It is a special exception from the regulations for which a justifiable need and extraordinary circumstances must be demonstrated. It is intended to assure fair treatment of someone with special property circumstances and not to grant special privilege. Deviations may be approved provided the applicant demonstrates the following:

- A. The deviation does not conflict with the Comprehensive Plan.
- B. The deviation is no greater than 10 percent of the adopted standard, excepting for a common building line for existing subdivisions within in-fill development.
- C. The deviation is exclusive to a dimensional standard (for example: setback, length, width, depth, height, and area). At no time shall a deviation be approved for changing density or altering the intent of the LMC.
- D. The authorization of the deviation 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.

(Ord. 1421 § 1 (Att. B), 2012; Ord. 1589 § 1 (Att. B), 2022)

§ 18.04.020. Building permit – Conditions and effect.

Building permits issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement or construction at variance with that authorized shall be deemed violation of this title and punishable as provided in Chapter 21.13 LMC.

(Ord. 531 § 1, 1973; Ord. 551 § 40.140, 1976; Ord. 1421 § 1 (Att. B), 2012)

§ 18.04.030. Interpretation.

It is the intent of this title that all questions of interpretation and enforcement shall be first

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presented to the administrative official, pursuant to LMC § 21.03.020.

(Ord. 531 § 1, 1973; Ord. 551 § 42.100, 1976; Ord. 1421 § 1 (Att. B), 2012; Ord. 1628 § 1 (Att. A), 2021)

CHAPTER 18.12 OFFICIAL ZONING MAP¹**§ 18.12.010. Adopted – Districts established.**

The city is divided into zoning districts as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. (Ord. 531 § 1, 1973; Ord. 551 § 12.100, 1976; Ord. 1503 § 1 (Att. A), 2015; Ord. 1596 § 1 (Att. A), 2019)

§ 18.12.015. District purpose statements.

Residential 3 District: The purpose of this district is to recognize the character and development pattern of historically platted residential neighborhoods characterized by smaller lots. Regulations are intended to allow these established lots to continue while maintaining the historic scale. This district will allow for additional housing opportunities while ensuring that the new development is consistent with the established residential pattern. The regulations for this district are intended to maintain, the essential characteristics of the residential environment; provide for a suitable and livable neighborhood setting; and ensure that development is compatible with surrounding residential uses.

Residential 6 District: This is a residential ~~low density~~ district in which the principal use of land is for single-family dwellings, duplexes, ~~triplexes~~, and accessory dwellings, together with recreational, religious, and educational facilities ~~required necessary~~ to serve the community. ~~The regulations for this district are intended to establish, maintain, and protect the essential characteristics of the residential environment; provide for a suitable and livable neighborhood setting; and ensure that development is compatible with surrounding residential uses. The district is primarily intended for residential uses and limits commercial and other activities that may be incompatible with or detrimental to the residential character of the area.~~ 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 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.

Residential 8 District: This is a residential low-density district ~~designed for the Urban Growth Area~~ in which the principal use of land is for single-family dwellings, duplexes, ~~triplexes~~ and accessory dwellings, together with recreational, religious, and educational facilities ~~required necessary~~ to serve the community. ~~The regulations for this district are intended to establish, maintain, and protect the essential characteristics of the residential environment; provide for a suitable and livable neighborhood setting; and ensure that development is compatible with surrounding residential uses. The district is primarily intended for residential uses and limits commercial and other activities that may be incompatible with or detrimental to the residential character of the area.~~ 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 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.

Multifamily District: This is a medium-density residential district designed to accommodate multifamily uses, together with recreational, religious, and educational uses ~~required necessary~~ to serve the community. This district is intended to provide ~~for increased housing variety and range of cost for housing affordability~~ in Leavenworth. The multifamily district is also intended to serve as a buffer between commercial and ~~single family residential~~ districts, ~~and to provide incentive for renewal and redevelopment of older residential areas.~~

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§ 18.12.060

General Commercial District: The general commercial district classification is intended to be applied to areas suitable and desirable for wholesale and retail sales and services, commercial activities, and family-oriented entertainment and recreational uses. ~~not properly a part of the central area.~~

Central Commercial District: The central commercial district is intended to provide for a concentrated, pedestrian-oriented mix of retail, dining, lodging, offices, services, entertainment, and other commercial uses. The district recognizes and seeks to preserve and enhance the established character, architectural scale, pedestrian orientation, and distinctive identity of downtown Leavenworth as the community's primary commercial and tourist center. Development within the district should complement the existing downtown environment, support a vibrant year-round business district, and contribute to an attractive and welcoming area for residents, businesses, property owners, and visitors. ~~an appropriately located area of concentrated retail stores, offices, and service establishments of limited nature serving the residents of the city and the surrounding area. Recognizing the established character and attractive scale of the central part of the Leavenworth business area, it is the further purpose of this district regulation to protect and enhance this area for the benefit of the city, businesses, property owner, and the general public.~~

Tourist Commercial District: The tourist commercial district classification is intended to be applied to areas suitable and desirable for ~~motel~~ transient accommodations, restaurants, service stations, commercial activities, family-oriented entertainment and recreational uses and similar uses to accommodate auto-oriented patrons. This district is suitable for residential uses.

1. Prior ordinance history: Ord. 979.

Light Industrial District: The purpose of the light industrial district is to promote the development of clean, light manufacturing of goods and wares. The district may also accommodate storage and warehouse-type facilities, as well as mixed-use projects designed primarily to support and grow industrial businesses while allowing on-site housing. Accessory customer-oriented uses, such as tasting rooms associated with on-site breweries or wineries, may also be suitable, when subordinate to and supportive of the primary manufacturing or production use. ~~In addition, the light industrial district can accommodate storage-type facilities.~~

Recreation District: The recreation district is intended to provide and protect areas for active and passive recreational, open space, and community-oriented uses. Appropriate uses include municipal and community parks, playgrounds, ball fields and other athletic facilities, golf courses, trails, wildlife refuges and sanctuaries, and similar recreational or open space uses. The district may also accommodate institutional uses that incorporate substantial recreational fields, open space, or landscaped areas as an integral part of their normal operations. The recreation district is not intended for large-scale commercial amusement or entertainment uses. ~~The recreation district is to promote both passive and active recreation. This district is suitable for such uses as wildlife refuge and sanctuaries, municipal parks, ball fields, playgrounds, and golf courses. This designation is not applicable to commercial amusement parks and other such activities. This designation may also be appropriate for institutions that utilize play fields and/or open space as part of their normal day-to-day operation or landscaping.~~

Recreation Public District: The recreation-public district is intended to provide for publicly owned lands and facilities that serve community recreation, public services, utilities, and other civic purposes. Appropriate uses include public parks, recreational facilities, open space, public utility facilities, and other government or community-serving uses. Limited commercial or revenue-generating uses may also be permitted when they are compatible with the purpose of the district and are determined by the City's legislative authority to serve the best interests of the

§ 18.12.015 LEAVENWORTH CODE § 18.12.060

~~community be applied to publicly owned properties for public recreation and utility uses. This district is suitable for recreational and public uses, and commercial uses that are determined by the city's legislative authority to be in the best interest of the community.~~

Public District: The purpose of the public district is to provide for and protect land used for public and civic purposes, such as public buildings, facilities, schools, city offices, utility district facilities, museums and other governmental or community uses. The district is intended to balance health, safety, public amenity, economic vitality and environmental protection with public land use.

(Ord. 1589 § 1 (Att. B), 2022)

§ 18.12.020. Certification.

The official zoning map shall be identified by the signature of the mayor, attested by the city clerk-treasurer, and bearing the seal of the city under the following words:

This is to certify that this is the official zoning map referred to in Section 1 of Ordinance No. ____ of the city of Leavenworth, Washington.

together with the date of the adoption of the ordinance codified in this title.

(Ord. 531 § 1, 1973; Ord. 551 § 12.100, 1976; Ord. 1503 § 1 (Att. A), 2015)

§ 18.12.030. Change procedure.

Amendments to the zoning map shall be considered pursuant to LMC § 21.35.030, Zoning map amendments.

(Ord. 531 § 1, 1973; Ord. 551 § 12.100, 1976; Ord. 1503 § 1 (Att. A), 2015; Ord. 1596 § 1 (Att. A), 2019)

§ 18.12.040. Unauthorized change – Penalty.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided under Chapter 21.13 LMC.

(Ord. 531 § 1, 1973; Ord. 551 § 12.100, 1976; Ord. 1503 § 1 (Att. A), 2015; Ord. 1596 § 1 (Att. A), 2019)

§ 18.12.050. On file – Final authority.

The official zoning map shall be maintained at City Hall.

(Ord. 531 § 1, 1973; Ord. 551 § 12.100, 1976; Ord. 1503 § 1 (Att. A), 2015; Ord. 1596 § 1 (Att. A), 2019; Ord. 1651 § 4 (Att. D), 2022)

§ 18.12.060. Replacement – When – Certification.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or the number of changes and additions, the city council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk-treasurer, and bearing the seal of the city under the following words:

This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as part of Ordinance No. ____ of the city of Leavenworth, Washington.

(Ord. 531 § 1, 1973; Ord. 551 § 12.110, 1976; Ord. 1503 § 1 (Att. A), 2015)

**CHAPTER 18.16 DISTRICT BOUNDARY INTERPRETATION AND
REGULATIONS**

§ 18.16.010. Interpretation.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- D. Boundaries indicated as following shorelines shall be construed to follow the ordinary high water mark; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (E) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (A) through (E) of this section, the city administrator and/or his/her designee shall interpret the district boundaries.

(Ord. 531 § 1, 1973; Ord. 551 § 14.100, 1976; Ord. 1423 § 1 (Att. B), 2012)

§ 18.16.020. Regulations.

The regulations set by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified in this title for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered so as to:
 - 1. Exceed the height or bulk;
 - 2. Accommodate or house a greater number of families;
 - 3. Occupy a greater percentage of lot area;
 - 4. Have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required in this title, or in any other manner contrary to the provisions of this title.

- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this title, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title.
- E. All territory which may hereafter be annexed to the city shall be zoned according to the recommendation of the city planning commission and the city council and made part of the annexation proceedings.

(Ord. 531 § 1, 1973; Ord. 551 § 16.100, 1976)

CHAPTER 18.25 DISTRICT USES**§ 18.25.010. Purpose.**

A district use chart is established and contained herein as a tool for the purpose of determining the specific uses permitted in each zoning district. No use shall be permitted in a zoning district that is not listed in the use chart as either a permitted, accessory or conditional use, unless the administrator determines that an unlisted use is similar to one that is already enumerated in the use chart and may therefore be permitted subject to the requirements associated with that use and all other applicable provisions of code.

(Ord. 1627 § 2 (Att. B), 2021)

§ 18.25.020. Shoreline Master Program.

The city has adopted the Shoreline Master Program including its Shoreline Use and Modification Matrix which provides a list of permitted, conditional and prohibited uses within the shoreline jurisdiction. Uses within the shoreline may be more or less restrictive of the district use chart; however, whichever regulation is more restrictive (protective of the environment) shall govern.

(Ord. 1627 § 2 (Att. B), 2021)

§ 18.25.030. District use chart.

The following acronyms apply to the district use chart. If there is no notation in the chart for the zoning district, that use is not permitted. All uses must meet city standards:

"P" Permitted Use. Those uses/development which are permitted when meeting the city regulations.

"AU" Accessory Use. A use or structure on the same lot that is incidental or subordinate to the primary use or structure, and which may exist only when a primary use is existing on the same lot. The floor area of the accessory use must be less than that devoted to the primary use or structure.

"C" Conditional Use. A use allowed in one or more zones as defined by the zoning code and this district use chart, but which, because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires an approval as provided by the code in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

" " (blank) Prohibited. A use/development which is not permitted.

Zoning Districts:

(R3) Residential 3,000

(RL6) Residential Low Density 6,000.

(R-8) Residential 8,000.

(MF) Multifamily Residential.

(GC) General Commercial.

(CC) Central Commercial.

(TC) Tourist Commercial.

~~(CDMUI) Commercial District Mixed Use Incentives (overlay).~~

(LI) Light Industrial.

(REC) Recreation.

(RP) Recreation-Public.

(PB) Public

Land Uses	<u>R-3</u>	~~RL-6~~	R-8	MF	~~CDMU~~	GC	CC	TC	LI	REC	RP	<u>PB</u>
Residential (Specified Use Below)												
Accessory Dwelling Unit	<u>AU</u>	AU	AU	AU								
~~Boardinghouse, Lodging House, Rooming House~~ <u>Co-living housing</u>				P		<u>P</u>	<u>P</u>	<u>P</u>				
Dwelling, Above Ground Floor					<u>P</u>	AU	AU	AU				
Dwelling, Cottage Housing	<u>P</u>	P	P	P								
Dwelling, Duplex	<u>P</u>	P	P	P	<u>AU</u>							
Dwelling, Multifamily				P	<u>P</u>	P	P	P				
Dwelling, Single-Family	<u>P</u>	P	P	P	<u>AU</u>							
~~Dwelling, Tiny Home~~	<u>P</u>	P	P	P								
Dwelling, Triplex	<u>P</u>	P	P	P	<u>AU</u>							
<u>Emergency Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>				
Emergency Shelter	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		P	P	P		P	P	
<u>Permanent Supportive Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>				
<u>Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>				
Manufactured Home; ~~Designated~~	<u>P</u>	P	P	P								
<u>Manufactured Home/Mobile Home</u>												
~~Vacation~~ (Short Term) Rental						P	P	P				
Accessory Structures and Uses												
Accessory Structure	<u>AU</u>	AU	AU	AU		AU	AU	AU	AU	AU	AU	<u>AU</u>
Adult Family Home	<u>P</u>	P	P	P	<u>P</u>	P	P	P				
Bed and Breakfast	<u>C</u>	C	C	C								
~~Child-Family~~ Day Care Provider	<u>AU</u>	AU	AU	AU	<u>P</u>	P	P	P				
~~Day-Child~~ Care Center	<u>C</u>	C	C	C	<u>C</u>	P	P	P				
Foster Home	<u>P</u>	P	P	P		P	P	P				

§ 18.25.030

LEAVENWORTH CODE

§ 18.25.030

Group A Home Occupation	<u>AU1</u>	AU1	AU1	AU1									
Group B Home Occupation	<u>AU1</u>	AU1	AU1	AU1									

Commented [MB1]: May move to CUP if regulations change

Land Uses	<u>R-3</u>	<u>RL-6</u>	R-8	MF	<u>CDM</u>	GC	CC	TC	LI	REC	RP	<u>PB</u>
Nursing/Convalescent Home, Congregate Care Facility	<u>C</u>	C	C	C		C						
Stacked Parking	<u>AU</u>	AU	AU	AU		AU	AU	AU				
Swimming Pools	<u>AU</u>	AU	AU	AU		P	P	P		P	P	<u>P</u>
Public/Semi-Public (Specified Use Below)												
Bus or Taxicab Stop	<u>P</u>	<u>P_C</u>	<u>P_C</u>	<u>P_C</u>	<u>P</u>	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
Clinic						P	P	P	P			<u>P</u>
Community Center	<u>C</u>	C	C	<u>C</u>		C				C	C	<u>C</u>
Composting Collection Center					<u>P</u>	P		P	P	P	P	<u>P</u>
<u>Educational Centers</u>		<u>E</u>	<u>E</u>		<u>E</u>	<u>P</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	
Educational Facilities	<u>C</u>	C	C		<u>E</u>							<u>P</u>
Golf Courses										P	P	<u>P</u>
Hospital						C	C	C		C		<u>C</u>
Place of Worship	<u>C</u>	C	C		<u>E</u>							<u>C</u>
<u>Preschool</u>		<u>E</u>	<u>E</u>		<u>E</u>	<u>E</u>						
Public Facility, High Impact					<u>P</u>	P	P	P	P	C	C	<u>C</u>
Public Facility, Low Impact		C	C		<u>P</u>	P	P	P	P	C	C	<u>P</u>
Public Utility		C	C	C	<u>E</u>	C	C	C	P	C	C	<u>C</u>
Recreation, Outdoor Use		C	C	C		C	C	C		P	P	<u>P</u>
Recreation, Passive		P	P	P	<u>P</u>	P	P	P	P	P	P	<u>P</u>
Recycling Center									C			<u>C</u>
Wireless Telecommunications Facility		C		C	<u>E</u>	C	C	C	P	C	C	<u>C</u>
Development Options												
<u>Commercial District Mixed-Use Incentives</u>						<u>P</u>	<u>P</u>	<u>P</u>				
Condominiums (With Binding Site Plan or Plat)		P	P	P	<u>P</u>	P	P	P				<u>P</u>
Incubator Planned Site Development						<u>C</u>			P			<u>C</u>
<u>Manufactured Home Park</u>	<u>C</u>	<u>E</u>	<u>E</u>	<u>P</u>								
<u>Temporary Subdivision Tract Offices</u>		<u>E</u>	<u>E</u>									

Land Uses	<u>R3</u>	<u>RL6</u>	R-8	MF	<u>CDM</u>	GC	CC	TC	LI	REC	RP	
~~Tiny Home Park~~	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>								
Commercial/Retail												
Adult Entertainment Facilities						P	P	P				
~~Bakery~~					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
Banks					<u>P</u>	P	P	P				
Battery Exchange Stations/ Rapid Charging Stations					<u>P</u>	P		P	P			
Car Wash						P			P			
~~Club, Lodge or Fraternal Organization~~				<u>C</u>		<u>P</u>	<u>P</u>	<u>P</u>				
Coffee Roasting					<u>C</u>	C	C	C	P			
Commercial Amusement Enterprise, High Impact												
Commercial Amusement Enterprise, Low Impact						C	C	C				
~~Copy/Printing Establishment~~					<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
Eating and Drinking Establishment					<u>P</u>	P	P	P				
~~Exercise/Athletic/Fitness Facilities~~					<u>P</u>	P	P	P				
Family Entertainment Enterprise						P	P	P				
~~Food/Grocery Store~~					<u>P</u>	P	P	P				
Gasoline Service Station						C		C	C			
Hostels						P	P	P				
Hotel or Motels					<u>P</u>	P	P	P				
Indoor Events/Auditoriums					<u>P</u>	P	P	P		P	P	<u>P</u>
~~Laundry or Dry-Cleaning Establishment~~					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			
Micro Brewery, Distillery or Winery					<u>C</u>	C	C	C	P			
Brewery									P			
Mobile Food Vendor										<u>P1</u>	<u>P1</u>	<u>P1</u>
Parking Structure/Lots				AU		P	P	P	AU			<u>P</u>
Personal Service					<u>P</u>	P	P	P	P			
Pet Care Centers/Kennels					<u>C</u>	C	C	C	P			

Land Uses	<u>R3</u>	<u>RL6</u>	<u>R-8</u>	<u>MF</u>		<u>CDMU</u>	<u>GC</u>	<u>CC</u>	<u>TC</u>	<u>LI</u>	<u>REC</u>	<u>RP</u>	<u>PB</u>
Professional Offices (~~Business- and Professional~~)						<u>P</u>	P	P	P	P			<u>P</u>
Recreational Vehicle Parks/ Campground							C		C		C		<u>C</u>
Retail Stores and Services						<u>P</u>	P	P	P				
~~Vehicle Repair Services~~							<u>P</u>	<u>P</u>		<u>P</u>			
Vehicle Sales or Rental							P		P	P			
Veterinarian/Animal Hospital						<u>E</u>	C			P			
Industrial (Specified Use Below)													
Bulk Fuel Storage										C			
Construction Yards										P			
Cryptocurrency Mining										P			
<u>Data Centers</u>													
Essential Public Facilities							<u>C</u>			P			<u>C</u>
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						<u>E</u>				P			
Junk/Wrecking Yards													
Landfills													
Light Industry						<u>E</u>	C	C	C	P			
<u>Lumberyards</u>							<u>P</u>			<u>P</u>			
Storage Facilities, Including Mini- and Self-Storage										P			
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			

~~' On a collector or arterial street, Subject to development standards in LMC 18.36~~

(Ord. 1627 § 2 (Att. B), 2021; Ord. 1651 § 3 (Att. C), 2022; Ord. 1673 § 1 (Att. A), 2023; Ord. 1693 § 1 (Att. A), 2024; Ord. 1695 § 1 (Att. A), 2024; Ord. 1720, 3/10/2026)

CHAPTER 18.30 DIMENSIONAL STANDARDS

§ 18.30.010. Purpose.

The development charts and exceptions define the buildable area within the established districts. By defining the buildable areas of a community, the community has established an understanding of how changes/growth may occur. Planned developments, cluster developments, incubator planned site development, land divisions pursuant to Chapter 64.34, 64.35 or 64.90 RCW, affordable housing developments, manufactured and tiny home parks, and conditional uses may include additional or varying standards.
(Ord. 1589 § 1 (Att. A), 2022; Ord. 1695 § 1 (Att. A), 2024)

§ 18.30.020. Residential development chart.

The following standards apply to the residential 3,000 (R3), residential ~~low density~~ 6,000 (~~R1-6~~), residential 8,000 (R-8), and multifamily (MF) zoning districts. Exceptions and calculations standards are provided within this chapter:

Standard	<u>R3</u>	~~R1-6~~	R-8	MF
Minimum Lot Size (square feet)	<u>3,000</u>	6,000	8,000	6,000 ⁺
Minimum Lot Width/ ~~(Corner Lots~~ feet)	<u>30</u>	60/ ~~70~~	70/ ~~80~~	60/ ~~70~~
Maximum Building ~~Height~~ [±] <u>Height</u> ¹ (feet)	<u>30</u> ²	~~30~~ [±] <u>30</u> ²	~~30~~ [±] <u>30</u> ²	35
Maximum Lot Coverage (percent)	<u>35</u>	35	35	~~40~~ <u>50</u>
Minimum Setbacks (feet)				
Front Yard	<u>20</u>	25	25	25
Street Side Yard, for lots 6,000 square feet or greater	<u>10</u>	10	15	10
Street Side Yard, for lots less than 6,000 square feet	<u>5</u>	5	15	10
Rear Yard, without alley	<u>10</u>	15	15	15
Rear Yard, with alley	<u>8</u>	8	8	8
Side Yard	<u>5</u>	5	8	5

⁺~~The minimum lot area for new land divisions shall be 6,000 square feet for up to three units. Two thousand square feet of additional area on the lot is required for each additional dwelling unit. No lot shall be created which is less than 6,000 square feet in size, but multiple lots of 6,000 square feet and larger may be platted. For existing legal lots of record, at a minimum, 2,000 square feet of lot area are required for each dwelling unit.~~

^{±1}Height calculations and exemptions are provided in LMC § 18.30.050.

^{±2}Thirty feet to the top of flat or shed roofs and 30 feet to the mid-point of gabled (or similar) roof with a maximum of 35 feet to the ridge.

~~A. No accessory buildings shall be within five feet of any other building.~~

~~B. A.~~ Existing (historical) lots ~~less than 6,000 square feet~~ that do not meet the required dimensional standards of this section are governed under LMC § 18.68.030 for nonconforming lots.

~~C. B.~~ Cottage housing, where different from these standards, shall comply with the standards of LMC § 18.36.048 and not the standards of this section.
(Ord. 1589 § 1 (Att. A), 2022; Ord. 1693 § 1 (Att. A), 2024)

§ 18.30.025. ~~Park and~~ Recreation and public development chart.

The following standards apply to the recreation district (RD) ~~and~~ ²recreation-public district (RP) ~~and public district (PB)~~ zoning districts. Exceptions and calculations standards are provided within this chapter:

Standard	RD	RP	<u>PB</u>
Minimum Lot Size (square feet)	0	0	<u>0</u>
Minimum Lot Width/Corner Lots (feet)	0	0	<u>0</u>
Maximum Building Height (feet)	35	35	<u>35¹</u>
Maximum Lot Coverage (percent)	35	35	<u>50²</u>
Minimum Setbacks (feet)			
Front Yard	25	25	<u>25</u>
Rear Yard	20	20	<u>20</u>
Side Yard	5	5	<u>5</u>

¹Height may be increased to 50 feet when adjacent to Commercial, Industrial, or Public zones, provided that height shall not exceed 35 feet for the first 30 feet of distance from any property line adjacent to a residential district.

²Lot coverage may be increased to 75 percent when adjacent to Commercial or Public zones

(Ord. 1589 § 1 (Att. A), 2022)

§ 18.30.030. Commercial and industrial development chart.

The following standards apply to the general commercial (GC), central commercial (CC), tourist commercial (TC) and light industrial (LI) zoning districts. Exceptions and calculations standards are provided:

Standard	GC	CC	TC	LI
Minimum Lot (square feet)	~~No minimum~~ <u>N/A</u>	~~No minimum~~ <u>N/A</u>	~~No minimum~~ <u>N/A</u>	~~N/A~~ <u>No minimum</u>
Maximum Building Height (~~feet~~)	~~50~~ <u>feet^{1,4}</u>	~~50~~ <u>feet</u>	~~35-50~~ <u>feet¹</u>	~~50~~ <u>feet</u>
Maximum Lot Coverage (~~percent~~)	~~75~~ <u>%</u>	~~N/A~~	~~50~~ <u>75</u> <u>%</u>	~~N/A~~
Minimum Setbacks (~~feet~~)				
Front Yard ^{1,4}	~~0~~ <u>feet</u>	~~0~~ <u>feet</u>	~~25~~ <u>feet</u>	~~25~~ <u>feet</u>

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Parcels abutting Hwy 2 or adjacent to residential or recreational districts ⁴	25-feet	25-feet		
Rear Yard	0-feet	0-feet	10-feet	10-feet
Parcel abuts, touches or adjoins any residential or recreational district	15-feet	15-feet	20-feet	20-feet
Side Yard ³	0-feet	0-feet	10-feet	5-feet
Parcel abuts, touches or adjoins any residential or recreational district	10-feet	10-feet		20 feet

¹ Building height shall not exceed 35 feet for the first 30 feet of distance from the property line when adjacent to a residential district.

² ~~Corner or through lots shall have more than one front yard.~~ No service windows shall be located closer than eight feet from the front lot line (LMC § 14.08.050(C)).

³ Setbacks less than five feet may require easements for construction, maintenance and access.

⁴ Public structures shall have a zero-foot front yard setback. ~~Corner or through lots shall have more than one front yard.~~

(Ord. 1589 § 1 (Att. A), 2022; Ord. 1694 § 1 (Att. A-1), 2024)

§ 18.30.040. Lot area and coverage calculations.

- A. Lot area is calculated as the total land area contained within the boundary lines of any lot, tract or parcel of land, exclusive of public rights-of-way, and preferably expressed in square feet (sf).
- B. Lot coverage is calculated from the outside of external walls or supporting members. Uncovered Decks, balconies, and at-grade patios do not count toward lot coverage; however, roofed areas including, but not limited to, porches, breezeways, and covered walkways shall count toward lot coverage.
 1. Uncovered Decks, Patios and Balconies.
 - a. Decks greater than 12 inches above grade and balconies do not count toward building lot coverage, when uncovered, but do need to meet yard setback requirements.
 - b. At-grade Uncovered patios and decks, built such that no part of the deck (excluding railings) is greater than 12 inches above grade, do not need to meet yard setback requirements and do not count toward building lot coverage.
 2. Other items to consider which may impact lot coverage but are not included in lot coverage calculation may include parking, landscaping, and stormwater.

(Ord. 1589 § 1 (Att. A), 2022)

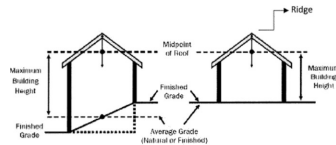
§ 18.30.050. Height calculations and exceptions.

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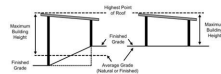
ZONING

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- A. ~~Height for buildings~~ Building height shall be ~~calculated by measured measuring as~~ the vertical distance from the ~~actual or proposed average~~ finished grade around the building (~~two five feet from the building foundation~~) to the highest point of a flat/~~shed~~ roof or the mean height between eaves and ridge of a pitched roof.



Averaged grade is determined by measuring all ~~sides~~ building elevations.



- B. Building height limitations do not apply to spires, belfries, cupolas, antennas (except as provided in Chapter 18.74 LMC, Wireless Telecommunications Facilities), ventilators, chimneys, solar panels (when less than three feet above the roof) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- C. Flag poles, towers, tower structures, and light displays are regulated under Chapter 14.17 LMC ~~may be placed within the required yard setbacks.~~
(Ord. 1589 § 1 (Att. A), 2022)

§ 18.30.060. Exceptions for residential dimensional standards.

- A. The following exceptions to residential dimensional standards may be incorporated into development proposals:
1. Slope Reduction Options.
 - a. Where the average natural slope of the front half of a lot is more than one foot rise or fall in five feet horizontal, the front yard may be reduced by not more than five feet.
 - b. Where the average natural slope of the rear half of the lot is more than one foot rise or fall in five feet horizontal, the rear yard may be reduced to 10 feet.
 2. Common-Line Setback. A common building line may be established by the average of adjacent existing building setbacks from the front setback. In the case of an adjacent vacant lot or a conforming existing building, no common building line is allowed.
 3. Front porches may be extended up to eight feet into the front yard setback.
 4. Accessory buildings that are smaller than 120 square feet of floor area, such as store-purchased buildings, tool and storage sheds, and play structures may be located three feet from the side property line and/or a rear property line, provided the placement

does not inhibit sight distance.

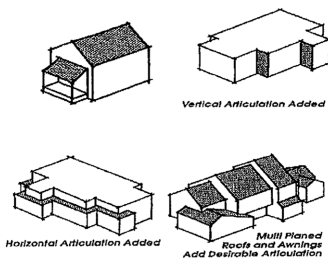
~~5. Accessory buildings (nonresidential non-habitable) may be located within eight feet of the rear lot line, provided the placement does not inhibit sight distance.~~

~~6.5. Yard Encroachments. Projection of features such features as cornices, eaves, gutters, shades and related architectural elements, may project not more than four feet into a required front or rear yard or two feet into a required side yard. Such projections shall comply with applicable building, fire, and WUI code requirements.~~

~~7.6. Flag lots are exempt from front yard (street) setback requirements. Such lots shall have a rear lot line designated, typically opposite from the driveway approach, with a rear yard requirement and all other lot lines shall be considered side lot lines with a side yard requirement.~~

B. Zero lot line development is permitted when consistent with the following:

1. Structures shall be constructed to share a single common side or rear yard property line with a zero-foot setback.
2. The two structures shall be constructed simultaneously.
3. Each lot may increase lot coverage ~~to a maximum of 40~~ by 5 percent.
4. The design of the structures shall include at least one articulation of the facade (vertical articulation) or multi-planed roofs to soften the appearance of the structure.
 - a. When a structure is greater than two stories, horizontal articulation shall be included.



C. Administrative deviation of 10 percent may be requested for dimensional standards (setback, length, width, depth, height and area) pursuant to LMC § 18.04.015.
(Ord. 1589 § 1 (Att. A), 2022)

§ 18.30.070. Exceptions for commercial and industrial dimensional standards.

- A. Yard Encroachments. Projection of features such features as cornices, eaves, gutters, shades and related architectural elements may project not more than six feet into any required yard. Such projections shall comply with applicable building, fire, and WUI code requirements.
- B. Administrative deviation of 10 percent may be requested for dimensional standards (setback, length, width, depth, height and area) pursuant to LMC § 18.04.015.

(Ord. 1589 § 1 (Att. A), 2022)

ZONING
CHAPTER 18.35

§ 18.35.110

COMMERCIAL DISTRICT MIXED USE INCENTIVES

§ 18.35.010. Purpose.

~~The commercial district mixed use incentives (CDMUI) are intended to encourage the increase in housing types and stock by providing additional permitted uses and flexible standards when residential uses are incorporated with this incentive program. Furthermore, the CDMUI is established to encourage positive development that provides a mix of services and light industry with a residential component, and foster economic development opportunities within the city. (Ord. 1510 § 1 (Att. A), 2015)~~

§ 18.35.050. Permitted uses.

~~Repealed by Ord. 1627.
(Ord. 1510 § 1 (Att. A), 2015)~~

§ 18.35.080. Uses requiring conditional use permits.²

~~Repealed by Ord. 1627.
(Ord. 1510 § 1 (Att. A), 2015)~~

§ 18.35.100. Prohibited uses.

~~Repealed by Ord. 1627.
(Ord. 1510 § 1 (Att. A), 2015)~~

§ 18.35.110. Development standards.

~~Development which incorporates the commercial district mixed use incentives shall meet all applicable provisions of this title and all other rules, regulations and provisions of the LMC, including the following:~~

- ~~A. Development of residential units shall be in conjunction with any incentive provided herein.~~
- ~~B. For the purposes of the CDMUI, development includes:
 - ~~1. Attached or on-site residential unit(s) shall be constructed with other allowed uses. This allowance for additional mixed occupancy and/or other incentives is to accommodate the inclusion of residential units. Residential units do not include transient accommodations (hotels and motels or similar less than monthly rental);~~
 - ~~2. Dwellings, including rental apartments, multifamily, live-work units, single dwelling and condominiums, shall be a gross floor area of one square foot of dwelling to one square foot of commercial or light industrial use found within the listed permitted uses;~~
 - ~~3. Common areas may include: loading areas, main entrance, restrooms, and other shared rooms (office and conference room(s));~~~~

~~2. Code reviser's note: Ord. 1510 adds this section as LMC § 18.35.030. It has been editorially renumbered to maintain the numbering sequence.~~

4. ~~The primary function is to accommodate the mixed uses. Site development shall include consideration of activities that may conflict with equipment/pedestrian or other travel, odors, noise, and vibration;~~
 5. ~~Site and/or development review shall be conducted pursuant to LMC § 21.09.040, Full administrative review of applications;~~
 6. ~~Development standards in each commercial district shall apply to the CDMUI zoning district, except that a CDMUI building height may expand to a maximum of 50 feet. Conversion of the residential units and/or area is prohibited, and at the expense of the applicant, the city may require a notice to title to ensure the residential units remain with the incentive provided by this section. When located in the shoreline jurisdiction, the shoreline master program shall govern.~~
- C. ~~Uses permitted in the CDMUI zoning district shall meet all applicable regulations pursuant to the LMC.~~
- D. ~~Off-street parking shall be provided in the amount prescribed in Chapter 14.12 LMC, except as allowed by administrative modification.~~
- E. ~~Landscaping shall be provided pursuant to LMC § 14.12.190.~~
- F. ~~Signs are permitted in accordance with Chapter 14.10 LMC, Signs.~~
- G. ~~All sites and building shall be compliant with Chapter 14.08 LMC, Old World Bavarian Architectural Theme.~~
- H. ~~General Storage. Storage of personal property and materials shall be located outside of required front yard areas, and shall be entirely within an enclosed building or screened from view of the surrounding properties with a sight obscuring fence and landscaping.~~
- I. ~~Vehicle Storage. Storage of recreational vehicles, boats, and similar off road vehicles not used for daily transportation shall be prohibited unless a fully enclosed building is provided on site specifically for that purpose.~~
- J. ~~All multifamily developments shall meet the multifamily development standards.~~
- K. ~~In some cases, uses vary from the underlying zoning district in which projects are located. In the case of discrepancies, standards of the CDMUI shall govern.~~
- L. ~~Uses permitted in each overlay shall meet all applicable general regulations as detailed in LMC or as modified herein.~~
- (Ord. 1510 § 1 (Att. A), 2015)

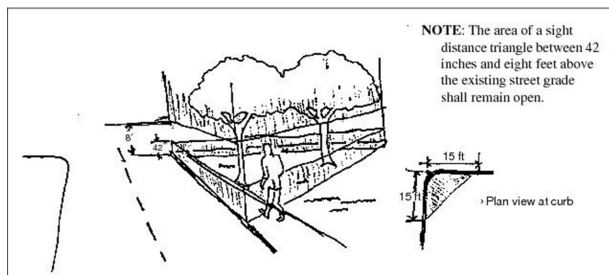
CHAPTER 18.36 SUPPLEMENTARY REGULATIONS³**§ 18.36.005. Purpose and applicability.**

The purpose of supplementary regulations is to provide specific standards to address various types of land uses and development common to many different zoning districts. All land uses, where permitted by Chapter 18.25 LMC, District Uses, shall meet the standards of this chapter. (Formerly 18.24.005; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.010. Obstructions to visibility prohibited.

Except for utility poles, trunks of approved street trees, approved safety bollards, and traffic control signs, the following sight distance provisions shall apply to all intersections, roadways, and site access points:

- A. A sight distance triangle area shall not contain a view-obscuring fence, berm, vegetation, on-site vehicle parking area or other physical obstruction between 42 inches and eight feet above the existing street grade.



- B. The sight distance triangle shall be determined by measuring 15 feet along a street property line (or access point – driveway) beginning at the point of intersection of the two streets (or a street and a driveway). The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

(Formerly 18.24.010; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1521 § 1 (Att. A), 2016; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.020. Fences, walls and hedges – Restrictions.

Notwithstanding other provisions of this title, fences, walls and hedges shall meet the following requirements. Fences and walls (or a combination thereof) require a building permit prior to construction activities.

- A. Front Yards. Three and one-half ~~Four~~ feet maximum, excluding commercial ~~and~~ industrial, and public zoning districts and screening of utility areas (including stormwater ponds), mechanical and garage areas, where the maximum height is six feet; and

3. Code reviser's note: Ords. 1627 and 1628 add these provisions as Chapter 18.35. The chapter has been editorially renumbered to avoid duplication of numbering. Prior ordinance history: Ords. 531, 551, 727, 737, 754, 807, 857 and 989.

- B. Side Yards. Six feet maximum height; ~~side yard fencing shall be limited to three and one-half feet when for any portion~~ located within the front yard setback area; and
- C. Rear Yards. Six feet maximum height; and
- D. ~~Side Street~~ Side Yards. Six feet maximum height; limited to four feet for any portion located within the front yard setback area; and
- E. It is the property owner's responsibility to accurately locate all property lines. The property owner shall stake the property line prior to fence installation activities, and such stakes shall remain throughout fence installation activities; and
- F. Wood fences shall be separated from any structure with a minimum of four feet fire retardant treated wood or other nonflammable fencing material, to reduce fire spread.
- G. Height shall be measured from the average finished grade adjacent to and 30 inches horizontally from each side of the fence or wall, to its highest point.
- H. The Community Development Director, working in consultation with jurisdictional agencies, may waive or modify these height limits for retaining walls determined necessary to accommodate infrastructure, such as roadways, driveways, and utilities, to protect private or public property, or to address public safety.

(Formerly 18.24.020; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1521 § 1 (Att. A), 2016; Ord. 1534 § 1 (Att. A), 2016; Ord. 1628 § 1 (Att. A), 2021; Ord. 1673 § 1 (Att. A), 2023)

§ 18.36.025. Residential design standards – All types of construction.

- A. Purpose. The purpose of the residential design standards is:
 - 1. To enhance the character of the neighborhood and maintain "eyes on the street" for safety of pedestrians and to create welcoming and interesting streetscape.
 - 2. To deemphasize garages and driveways as major visual elements along the street.
 - 3. To provide housing types that are responsive to changing household demographics, provide opportunities for more affordable housing within single-family neighborhoods, and provide opportunities for infill development.
- B. Applicability. The standards within this section shall apply to all new single-family homes, accessory dwelling units, duplexes, triplexes, multifamily, modular homes, and manufactured homes, or other related types of construction.
 - 1. Additions and new structures on existing developed lots shall comply with these standards to the greatest extent feasible. The Administrator shall be given discretionary authority to waive or modify these standards for existing structures, to fit development patterns, topography, and other constraints.
 - 2. City of Leavenworth pre-approved dwelling units are not subject to design standards in subsection C or E of this section.
- C. Dwelling facades facing a street on which the front and/or street side yard setback is located shall include a minimum of 15% glazing.
- D. Weather protection. Covered entry porches/landing areas shall be designed as an integral part of the dwelling architecture and of materials which complement the primary structure.

1. For all new dwelling units, a minimum covered pedestrian entry of four feet by three feet shall be provided.
- E. Garages. Garages should complement the primary structure.
 1. Garage doors shall not exceed 40% of the front façade.
 2. Where alley access is available, garage doors facing the street shall not exceed 20% of the front façade.
- F. All dwellings shall be permanently connected to foundations, and must meet wildland-urban interface, seismic, snow, and wind loading standards for the city of Leavenworth.
- G. Articulation and modulation. If a front façade is greater than 30 feet in length, articulation or modulation shall be used to break up the appearance of a long blank wall. Articulation and modulation shall include at least two of the following elements:
 1. Bays, bump outs, alcoves that change the wall plane;
 2. Recessed second story;
 3. Gables, dormers, parapet height changes;
 4. Useable balconies;
 5. Architectural design changes, accent panels, shutters, window trim, cornices, or changes in building materials such as brick, stone, cement fiber, and stucco;
 6. Other forms of articulation or modulation, as approved by the Administrator. (Ord. 1694 § 1 (Att. A-1), 2024; Ord. 1720, 3/10/2026)

§ 18.36.028. Manufactured home standards.

~~For compliance with RCW 35A.21.312 and RCW 35.21.684, all~~ All manufactured homes shall meet the following standards,:

- A. Must be a new manufactured home;
 - B. Must be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or a concrete product can be either load bearing or decorative;
 - C. Must comply with design standards applicable to all other homes within the zone where it is located;
 - D. Must be thermally equivalent to the state energy code;
 - E. Must meet fire, safety, and utility requirements applicable to all other homes within the zone where it is located; and
- (Ord. 1694 § 1 (Att. A-1), 2024)

§ 18.36.030. Accessory buildings.

Repealed by Ord. 1589.

(Formerly 18.24.030; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.035. Accessory dwelling units.

Accessory dwelling units are permitted in all zoning districts that allow for single-family homes,

Commented [TRT2]: The rest of the language in this section is compliant with these two RCW references. Leaving the reference to these RCWs in the code is optional and can be deleted if staff prefers.

Commented [MB3]: Revisions in progress to comply with state law

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Flag for later revisions: This will create nonconformities for existing stock.

provided the following minimum requirements are met:

- A. There shall be no more than two accessory dwelling units per building lot in conjunction with a single-family structure;
 - B. Accessory dwelling units may be permitted in the following configurations:
 - 1. One attached accessory dwelling unit and one detached accessory dwelling unit;
 - 2. Two attached accessory dwelling units; or
 - 3. Two detached accessory dwelling units, which may be comprised as either one or two detached structures.
 - C. Each accessory dwelling unit will require one off-street parking space, which is in addition to any off-street spaces required for the primary single-family dwelling unit. When two ADUs are proposed, the single-family unit shall require only one off-street parking space, regardless of its square footage;
 - D. The total gross floor area (interior habitable area including basements and attics, but excluding interior stairs, garage and unheated storage areas) of any accessory dwelling unit(s) shall in no case exceed 1,200 square feet;
 - E. Accessory dwelling units may be converted from existing structures, including but not limited to detached garages, even if the existing structure violates the current code requirements for building setbacks or lot coverage;
 - F. Accessory dwelling units may be sold or conveyed independent of the principal unit in accordance with LMC Title 17;
 - G. Road improvements shall not be required as a condition of permitting an accessory dwelling unit;
 - H. Off-street parking is not required for accessory dwelling units located within one-half mile walking distance of a major transit stop, as defined in Chapter 21.90 LMC;
 - I. Lot coverage may be increased to accommodate accessory dwelling units on an individual building lot, as follows:
 - 1. The maximum lot coverage permitted by the underlying zoning district shall apply to the principal single-family dwelling unit located on an individual building lot.
 - 2. Notwithstanding subsection (I)(1) of this section, the total allowable lot coverage may be increased by five percent for each accessory dwelling unit (ADU) located on the same lot.
 - 3. The lot coverage increase authorized by this section shall apply solely for the purpose of accommodating one or more accessory dwelling units and shall not be applied to increase the footprint of the primary single-family residence or other non-ADU structures.
 - 4. Example. If the underlying zoning district permits a maximum lot coverage of 35 percent, the construction of one accessory dwelling unit on the lot shall allow for a maximum total lot coverage of 40 percent. The construction of two accessory dwelling units shall allow for a maximum total lot coverage of 45 percent.
 - J. Impact fees for accessory dwelling units shall be limited to no more than 50 percent of those assessed to the principal housing unit.
- (Ord. 1628 § 1 (Att. A), 2021; Ord. 1694 § 1 (Att. A-3), 2024; Ord. 1714 § 1 (Att. A), 2025)

§ 18.36.038. Bed and breakfast facilities.

Recodified as LMC § 18.52.120 by Ord. 1694.

§ 18.36.040. More than one principal structure prohibited in ~~low density~~ residential districts.

Erecting more than one principal structure on a lot is not permitted in the ~~low density~~-residential districts (R3, R6, R8), except cottage housing is permitted when compliant with LMC § 18.36.048.

(Formerly 18.24.040; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021; Ord. 1693 § 1 (Att. A), 2024)

§ 18.36.045. Duplex and triplex dwellings.

Two-family dwellings/duplexes and three-family dwellings/triplexes shall meet the following minimum requirements:

- A. Two-family dwellings-unit/duplexes and three-family dwellings/triplexes shall conform to all other provisions of city code. Conversions of existing structures into a duplex or triplex shall be allowed in conformance with Chapter 18.68 LMC, Nonconforming Provisions, excepting setbacks whereby the legally established structure may receive an administrative deviation to encroach no more than 20% into the setback; and
- B. ~~Except within the city's urban growth area, separate water and sewer utilities shall be required for each unit.~~ The structures must be connected to the water and sewer utilities of the city, when available and provided by the city, and each individual dwelling unit shall have separate services, except for the following:
 1. Within the city's urban growth area, if water or sewer utilities are not available or provided by the city to the parcel containing the dwelling units, then no utility connection or separate services shall be required.

(Ord. 1628 § 1 (Att. A), 2021; Ord. 1640 § 1 (Att. A), 2022; Ord. 1720, 3/10/2026)

§ 18.36.048. Cottage housing.

Where permitted cottage housing shall meet the following standards:

- A. Unit Size. The total habitable floor area of any cottage house shall in no case exceed 1,200 square feet.
- B. Height. Regardless of the underlying zoning, a cottage house shall have a maximum height of 20 feet as measured in accordance with LMC § 18.30.050, but not to exceed 25 feet.
- C. Parking. Each cottage house shall have at least one parking space.
 1. Parking may be attached or detached, meeting the standards of LMC Title 14.
 2. Parking is encouraged along the side and/or the rear property lines.
 3. Paved pedestrian path(s), at least five feet wide, shall be provided between parking space(s) and associated cottage house(s).
 4. Carports may be built to the property line when the support is at least three feet from

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the property line and the roof slopes into the property to ensure snow remains on the property. Compliance with applicable building, fire, and WUI codes are still required.

- D. Setbacks. Regardless of zoning district, cottage houses and associated accessory buildings shall meet the following setbacks, unless exception is allowed in the provisions of LMC § 18.30.060:
1. Front yard: 20 feet.
 2. Side yard: five feet.
 3. Rear yard: eight feet.
- E. Yard Area. A minimum of 20 feet by 20 feet shall be provided as shared courtyard. The administrator has discretion to require more or less shared yard (courtyard) based on unique features of the site, such as project size, topography and configuration.
- F. Density. The number of cottage houses on a lot shall be limited to that number which meet these standards including but not limited to height, setbacks, parking and open space.
- (Ord. 1693 § 1 (Att. A), 2024)

§ 18.36.050. Building height – Exceptions to limits.

Repealed by Ord. 1694.

(Formerly 18.24.050; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1205 § 3, 2003; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.055. Co-living housing

- A. Purpose. This section provides regulations for co-living housing. The standards in this chapter are tailored to co-living housing and its sleeping units and communal facilities since they function differently from the typical multifamily dwelling. These regulations comply with State regulations for co-living housing under RCW 36. 70A.535. In the event of a conflict between this chapter and the underlying development regulations applicable to a subject property, the standards in this chapter take precedence.
- B. The standards in this section only apply when established through new construction or conversion from a nonresidential use
- C. Density. Maximum density limits for the underlying zone shall apply. Sleeping units shall be calculated as a quarter of a dwelling unit.
- D. Co-living housing developments established as new construction must meet Residential Design Standards in 18.36.025.
- E. Parking. Off-street parking shall be provided in accordance with Chapter 14.12 LMC. Off-street parking is not required for co-living housing located within one-half mile walking distance of a major transit stop, as defined in Chapter 21.90 LMC.

§ 18.36.060. Home occupations.

The intent of a home occupation is to establish criteria for operating home occupations in dwelling units within residential districts while maintaining the peace, quiet, and residential character of all residential neighborhoods within the city, and alleviating or limiting excessive noise, excessive traffic, nuisance, fire hazard, and other adverse effects of commercial uses being conducted in residential areas. Furthermore, the intent is to direct uses not maintaining the peace, quiet, and residential character of all residential neighborhoods into the commercial or industrial zoning districts where such activities and operations are accepted.

For the purposes of this section, any use that is not consistent with the definition of "home occupation," including but not limited to those uses which are similar in nature, shall not be allowed as a home occupation.

- A. Group A Home Occupation. Group A home occupation is not visible from outside the home. The business must be conducted in the home by a resident and have no impact on the surrounding neighbors. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through either a business license/ endorsement process or the limited administrative review process. If there are no customers or workers or fabrication of product, the administrator may review the occupation as part of the business license/endorsement process. All other Group A home occupations shall be reviewed as a limited administrative review process, provided the following minimum conditions shall apply to the approval of any such application:
1. There shall be no nonresident worker(s). No persons other than the immediate resident(s) of the dwelling/property may be employed in the home occupation;
 2. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
 3. A maximum of two customers per month shall visit the home occupation;
 4. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number). Deliveries shall be limited to one per day, regardless of carrier;
 5. The area used for the home occupation may be up to 100 square feet or not over 20 percent of the total floor area of the residence, whichever is greater;
 6. No article shall be sold or offered for sale on the premises. No stock in trade or commodities kept for sale, which are not produced on the premises, shall be permitted;
 7. No parking space shall be obstructed and no additional parking space will be required for the home occupation;
 8. A home occupation may be conducted in a detached garage and/or accessory structure; provided, that there shall be only one garage and/or accessory structure on the property and use does not eliminate any required parking;
 9. No structural alterations shall be allowed to accommodate the home occupation except when consistent with residential construction and occupancy;
 10. A certificate of occupancy will be required for buildings constructed after January 28, 2014, prior to issuance of a home occupation permit;
 11. No sign(s) advertising the business shall be permitted;
 12. No window display and no sample commodities, equipment, vehicles or other materials related to the business shall be displayed or stored outside, with the exception of the owner's vehicle;
 13. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;
 14. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with

requirements of all such licenses or permits;

15. The following uses are prohibited as Group A home occupations:

- a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a frequency less than two per calendar year for a maximum of two days per event;
- b. Delivery services, equipment/trailer rental services, industry, kennels, motorized/nonmotorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;
- c. Transient accommodations and/or lodging.

B. Group B Home Occupation. Such use shall be secondary to the residential use of the property, and shall be reviewed and approved through the full administrative review process, provided the following minimum conditions shall apply to the approval of any such application:

1. Not over 50 percent of the total floor area is to be used for the home occupation;
2. A home occupation may be conducted in a detached garage and/or accessory structure; provided, that there shall be only one garage and/or accessory structure on the property and does not eliminate any required parking;
3. Structural alterations consistent with residential development and occupancy shall be allowed which result in compliance with the building, fire safety, and handicap accessibility codes and standards. The structure shall be fully compliant with all applicable laws, including but not limited to building, fire and accessibility codes, prior to occupancy;
4. Prior to issuance of a Group B home occupation permit, a certificate of occupancy will be required for buildings constructed after the date of adoption of the ordinance codified in this section (January 28, 2014);
5. No persons other than the immediate resident(s) of the home and, at any given time, one outside employee may be employed in the home occupation;
6. No equipment or employees shall be dispatched from the residential premises, except the owner and owner's vehicle;
7. No article shall be sold or offered for sale on the premises unless by individual appointment which does not exceed occupancy limits within this section and/or the International Building, Residential and/or Fire Codes;
8. No sign(s) advertising the business shall be permitted;
9. No window display and no sample commodities or related materials shall be displayed or stored outside the building;
10. No outdoor storage of stock in trade shall be permitted;
11. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, odor, interference with radio or television, or other factors;

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12. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to require delivery by commercial vehicle or a trailer (vehicles that have a DOT number), and there shall be no parking of customers' vehicles in a manner or frequency as to cause disturbance or inconvenience to nearby residents or so as to necessitate on-street parking;
13. Off-street parking stalls shall be provided to accommodate all vehicles associated with the operations of the home occupation;
14. Occupancy shall be limited to the maximum allowed by the adopted International Building, Residential and/or Fire Codes. In addition, the community development department may limit maximum occupancy loads based on impacts and/or infrastructure available to support the home occupation. In general, 10 customers and/or clients within each 12-hour period shall be the maximum. Visitor appointments shall be spaced a sufficient time (minimum of 15 minutes) so that there is not an overlap in pick-up and/or drop-off;
15. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.;
16. All activities shall occur indoors in a closed window environment that prevents the passage of noise into the outside atmosphere unless such activity does not generate noise or disturbance;
17. Vehicles shall not be allowed to idle outside of the building;
18. Water and sewer service shall be determined by the city engineer based on the home occupation equivalent residential unit. Water and sewer service shall be connected to the primary residence and shall not be separate. Upgrade of sanitary sewer and water, as necessary, shall be compliant with Chapter 13.04 LMC and other applicable requirements prior to occupancy;
19. Any occupation which requires licensing, registration or permits, by state or federal statute or requirements or by city ordinance, must be provided at time of application, and at all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;
20. The following uses are prohibited as Group B home occupations:
 - a. Outdoor storage and/or display of items for sale or advertising purposes shall be prohibited unless for a garage sale and/or rummage sale of a frequency less than two per calendar year for a maximum of two days per event;
 - b. Events, recitals, performances, promotions, and similar attractions outside of daily operations shall not be allowed unless the applicant completes and obtains approval by the city for a traffic, access and/or noise study which demonstrates no impact to neighbors or the community;
 - c. Delivery services, equipment/trailer rental services, industry, kennels, motorized service and repair, welding and fabrication, antique sales, funeral services, groceries sales, secondhand merchandise sales, equipment rental, physicians, dentists, chiropractors, restaurants excepting home cooking or preserving if conducted solely within the residence, veterinarians, any wholesale or retail sales, and any like or similar uses or activities;
 - d. Transient accommodations and/or lodging.

(Ord. 628 § 1 (Att. A), 2021; Ord. 1694 § 1 (Att. A-1), 2024)

Commented [MB4]: May be amended with Council Direction

§ 18.36.070. Major recreational equipment – Use and storage restrictions.

Not more than five pieces of major recreational equipment, excluding motorcycles, shall be parked or stored on any parcel other than in fully enclosed storage in a residential district and not more than two such recreational vehicles shall be habitable type recreational vehicles. No habitable recreational vehicle shall be used for living, sleeping or housekeeping purposes for more than 10 days in any 30-day period, when parked or stored on a residential lot or in any location not approved for such uses; provided, however, that a single habitable recreational vehicle may be occupied for housekeeping purposes for a period, not exceeding six months, by an owner or licensed contractor on a residential lot where a permanent dwelling is under construction.

(Formerly 18.24.070; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.080. Unlicensed vehicles – Parking and storage restrictions.

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(Formerly 18.24.080; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.090. Yard requirements – Modification.

Repealed by Ord. 1694.

(Formerly 18.24.090; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1583 § 1 (Att. A), 2019; Ord. 1628 § 1 (Att. A), 2021)

§ 18.36.095. Nonconforming single-family dwelling additions.

Recodified as LMC § 18.68.040(H)(1) by Ord. 1694.

§ 18.36.100. Decks, patios and balconies – Restrictions and clarification.

Repealed by Ord. 1589.

(Formerly 18.24.100; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021)

~~§ 18.36.150. Family entertainment enterprise.~~

~~Family entertainment enterprise shall be no larger than 2,500 square feet for total floor area.
(Ord. 1627 § 2 (Att. B), 2021)~~

§ 18.36.160. Mobile food vendors.

Mobile food vendors may park on the city street adjacent to a city park during the hours of 7:00 a.m. to 10:00 p.m. with a special use permit.

(Ord. 1627 § 2 (Att. B), 2021)

§ 18.36.200. Incubator planned site development.

For the purposes of this planned site development incubator sites will be reviewed as a full administrative review, and include:

- A. Attached or on-site mixed occupancy to accommodate residential unit(s) and industrial uses;
- B. Dwellings, including rental apartments, multifamily, live-work units, single-family and condominiums, shall be a maximum gross floor area of one square foot of dwelling to one square foot of industrial use;

§ 18.36.225 LEAVENWORTH CODE § 18.36.225

- C. Common areas may include: loading areas, storage yards, main entrance, restrooms, and other shared rooms (office and conference room(s)). Office and conference rooms shall not exceed 30 percent of the building area;
- D. The primary function is to accommodate the industrial uses. Site development shall include consideration of activities that may conflict with equipment/pedestrian or other travel, odors, noise, and vibration;
- E. The city of Leavenworth community development director may deviate from: the building height by 20 percent; yard setbacks to a minimum of five feet regardless of proximity to residential or recreational zone; and landscaping standards within LMC § 14.12.190, Off-street parking landscaping requirements.
(Ord. 1627 § 2 (Att. B), 2021)

§ 18.36.210. Cryptocurrency.

Cryptocurrency mining may be permitted when meeting the following standards:

- A. The use of cargo containers, railroad cars, semi-truck trailers and other similar storage containers for any component of the operation is strictly prohibited.
- B. Written verification, prior to building permit issuance, from Chelan County public utility district (PUD) that the proposed development meets the PUD requirements.
- C. Verification that the potential electrical consumption of the proposed use will not impact the 20-year capacity available to serve the other needs of the city and urban growth area. Through this analysis the PUD can assist the city in determining if there is a detrimental impact to the city's ability to accommodate the growth and redevelopment identified in the comprehensive plan and the city's development codes.
- D. Written verification, prior to occupancy permit, of passed final inspection of the electrical permit from Washington State Department of Labor and Industries.
(Ord. 1627 § 2 (Att. B), 2021)

§ 18.36.220. Enclosure requirements for light industrial district.

When any portion of a light industrial activity is located within 300 feet of any residential zone, the light industrial use shall be completely enclosed by a building. Exceptions to the enclosure requirement shall include:

- A. Off-street parking for patrons and employees of the light industrial use;
- B. Off-street loading, provided no off-street loading shall occur from 9:00 p.m. to 7:00 a.m.;
- C. Storage of materials necessary to the activity. (Ord. 1589 § 1 (Att. B), 2022)

§ 18.36.225. Screening requirements for light industrial district.

All light industrial uses shall meet the following screening requirements when abutting, touching, or if located across a street or alley from any residential, commercial or recreational zone:

- A. There shall be installed and maintained in good condition a solid six-foot fence on those property lines which actually abut, touch or are located across a street or alley;
- B. In lieu of a fence, a view-obscuring six-foot- tall evergreen hedge that is as effective as a solid fence may be used;

C. No material shall be stacked so as to be visible above the fence;

D. All material and equipment associated with the use shall be stored within the fenced area;
and

E. Lighting shall be in conformance with Chapter 14.28 LMC, Lighting Standards.
(Ord. 1589 § 1 (Att. B), 2022)

CHAPTER 18.40 PLANNED DEVELOPMENT DISTRICT**§ 18.40.010. Uses conditional upon approval.**

In a planned development district, no primary, accessory or conditional use is permitted outright. All uses in a planned development district are conditional upon approval of the Leavenworth hearing examiner, in accordance with the provisions of this chapter, which provisions shall constitute the basis for and become the zoning requirements of the particular planned development district.

(Ord. 531 § 1, 1973; Ord. 551 § 28.100, 1976; Ord. 1203 § 19, 2003; Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.020. General public benefit requirement.

All planned development projects shall demonstrate that there is a general public benefit to be gained by deviation from the existing zoning classification and its regulations to those of a planned development district. These deviations may include, but are not limited to:

- A. Increased density;
- B. Variations from normal street development patterns, pedestrian walks, traffic circulation facilities, non-motorized travel (including bike lanes), alley development, trails, one-way access and other public facilities;
- C. The creation of multiple-use projects including residential, commercial, or recreational facilities;
- D. Provision for affordable housing;
- E. Diversification of housing types and sizes.

(Ord. 531 § 1, 1973; Ord. 551 § 28.110(10), 1976; Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.030. Perimeter transition requirements.

All planned development projects shall provide a perimeter transition between single-family residential and commercial uses. The intent shall be to provide a visual break in land uses and separate uses between public spaces and private residential. The perimeter transition shall be no less than five feet and may include:

- A. Additional or improved relationship of open spaces; or
- B. Additional public facilities, such as pedestrian walks, nonmotorized travel (including bike lanes), alley development, trails, one-way access, traffic circulation facilities and/or public access to lakes and streams; or
- C. Preservation of natural assets, such as historic land, parks, or streams. (Ord. 531 § 1, 1973; Ord. 551 § 28.110(15), 1976; Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.040. Project scope.

Planned development projects shall be complete developments on at least a 6,000-square-foot site for affordable housing or on at least a 24,000-square-foot site for other planned

developments, and may be required to include facilities such as paved streets, curbs, sidewalks, street lights, drainage, sanitary sewers, water, underground power lines, landscaping and off-street parking, subject to the requirements of the Leavenworth Municipal Code or the hearing examiner.

(Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.050. Road improvement/development options.

- A. Planned development projects are encouraged to include traffic calming designs including, but not limited to, curved road design, reduced lane width, roundabouts or bump-outs.
 - B. Low impact road design is encouraged when adequate nonvehicular facilities are provided.
- (Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.060. Residential project requirements – Minimum requirements.

- A. Maximum Density. The maximum density may be increased to twice the underlying zoning.
- B. Minimum Lot Size. Lot size for single-family and duplex residential structures shall be no less than 3,000 square feet. Lot sizes for affordable housing may be reduced to 1,500 square feet for affordable housing components. Lot size for multifamily structures shall not be defined.
- C. Minimum Setback Distances. The applicant may propose residential minimum requirements for setbacks, except perimeter setbacks shall meet the underlying zoning district.
- D. Maximum Height Requirements. ~~Height-Building height shall be consistent with the~~ may be increased to a maximum of 40 feet underlying zoning.
- E. Maximum Lot Coverage. Maximum lot coverage shall be 50 percent for all residential ~~and duplex~~ building lots and 75 percent for multifamily lots.
- F. Sites two acres or greater shall provide at least 10 percent open space, in addition to yard requirements.
- G. Parking. ~~Off-street parking shall be provided in accordance with Chapter 14.12 LMC. One parking space shall be provided for each dwelling unit under 1,500 square feet, and two parking spaces for each dwelling unit greater than 1,500 square feet.~~
- H. Recreational Sites. For sites greater than 20 acres, there shall be land designated for recreational purposes within the development having a total area equal of not less than 300 square feet for each dwelling unit.
- ~~I. Accessory Dwelling Units are encouraged to be a permitted use.~~
- ~~J. Duplex and multifamily dwellings shall be designed with building articulation.~~ (Formerly 18.40.070; Ord. 531 § 1, 1973; Ord. 551 § 28.110(30)(3)(a-g), 1976; Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.070. Multiple-use project requirements.

Any planned development project containing combinations of residential, commercial, or recreational uses may be known as a multiple-use project, and shall bear the following

relationships to the zoning districts in which it is proposed:

A. In any district, projects shall include:

1. Uses. The principal use or uses proposed in a multiple-use project shall be consistent with the underlying zoning.
2. Parking. For all mixed-use development, shared parking is encouraged. ~~If proposing shared parking, it shall be demonstrated to be maintained for the life of the project by a recorded agreement and shall comply with the requirements outlined in Chapter 14.12 LMC.~~
3. Height. Height shall be consistent with the underlying zoning in commercial, park, and public zones and may be increased to a maximum 40 feet in residential and multifamily zones.

B. In the residential districts, which abut other residential districts, multiple-use projects which include residential use shall:

1. Limit land area of nonresidential uses to ten percent of the gross area of the development;
2. Limit nonresidential use to those business facilities which, in size and service, can be related principally to the project; e.g., grocery, drug, and specialty shops, or professional offices. In no case shall transient uses be permitted in residential planned developments. Such uses should be in ground floor locations and in buildings comparable in size, character, and architectural style with the project buildings;
3. Multifamily units shall be in character and of similar architectural style to the single-family buildings of the project;
4. Nonresidential uses permitted as a part of a planned development project in a ~~low density~~ residential area shall not be designed to dominate surrounding residential uses by incorporating oversized advertising signs, intense lighting, increased building height, or other devices which focus attention on location.

C. In residential districts located in transitional areas immediately abutting and adjoining ~~nonresidential~~ nonresidential zoned property, multiple-use projects which include residential use shall:

1. Orient nonresidential uses and their automobile circulation and parking towards the adjoining nonresidential district;
2. Limit commercial nonresidential uses to ground floor locations;
3. Provide residential uses on all perimeters adjoining residential districts.

(Formerly 18.40.090; Ord. 531 § 1, 1973; Ord. 551 § 28.110(35), 1976; Ord. 1588 § 1 (Att. A), 2019)

§ 18.40.080. Approval – Conditions.

The granting of approval of a planned development district constitutes an amendment to the zoning map, and must comply with the provisions set forth in the Leavenworth comprehensive plan and Leavenworth zoning ordinance.

(Formerly 18.40.100; Ord. 531 § 1, 1973; Ord. 551 § 28.120(10), 1976; Ord. 1203 § 20, 2003; Ord. 1588 § 1 (Att. A), 2019)

CHAPTER 18.42 AFFORDABLE LOW-INCOME HOUSING INCENTIVES**§ 18.42.010. Purpose.**

The affordable housing incentive program is intended to provide incentives to developing and building housing for purchasers or renters who work in service industry jobs, such as cashiers, hotel staff and retail and restaurant workers, which make up the majority of employees within Leavenworth. By providing housing incentives, as authorized by RCW 36.70A.540, the city intends to improve the quality of life for all residents of varying income levels by supporting health, increasing financial stability, reducing travel demands, and expanding population diversity.

(Ord. 1654 § 1 (Att. A), 2022)

§ 18.42.020. Applicability.

- A. Notwithstanding any other provision in this title, affordable housing developments are permitted in all zoning districts and encouraged within planned developments and commercial district mixed-use incentives developments.
- B. Affordable housing developments serve:
 - 1. Low-income renters with incomes of 50 percent or less of the county median family income, adjusted for family size.
 - 2. Low-income owner-occupied households with incomes of 80 percent or less of the county median family income, adjusted for family size.
 - 3. Notwithstanding subsections (B)(1) and (B)(2) of this section, the city council may increase, through a public hearing, low-income rental housing up to 80 percent of the county area median income ("AMI") or low-income owner occupancy housing up to 100 percent of the county AMI.
- C. Rental units, for occupiers meeting the criteria of subsections (B)(1) through (B)(3) of this section, are for the purposes of this chapter affordable housing.

(Ord. 1654 § 1 (Att. A), 2022)

§ 18.42.030. Other affordable housing options.

The following list of options is provided for overall education of what the city of Leavenworth has developed in support of affordable housing units. Use of these options, or others, is not a required part of this affordable housing chapter.

- A. Chapter 3.42 LMC, Affordable Housing Grant/Loan Program.
- B. Chapter 3.43 LMC, Workforce Housing Grant/Loan Program.
- C. Chapter 3.44 LMC, Affordable Housing Funds.
- D. Preapproved accessory dwelling unit construction plans.

~~E. Manufactured/tiny home parks.~~

~~F.F. Manufactured homes placement.~~

G.F. Partnerships with nonprofit housing authorities/groups.
(Ord. 1654 § 1 (Att. A), 2022)

§ 18.42.040. Requirements for affordable housing options.

Any development of affordable housing for low-income housing units, whether rental or owner occupied, shall ensure that each affordable housing unit be retained as affordable housing into perpetuity from the date of final certificate of occupancy. Developers or owners of the housing, as the case may be, shall record a covenant as required by the city to retain the housing as affordable into perpetuity from the date of final occupancy.

The low-income housing units shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in low-income units must be in the same proportion as the number of bedrooms in units within the entire development. The low-income units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development.
(Ord. 1654 § 1 (Att. A), 2022)

§ 18.42.050. Incentives for affordable housing.

When a development includes affordable housing for low-income housing units, the project may request any of the following deviations from the standard regulations:

- A. Density, low-income affordable housing units may be provided in the following manner:
1. For residential districts, one additional dwelling unit may be provided for low-income affordable housing. For example, a residentially zoned lot may have a single-family home, an accessory dwelling and one low-income housing unit; or, it may have a single-family home and two low-income housing units; or, it may have three low-income housing units.
 2. For multifamily residential districts, one low-income affordable housing unit per 1,500 square feet of lot area may be provided. Any fractional calculation shall be rounded down.

A combination of market rate and low-income units may be provided when consistent with the following methodology. The administrator shall determine the required number of low-income units and the maximum number of units based on the lot size for the project. Any fractional calculation shall be rounded down.

Lot Size ^a	Multifamily (one unit per 2,000 sq ft of lot area)	Low-Income Affordable (one unit per 1,500 sq ft of lot area)	Required Number of Low-Income ^b	Maximum Number of Units ^c
6000	3	4	1	4
10,000	5	6	1	6
20,000	10	13	3	13
43,560	21	29	8	29

^a Calculated based on a "lot of record," not including any right-of-way or land dedicated for a specific purpose on a plat

^b Difference between multifamily (2,000 square feet per unit) and low-income affordable (1,500 square feet per unit)

^c Number of maximum low-income affordable units

3. For the commercial and industrial districts, the minimum or maximum number of dwelling units is not defined.
- B. Lot Coverage. When a development includes a minimum of three affordable housing units, the lot coverage may increase to 50 percent or the underlying zoning requirement, whichever is greater.
- C. For residential zoning districts and multifamily districts, when a development includes at least one affordable housing unit, the front yard setback may be reduced to ~~49-17~~ feet; however, the allowance for a front porch within the front yard setback is not permitted.
- D. Alley Access. Any development that includes affordable low-income dwellings may have primary vehicular access from the alley when meeting the city's development standards.
- E. Parking for low-income units shall be calculated as: one half parking space per dwelling unit. Any fractional parking space shall be rounded up.
 1. ~~Housing units serving residents with incomes at or above 51 percent AMI shall provide one parking space per housing unit.~~
 2. ~~Housing units serving residents with incomes below 50 percent AMI may reduce parking by 50 percent when located within one half mile from a public transit park-and-ride.~~
 3. ~~Any fractional parking shall be rounded up.~~
- F. ~~Height, within the tourist commercial district, may increase to up to 50 feet excepting that the building height shall not exceed 35 feet for the first 30 feet of distance from the property line when adjoining a residential or multifamily district.~~

(Ord. 1654 § 1 (Att. A), 2022)

§ 18.42.060. Design standards for affordable housing.

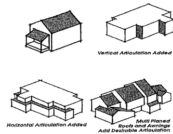
All development using this chapter shall meet the following supplemental development standards for low-income affordable housing units:

- A. Half of the affordable housing units must be of a similar size and makeup (number of bedrooms and bathrooms) as market rate units within the same development. The remaining half may be smaller or larger than the market rate units within the same development.
- A-B. New construction shall comply with LMC 18.36.025, Residential Design Standards.
- ~~B. Half of the affordable housing units must be of a similar size and makeup (number of bedrooms and bathrooms) as market rate units within the same development. The remaining half may be smaller or larger than the market rate units within the same development.~~

~~C. Entries and front doors shall be consolidated whenever feasible so that only one entrance or front door is facing a city street. This provision does not apply to townhomes.~~

~~D. Corner Lots. The development may include driveway access from each city street and/or the alley.~~

~~E. The design of the structures shall include at least one articulation of the facade (vertical articulation) or multiplaned roofs to soften the appearance of the structure.~~



~~F. Storage. For every dwelling unit under 500 square feet, a separate area for personal storage shall be provided of at least 90 cubic feet; for example: length five feet, width three feet, height six feet. Areas under four feet in height will not be calculated as storage.~~

(Ord. 1654 § 1 (Att. A), 2022)

**CHAPTER 18.45 SHELTER, TRANSITIONAL, EMERGENCY, AND
PERMANENT SUPPORTIVE HOUSING (STEP HOUSING)**

§ 18.45.010. Purpose.

The purpose of this chapter is to:

- A. Implement state requirements related to emergency housing, emergency shelters, transitional housing, and permanent supportive housing, including RCW 35.21.683, RCW 35A.21.430, and RCW 36.70A.390;
- B. Ensure sufficient housing capacity for all economic segments, consistent with Comprehensive Plan housing goals and policies;
- C. Encourage the development of safe, healthy, and supportive housing for individuals and households experiencing homelessness or housing instability;
- D. Protect the health, safety, and welfare of occupants and the broader community; and
- E. Encourage siting of STEP housing in areas with convenient access to transit, employment opportunities, and community services.

§ 18.45.020. Applicability.

- A. This chapter applies to all development, siting, establishment, and operation of:
 - 1. Emergency housing
 - 2. Emergency shelters
 - 3. Transitional housing
 - 4. Permanent supportive housing
- B. Compliance with this chapter does not exempt any development from other applicable provisions of Leavenworth Municipal Code (LMC), including but not limited to environmental regulations and adopted building, fire, and health codes.
- C. This chapter does not apply to temporary emergency shelter operations activated in response to severe weather, natural disaster, or similar emergencies.
- D. Development code administration (LMC Title 21) and permit processing procedures for similar residential and lodging uses apply, consistent with RCW 35A.21.430.
- E. Standards under RCW 35.21.915 and RCW 36.01.290 for outdoor encampments, safe parking, indoor overnight shelters, and temporary small houses on property owned by religious organizations apply.

§ 18.45.030. General standards

- A. The density of transitional and permanent supportive housing is limited by the development regulations of the underlying zoning district. Density of emergency housing and shelters, where permitted, is limited by adopted building, fire, and safety codes.
- B. Emergency housing and shelter standards. After permit approval and prior to a certificate of occupancy issued, the managing agency of proposed emergency housing or emergency shelter facility must submit the following to the City:
 - 1. The name of the facility and headquarter address of the managing agency.
 - 2. A description of any other programs operating in the building and copies of the applicable licenses and certifications held by the program.
 - 3. The point of contact authorized to make decisions and take corrective action in case of an emergency and provided at least one telephone number to be used in emergencies.
 - 4. Documentation of the managing agency's operational policies or procedures for:
 - a. Promoting and addressing health and safety inside the building and immediately adjacent to the building;
 - b. Description of admissions and potential sources of referral;
 - c. Description of program exit or transfer;
 - d. Handling complaints and grievances from occupants;
 - e. Health, fire, safety, and occupancy; and,

Commented [TRT5]: Sections 010, 020, and 030 of this chapter can't really be edited in order to remain compliant with state regulations.

f. Planned staffing. The number the staff or volunteers present during operations, staff or volunteer training, and other processes to provide services and resources to the populations being served.

§ 18.45.040. Tiny Home Village

A. Tiny home villages are a form of emergency housing, permitted in zoning districts where emergency housing is permitted according to LMC 18.25.030 – District Use Chart.

B. Tiny home villages are allowed on properties owned or controlled by a religious organization.

C. Tiny home villages are subject to the following criteria:

1. Tiny homes units will be temporary structures not affixed to land permanently and not using underground utilities.
2. The tiny home village must be a 24-hour-a-day facility where tiny homes are assigned to specific residents for the duration of their stay.
3. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by nonresidents.
4. The duration of the village will be for a minimum of a one-year term that is renewable according to the terms of a Memorandum of Agreement according to 18.45.040(11) of this section.
5. The maximum unit square footage is 120 square feet each, with units set at least six feet apart.
6. Electricity and heat must be provided and are subject to inspection by the City.
7. Space heaters, if provided, must be approved by the local fire authority.
8. Doors and windows must be included and be lockable, with the managing agency and host organization also possessing keys.
9. Each unit must have a fire extinguisher.
10. Adequate restrooms and hygiene facilities must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water.
11. The host religious organization should partner with homeless service providers to develop pathways to permanent housing.
12. The maximum number of units permitted on a site is constrained by adherence to life safety, infrastructure, and environmental codes but in no case will more than 45 units be permitted.
13. Prior to the start of operation, the host religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless establishment of the tiny home village is in response to a declared emergency.
 - a. The religious organization must coordinate with the City to provide written notice of the meeting at least two weeks prior to the meeting.
 - b. The notice must specify time, place, and purpose of the meeting.
 - c. Notice must be provided in two of the four following ways:
 - i. Publication in the City's newspaper of record;
 - ii. Posting on the City's website;
 - iii. Prominently displaying signage, at least two feet high and two feet wide, on or adjacent to main arterials in proximity to the location of the tiny home village; or
 - iv. Prominently displaying notice at the meeting site.
14. Prior to the start of operation, the City and the religious organization, or a facility managing agency using the religious organization's property, must develop and execute a Memorandum of Agreement containing, at a minimum, the following items:
 - a. A resident's right to seek public health and safety assistance and access social services on-site.
 - b. A resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization.
 - c. A Good Neighbor Agreement addressing the following items:

Commented [TRT6]: This section is optional if you want to have standards and processes for a Tiny Home Village. Most of the language comes directly from the governing statute: RCW 35A.21.360 - Hosting the homeless by religious organizations

Commented [TRT7]: Some Cities also allow these on City-owned and controlled property.

Commented [TRT8]: These two seem common sense (used in Tukwila City Code), but they aren't specifically mentioned in RCW 35A.21.360, so it would be good to run them by city attorney.

Commented [TRT9]: Leavenworth could decide what this number should be.

- i. Quiet hours.
 - ii. Smoking areas.
 - iii. Security procedures.
 - iv. Litter, and
 - v. Adequacy of landscaping and screening.
- d. A Code of Conduct establishing a set of standards and expectations that residents, the managing agency, the host religious organization, and all volunteers working on site must agree to follow.
- e. When a publicly funded managing agency exists, the ability for the host religious organization to interact with residents using a release of information.
- f. A parking plan approved by the City showing that the facility has adequate parking to meet the expected demand from residents, staff, service providers and visitors. Residents may not park off-site, and all vehicles must be operational.
- g. A coordination plan with both the Police and Fire Departments, including protocols for response to the facility and to facility residents throughout the City and a maximum number of responses threshold for law enforcement services. If calls for law enforcement services exceed the agreed upon threshold in any given quarter, the facility operator will work with the City to reduce calls below the threshold level.
- h. A requirement to provide regular reports to the City's Human Services Program Coordinator on how the tiny home villages is meeting performance metrics such as placement of residents into permanent housing or addiction treatment programs.
- i. The host religious organization must work with the City to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the host religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system.
- j. Any other terms required for consistency with RCW 35A.21.360 including but not limited to non-discrimination clauses, civil liability immunity, and sex offender checks.

Commented [TRT10]: Not required by RCW, but these two were included in Tukwila's code. Leavenworth could consider something similar.

Commented [TRT11]: We can include this language in LMC instead of just referring to it, if you prefer.

~~CHAPTER 18.50~~
~~MANUFACTURED HOME PARKS~~

~~§ 18.50.010. Purpose.~~

~~The purpose of this chapter is to establish minimum standards for the construction, development, and management of manufactured home parks. These standards are intended to ensure the public health, safety, and welfare, as well as encourage innovative and imaginative manufactured home parks that will provide desirable, economical housing opportunities for local residents. It is a goal of this section to ensure that manufactured home parks are designed and developed in such a manner that they can be considered an asset to the city.~~
(Ord. 675 § 1, 1980)

~~§ 18.50.020. Definitions.~~

~~All definitions relevant to this chapter shall be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.~~
(Ord. 675 § 1, 1980; Ord. 1057 § 2, 1997; Ord. 1544 § 1 (Att. A), 2017)

~~§ 18.50.030. Required plans.~~

- ~~A. Submission of Plans. All conditional use applications for manufactured home parks shall be accompanied by a minimum of three scale drawings of not less than 100 feet to the inch and a landscape and screening plan.~~
- ~~B. Adequate Plans. The city shall reserve the right to refuse to examine any incomplete, unintelligible or indefinite drawings.~~
- ~~C. Information Required on Plans:~~
- ~~1. The required scale drawings shall include the location of all buildings; manufactured home spaces; water, electric, and sewage lines; community trash containers; fire hydrants; roadways, entrances, and exits; proposed drainage; lighting; signs; boundary of the site; perimeter buffer, recreation and open space; and any proposed public dedications. At the discretion of the administrative official, this drawing may also require topographic contours with an interval of not more than five feet.~~
 - ~~2. A landscape and screening plan shall include the name, location and size of vegetation and the location, type, and height of the screening fence.~~
- (Ord. 675 § 1, 1980)

~~§ 18.50.040. Location.~~

- ~~A. Any parcel of property being considered for a manufactured home park must front on and have direct access to a developed public road at a minimum of one location. The administrative official may require more than one direct access to a public road where it is determined to be in the best interest of the community.~~
- ~~B. Manufactured home parks may be permitted in residentially zoned areas only, subject to approval of a manufactured home park conditional use permit.~~

Commented [MB12]: This entire chapter is to be repealed and recodified to comply with state law. In process now - draft ready in October.

Commented [TRT12R2]: Celeste: We propose leaving this chapter out entirely for now. Since the City doesn't currently have any MHPs to preserve, you may not need standards for creating new ones, especially since the other proposed changes basically allow new manufactured homes to be placed in any residential zone (compliant with the state law).

We think if someone did want to create a brand new MHP, they would basically use the regular subdivision process to do so.

However, if you think you would like to have standards for creating a tiny home village as a use, we can discuss that.

Commented [CB12R3]: This makes sense - will remove for now and see if the City Council wants to add tiny home village

~~C. Manufactured home parks shall not be located in any area which the planning commission finds to be unsuitable for residential development due to flooding, poor drainage, steep slopes, unstable soils or geology, or other features likely to be harmful to the safety or general health of its occupants.~~

~~(Ord. 675 § 1, 1980)~~

~~§ 18.50.050. Site and lot requirements.~~

~~A. Size of Manufactured Home Park. The minimum size of a manufactured home park shall be two acres.~~

~~B. Size of Manufactured Home Lots. The minimum size of a manufactured home lot shall be 4,500 square feet for any manufactured home over 14 feet wide and 3,500 square feet for manufactured homes 14 feet wide or less. The minimum width of a manufactured home lot shall be 50 feet for the former and 40 feet for the latter size manufactured home. The lot boundaries shall be plainly marked by corner stakes.~~

~~C. Spacing Standards.~~

~~1. There shall be a minimum of 15 feet between manufactured homes. Attached accessory structures shall be regarded as part of the manufactured home for setback and spacing purposes.~~

~~2. There shall be a minimum distance of three feet between a manufactured home and an unattached accessory structure.~~

~~D. Setbacks for Manufactured Homes.~~

~~1. There shall be a minimum distance of 15 feet between an individual manufactured home and an adjoining interior park street.~~

~~2. No manufactured home shall be located closer than 25 feet from a public road right-of-way.~~

~~3. There shall be a minimum distance of five feet between a manufactured home and a manufactured home side lot line; except, one side yard may be reduced to zero feet if a minimum separation of at least 15 feet is maintained between adjacent manufactured homes.~~

~~4. There shall be a minimum distance of 10 feet between a manufactured home and the interior line of the perimeter buffer.~~

~~E. Lot Coverage. There shall be no more than 50 percent of a manufactured home lot covered by structures.~~

~~(Ord. 675 § 1, 1980)~~

~~§ 18.50.060. Garbage and trash.~~

~~A. The storage, collection and disposal of refuse in the manufactured home park shall be conducted so as to prevent health hazards, rodent harborage, insect breeding areas, accidental fire hazards, and air pollution.~~

~~B. Community type containers will be required to be located not more than 150 feet away~~

~~from any manufactured home lot. These collection areas shall be screened by landscaping and/or a view-obscuring fence.~~
(Ord. 675 § 1, 1980)

§ 18.50.070. Off-street parking.

A. ~~A minimum of two off-street parking spaces shall be provided at each manufactured home lot. These spaces shall be at least five feet from the park street. Parking spaces shall not be located within the 10-foot buffer zone required around the perimeter of the manufactured home park.~~

B. ~~An additional minimum of two off-street parking spaces shall be provided for the manufactured home park office.~~

C. ~~All residential and common parking areas require bituminous surfacing or better.~~
(Ord. 675 § 1, 1980)

§ 18.50.080. Manufactured home pad.

~~Each manufactured home lot shall be provided with a pad of sufficient size to accommodate the manufactured home and any attached accessory structure. Each manufactured home pad shall be surfaced with a minimum of three inches of washed gravel of uniform size or other surface approved by the administrative official. The manufactured home pad shall be graded to obtain adequate surface drainage.~~
(Ord. 675 § 1, 1980)

§ 18.50.090. Perimeter buffer/screening fence and ground cover.

A. ~~Buffer Required. A minimum 10-foot landscaped buffer or screen shall be required around the sides and rear of the park. The front yard buffer shall be a minimum of 20 feet, within which shall be erected an ornamental wall, fence, or screen planting, acceptable to the administrative official, and no less than five feet in height around the perimeter of the manufactured home park. If screen plantings are to be used, the plants should be of sufficient size so as to provide immediate screening benefit. If, in the opinion of the planning commission, it is unreasonable to require this screening along the side and rear boundaries due to the nature of the existing topography or other conditions that might render such screening ineffective, the commission, at its discretion, may waive or modify the requirements as specified in this section. A permanent irrigation system shall be installed to ensure adequate maintenance of the landscaping in these areas.~~

B. ~~Ground Cover Required. Lawn or other suitable ground cover shall be required in all areas except those covered by structures, by paved or surfaced areas and by planting beds. Also accepted are undisturbed areas such as ravines and streams to be preserved in their natural state.~~
(Ord. 675 § 1, 1980)

§ 18.50.100. Recreational areas.

A. ~~Not less than 500 square feet per manufactured home site shall be provided for recreational space; provided, however, that no outdoor recreation areas shall contain less than 2,500 square feet.~~

§ 18.50.100 ZONING § 18.50.130

~~B. In lieu of providing recreational areas, recreational opportunities such as clubhouses, swimming pools, handball courts, etc., may be considered by the planning commission.~~

~~C. Required buffer/screening areas shall not constitute required open space or recreational area.~~

~~(Ord. 675 § 1, 1980)~~

§ 18.50.110. Signs.

~~A. Signs and advertising devices shall be prohibited in a manufactured home park except:~~

~~1. One identifying sign at the entrance of the manufactured home park which may be indirectly lighted but shall be nonflashing and which shall not exceed 32 square feet in area;~~

~~2. Directional or information signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc., provided such signs are not larger than four square feet in area.~~

~~B. A sign within the buffer or setback area along a public or private road shall be no more than six feet in height.~~

~~C. The design and placement of the identifying sign shall be subject to the review and approval of the Leavenworth design review board.~~

~~D. Individual manufactured homes shall display neat, easily read address numbers to facilitate the location of specific manufactured homes within the park. These numbers shall be consistently located either on the units or posted on the space.~~

~~(Ord. 675 § 1, 1980)~~

§ 18.50.120. Storage, accessory structures and manufactured home setup.

~~A. A secured community storage area shall be developed to provide a minimum storage space of nine feet by 30 feet for each six manufactured home lots, or fraction thereof, for the storage of boats, RV units, etc.~~

~~B. Normal accessory structures for manufactured homes shall be allowed and may include awnings, carports, deck and storage facilities, etc. All accessory structures shall comply with manufactured home park front yard setbacks and local building code requirements.~~

~~C. All manufactured homes shall be equipped with steps or ramps for all exits which meet the International Building Code requirements.~~

~~D. All manufactured homes shall be skirted with fire resistant and weather resistant material deemed appropriate by the administrative official, which shall be properly maintained.~~

~~E. Manufactured home tongues shall be removed or disguised.~~

~~(Ord. 675 § 1, 1980)~~

§ 18.50.130. Street system.

~~A. The interior road system for a manufactured home park shall be privately owned, constructed and maintained; provided, that roads which are located such that they could or~~

~~should be an integral part of the overall circulation pattern may be required to be constructed as public roads. The administrative official may also require either construction of additional public roads or reservation of right of way for future roads where necessary to provide adequate circulation.~~

~~B. Road construction standards shall be as follows:~~

- ~~1. The layout and general development plan for major and minor access driveways within the manufactured home park, together with the location and dimension of access junctions with public street right of way shall be approved by the administrative official. All interior streets shall remain private and be the responsibility of the park operator.~~
- ~~2. All interior streets shall have a minimum width of 30 feet with parking permitted on one side only. On street parking shall be restricted during the winter so that adequate and safe access can be maintained when plowed snow accumulates at the side of the street.~~
- ~~3. Roads designed to have one end permanently closed or in the form of a cul de sac shall be provided at the closed end with a turnaround having a minimum right of way radius of not less than 45 feet or with a "T" permitting comparable ease of turning.~~
- ~~4. All public roads in a manufactured home park shall be constructed in accordance with minimum standards for plat street construction.~~
- ~~5. All roads, parking lots and walkways shall be adequately lighted at night. Lights shall be directed away from adjacent properties. Spacing of light standards on roadways shall be not greater than 100 feet and/or at each major change in direction of a roadway.~~

~~C. All park streets and access roads shall be on an adequate base, graded, and surfaced with bituminous surfacing or better as defined in the state highway specifications.~~

~~D. All manufactured home park proposals shall be reviewed by the fire chief to assure adequate ingress and egress, internal circulation for emergency vehicles, and the location of fire hydrants.~~

~~(Ord. 675 § 1, 1980)~~

~~§ 18.50.140. Utilities.~~

~~A. All manufactured home parks shall install city services, to include domestic water, sanitary sewage, refuse disposal, fire hydrants and storm drainage systems. These services shall be installed in accordance with guidelines established by the city utility superintendent.~~

~~B. All utilities within the manufactured home park shall be installed underground.~~

~~(Ord. 675 § 1, 1980)~~

~~§ 18.50.150. Miscellaneous provisions.~~

~~A. It shall be the responsibility of the park owner and manager to assure that the provisions of this chapter are observed and maintained. Violations shall subject both the owner and the manager of the facility to any penalties provided for such violation. The owner or a designated agent shall be available and responsible for the direct management of the~~

~~manufactured home park.~~

- ~~B. All electrical connections shall comply with the electrical codes and shall be subject to inspection. All sewage connections to manufactured homes shall conform to the Uniform Plumbing Code.~~
- ~~C. Portable fire extinguishers of appropriate class rating as determined by the fire chief shall be kept in service buildings and other locations as required by local codes.~~
- ~~D. The park shall be maintained free of any brush, leaves and weeds which might communicate fires between manufactured homes and other improvements. No combustible materials shall be stored in, around or under any manufactured home.~~
- ~~E. It is noted that the Snow Load Analysis for Washington by the State Association of Structural Engineers prescribes a 72 pounds per square inch snow loading factor for the Leavenworth area. Manufactured homes are excluded from regulation under the International Building Code by state law, and by subject to H.U.D. standards, which only require a roof loading factor of 30 pounds per square inch. Manufactured home park owners shall adopt and administer covenants and standards relating to snow loading. Such covenants could include all or some of the following provisions:~~
- ~~1. Permitting only manufactured homes with composition roofs or special design packages intended for heavy snow load areas;~~
 - ~~2. Requiring installation of heat tapes on manufactured home roofs;~~
 - ~~3. Requiring the clearing of roofs when snow depths exceed 12 inches;~~
 - ~~4. Develop and administer a policy relating to the construction of snow shed roofs on individual manufactured home lots. If permitted by the park, such structures would have to comply with the International Building Code. Also the park should adopt standards to assure that such structures complement rather than detract from the appearance of the park;~~
 - ~~5. Presenting a statement of all tenants informing them of the snow load factors for the area, and the roof loading standards of manufactured homes, which would be signed by the tenant, thereby relieving the city and the park owner of liability for snow load damage to roof structures.~~

~~(Ord. 675 § 1, 1980)~~

CHAPTER 18.51 RECREATIONAL VEHICLE PARKS**§ 18.51.010. Purpose.**

The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the guests of such parks, residents, and the citizens of the city.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.020. General requirements.

- A. No recreational vehicle shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy for more than three consecutive months shall be conclusively deemed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair, or placement of the unit on a foundation, is prohibited.
- B. No permanent external appurtenances (excluding retractable awnings and table tarps) may be attached to any recreational vehicle while it is in a park. Freestanding patios, decks and stairs may be allowed with required permits and approvals.
- C. No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this chapter. Recreational vehicles shall only be located in appropriate sites within designated recreational vehicle sites, and not in buffer or open space areas. Overflow areas may be developed outside of the required buffer and/or open space areas.
- D. Operation of electrical power generators shall not be allowed except by approval within the conditional use permit as determined by the hearing examiner. The hearing examiner may consider screening and compliance with noise ordinances. Generators shall not run during quiet hours.

~~D-E.~~ Recreational vehicle parks can include tiny homes on wheels.

~~E-F.~~ No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.030. Criteria for locating a recreational vehicle park.

Recreational vehicle parks may only be established on property within the city which meets the following criteria:

- A. Recreational vehicle parks shall only be allowed, subject to LMC § 18.51.040, in the tourist commercial (TC) district.
- B. The minimum site area of a park shall be 10 acres.
- C. Recreational vehicle parks shall be located with direct access to an arterial or collector as defined and identified in the Leavenworth area comprehensive plan, or on a state highway or county road and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.

- D. The hearing examiner shall deny a recreational vehicle park conditional use permit application if the proposed project will likely result in unreasonable impacts to a particular neighborhood because of the cumulative size of recreational vehicle parks in the neighborhood, taking into consideration the recreational vehicle park development for which application is made, or if the hearing examiner finds other unreasonable impacts which cannot be reasonably mitigated by applying the standards and provisions of this chapter.

(Ord. 840 § 3, 1989; Ord. 1203 § 22, 2003; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.040. Conditional use permit required.

A recreational vehicle park shall be allowed only upon the issuance of a conditional use permit by the hearing examiner.

(Ord. 840 § 3, 1989; Ord. 1203 § 22, 2003; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.050. Health district approval required.

Prior to opening and/or operations of a recreational vehicle park, the owner shall obtain a permit from the Chelan-Douglas health district and shall comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, or the park will be closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.060. Uses and design.

Recreational vehicle parks shall provide outdoor hospitality experiences for nonpermanent, transient guests in a variety of accommodation types which may include recreational vehicles, park model recreational vehicles, tents, cabins and yurts. A site layout design consistent with these uses and in compliance with the provisions of this chapter shall be submitted as part of the conditional use permit process. The hearing examiner may modify or adopt other uses which may be deemed appropriate for specific recreational vehicle park applications.

(Ord. 840 § 3, 1989; Ord. 1203 § 22, 2003; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.070. Completion prior to opening/operations – Phasing.

All required site improvements and other conditions of the permit shall be met prior to occupancy of any site by a recreation vehicle and/or guest; provided, that completion may be accomplished by phases if such phases are identified and approved in the permit.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.080. Design standards.

The purpose of this section is to establish minimum design standards for recreational vehicle parks.

- A. Density. The number of recreational vehicles, park model recreational vehicles, [tiny homes on wheels](#), tents, cabins and yurts permitted in a park shall not exceed a density of 22 units per buildable acre. In addition, the number of tent spaces permitted in a park shall not exceed a density of 30 units per buildable acre. The hearing examiner may limit density further to ensure compatibility with the surrounding areas. The application materials shall include the

maximum capacity of the property.

- B. On-site caretaker residences shall be allowed to a maximum of one per 10 acres with up to one for the first 10 acres.
- C. Campsite Size. Each individual recreational vehicle site shall be not less than 800 square feet in size. Open space and buffer areas shall not be included in calculating allowed campsite size. A site layout shall be submitted with the conditional use application; and the sites may be laid out for adjustments to accommodate terrain, trees, natural features, and circulation. As determined and may be approved by the city, the sites may be rearranged and modified for the life of the permit consistent with the maximum capacity and the approved overall site layout.
- D. Tent Site Size. Each tent camping space shall be a minimum of 600 square feet in size. Tent camping space shall include space for cooking/eating, tent set up area, which shall accommodate no more than two tents per tent camping space, and parking. Tent parking located outside of the tent camping space shall reduce both the required parking amount and tent area space by one-half.
- E. Access Points. A traffic impact analysis is required. Within the analysis, study of the entrance and exit impacts shall be considered. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within 100 feet of the intersection with the park entrance.
- F. Parking. At least one parking space shall be provided on each recreational vehicle, park model recreational vehicle, tent, cabin or yurt site. At least one parking space for each six recreational vehicle campsites, park model recreational vehicles, tents, cabins and yurts sites shall be provided for visitor parking in the park beyond what is required of the recreational vehicle, cabin, and tent campsite.
- G. Internal Park Roads. All internal park roads shall be privately owned and maintained. They shall be constructed to all-weather standards, as approved by the fire marshal. Minimum widths of recreational vehicle park and campground roads designed to accommodate all types and sizes of camping units shall be 10 feet per traffic lane and eight feet per parallel parking lane.
- H. Open Space/Recreational Facilities. A minimum of 20 percent of the site shall be set aside and maintained as an open space for the recreational use of park guests. Such space and location shall be accessible and usable by all guests for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space. The percentage requirements shall not be reduced if substantial and appropriate recreational facilities, (such as recreational buildings, swimming pool or tennis courts) are provided.
- I. Setbacks. No recreational vehicle, park model recreational vehicle, tent, cabin or yurt site shall be closer than 20 feet from any exterior park property line abutting upon a public street or residential zone. Permanent structures within a park shall have minimum property line setbacks of 20 feet.

- J. Landscaping/Screening. The park shall provide landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable ground cover, shrubs and trees; provided, that they are installed prior to opening and/or operations of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation. All trees, flowers, lawns and other landscaping features shall be maintained in a healthy growing condition. Permanent irrigation shall be installed. The landscaped area shall include a designated pet exercise area.
- K. Fencing. In addition to landscaping requirements, a six-foot-high view-obscuring perimeter fence will be required along any portion of the property boundary adjacent to residentially zoned property except necessary entrances/exits, or mandated by law.
- L. Signs. Recreational vehicle parks shall be limited to one park entrance sign and such interior directional or informative signs as may be needed for the convenience of guests. All signs are subject to approval by the hearing examiner under the provisions of Chapter 14.10 LMC. All park spaces shall be marked by numbered sign posts. Temporary informative signs may change daily according to activities, special events, store specials, fire danger, and other needs; and shall comply with Chapter 14.10 LMC.
- M. All utility lines in the park shall be underground and shall be approved by the agency responsible for inspection.
- N. Storm Drainage. Storm drainage control facilities shall be installed in accordance with the requirements of the city engineer.
- O. Public Facilities. Recreational vehicle parks shall provide the following public facilities in such quantity, size and location as is approved by the hearing examiner:
1. A water distribution system connected to the city's water utility. Fire hydrants, in number and location, shall be required as specified by the fire chief and the city engineer;
 2. Restroom facilities containing showers and toilets connected to the city's sewer utility. A minimum of one toilet shall be provided for each sex up to the first 25 sites;
 3. For each additional 25 sites not provided with sewer connections, an additional toilet for each sex shall be provided. Gender neutral equivalent may be allowed if separate from shower or other common areas;
 4. A metered and monitored sanitary waste station for emptying sewage holding tanks of recreational vehicles;
 5. Refuse containers for solid waste in adequate quantity shall be placed in approved locations and picked up by the city's garbage collection service. Garbage can and/or dumpster locations shall be screened from view by a fence or landscaped enclosure.
- P. Walkways. When required, pedestrian walkways shall have a five-foot minimum tread width.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.090. Permitted and accessory uses.

- A. Management headquarters, main registration, recreational facilities, restrooms, dumping stations, showers, and laundry facilities are permitted subject to the following restrictions:
1. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than guests of the park;
 2. The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
- B. Retail space for groceries and camp supplies, limited food service facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses to the park; and shall be permitted at the discretion of the hearing examiner, subject to the following restrictions:
1. Such establishments and parking areas primarily related to their operations shall not occupy more than five percent of the gross area of the park;
 2. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than guests of the park;
 3. The structures housing such facilities shall not be located closer than 50 feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.100. Park administration.

The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the conditional use permit and all applicable laws and ordinances. 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, proposed park rules and regulations, including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by state regulations, whichever is more stringent. Quiet hours shall be as defined and regulated in Chapter 173-60 WAC.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

§ 18.51.110. Additional requirements.

In addition to the minimum standards and requirements as set out in this chapter, the hearing examiner may adopt other requirements which may be deemed appropriate for specific recreational vehicle park applications.

(Ord. 840 § 3, 1989; Ord. 1541 § 1 (Att. A), 2017)

CHAPTER 18.52 CONDITIONAL USES

Commented [MB13]: Will likely update outdated information this year and tackle general and specific use criteria in 2027.

§ 18.52.010. Application Requirements.

A request for a conditional use may be initiated by a property owner or his authorized agent by filing an application with the hearing examiner on forms prescribed by the examiner, at least 15 days prior to the commission meeting at which the proposal is to be considered. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and its relationship to the surrounding property. Each application shall be accompanied by a receipt indicating payment of a fee, charged according to a schedule of fees set forth in Chapter 18.64 LMC or modifications or changes thereto duly adopted by the city council.

(Ord. 531 § 1, 1973; Ord. 551 § 36.110(10), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

§ 18.52.030. Hearing Recess Decision Final action notice.

The hearing examiner may recess a hearing on a request for a conditional use in order to obtain additional information. Upon recessing for this purpose, the examiner shall announce the time and date when the hearing will be resumed. The examiner shall make his or her decision on a conditional use within 75 days after the first public hearing on the conditional use. The examiner shall cause written notification of his or her action to be mailed to the applicant for a conditional use within five days after the decision has been rendered.

(Ord. 531 § 1, 1973; Ord. 551 § 36.110(20), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

§ 18.52.040. Application Postponement or withdrawal.

Any applicant, or his agent, may at any time request withdrawal or postponement of consideration of his application.

(Ord. 531 § 1, 1973; Ord. 551 § 36.110(25), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

§ 18.52.050. Approval or denial Authority.

Uses designated in this title as conditional uses shall be permitted only upon approval of the Leavenworth hearing examiner, after a public hearing, in accordance with this chapter. Conditional uses are those which may be appropriate, desirable, convenient or necessary in the district in which they are allowed, but which by reason of their height or bulk or creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public health, safety, welfare, comfort and convenience unless appropriate conditions are imposed.

(Ord. 531 § 1, 1973; Ord. 551 § 36.100(10), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 929 § 1, 1993; Ord. 1029 § 1, 1996; Ord. 1203 § 4, 2003; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

§ 18.52.060. Additional requirements and conditions.

In permitting a conditional use, the hearing examiner may impose, in addition to the regulations and standards expressly specified by this title, other conditions found necessary to protect the best interests of the surrounding property, the neighborhood, or the county as a whole. These

~~conditions may include but are not limited to the following:~~

- ~~A. — Increasing the required lot size or yard dimensions;~~
 - ~~B. — Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;~~
 - ~~C. — Controlling the location and number of vehicular access points to the property;~~
 - ~~D. — Increasing the street width;~~
 - ~~E. — Increasing the number of off-street parking or loading spaces required;~~
 - ~~F. — Limiting the number, location and size of signs;~~
 - ~~G. — Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;~~
 - ~~H. — Specifying a specific time limit for construction, alteration or enlargement to begin for a structure to house a conditional use;~~
 - ~~I. — Requiring that any future enlargement or alteration of the use be reviewed by the hearing examiner in view of specifying new conditions.~~
- ~~(Ord. 531 § 1, 1973; Ord. 551 § 36.100(15), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 929 § 2, 1993; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)~~

~~§ 18.52.070. Use change — Conformance required.~~

~~A change in use, expansion or contraction of a site area, or alteration of structures or uses which are classified as conditional and are existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.~~

~~(Ord. 531 § 1, 1973; Ord. 551 § 36.100(20), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)~~

~~§ 18.52.080. Bond — Authority to require.~~

~~The hearing examiner may require that the applicant for a conditional use furnish the city with a performance or surety bond, consistent with Chapter 14.50 LMC, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the examiner.~~

~~(Ord. 531 § 1, 1973; Ord. 551 § 36.100(25), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014; Ord. 1694 § 1 (Att. A-1), 2024)~~

~~§ 18.52.090. Approval — Term — Permanent.~~

~~Any approval of any application for a conditional use shall:~~

- ~~A. — Automatically be for a period of one year from the date of approval;~~
- ~~B. — At the expiration of its first year of approval, and after review by the community development director and assurance by the director that all conditions of approval have~~

been or are being met, any such approved conditional use may be continued. At any time, the city may at its discretion require that the conditional use permit be reviewed by the hearing examiner, who will have the authority to revise the initial conditions of approval if need for mitigation is determined. All conditions of the permit shall continue to apply throughout the life of the use.

(Ord. 531 § 1, 1973; Ord. 551 § 36.100(30), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1285 § 1 (Exh. A § 1(e)), 2007; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

~~§ 18.52.100. Notice of violation—Hearing.~~

The administrative official shall give the holder of a valid conditional use permit written notification of any observed or reported violation of the terms of the permit or of any terms of the zoning district which are not expressly modified by the conditional use permit. Such notification shall include the violation and the terms of the ordinance which apply thereto, and shall give the permit holder 10 days to correct the violation. In the event that a violation is continued beyond the 10-day notification period, the hearing examiner shall review the matter at a public hearing and, on its finding that the violation does exist and that the notification of correction did not produce a correction of the violation, may declare any such conditional use permit null and void and refer the matter to the city attorney for legal action.

(Ord. 531 § 1, 1973; Ord. 551 § 36.100(35), 1976; Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

~~§ 18.52.110. Conditional use permit—Mini day care or day care center.~~

In granting a conditional use permit for a mini day care center or a day care center, the hearing examiner shall impose the following minimum conditions:

- A.—Forty feet of frontage on a public street;
- B.—One off street parking space per employee, and, for day care centers, one off street loading space (10 feet by 20 feet) for every five children beyond the first 12 children;
- C.—One hundred fifty square feet of fenced outdoor play space per child, exclusive of garage area, located in the rear yard;
- D.—Fifty square feet of interior floor space per child;
- E.—Hours of operation shall be between 6:00 a.m. and 9:00 p.m.;
- F.—Licensing shall be in accordance with Department of Social and Health Services regulations;
- G.—Confirmation by the building official that the facility meets the requirements of Chapters 8 and 33 of the International Building Code;
- H.—Confirmation by the fire marshal that the facility meets the requirements of Chapter 212-12 WAC.

(Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

~~§ 18.52.120. Conditional use permit—Bed and breakfast.~~

A. ~~The purpose of permitting bed and breakfasts within the residential zoning districts is to provide an option for property owners to supplement household income or to recoup maintenance/development costs for housing stock.~~

B. ~~No bed and breakfast shall be permitted:~~

1. ~~On lot sizes less than 6,000 square feet; and~~

2. ~~When the existing percentage of bed and breakfasts is at or above four percent of the total housing stock permitted within the residential zoning districts. The four percent shall be calculated using the most current Office of Financial Management (OFM) population estimates; specifically for one-unit and manufactured housing units within the city limits. The four percent shall be defined by the assessor's data for residential dwellings (State Code 11) in residential zoning districts within the city limits.~~

~~Within the county UGA, the total percent of B&Bs shall be four percent of the UGA housing stock within the UGA's residential zoning districts, following the same calculation process as within the city as determined by the Chelan County Community Development Director.:~~

~~On properties in which the primary residence or accessory dwelling unit was constructed under the City's pre-approved dwelling unit program, except as provided below:~~

~~Fee Reimbursement Exception. As a condition of permit approval, such use may be authorized if the fees subsidized by the City under the pre-approved dwelling unit program are reimbursed to the City. The applicant shall submit a reimbursement amount equal to the difference between:~~

~~The standard plan review fee, building permit fee, and plan licensing fee that would otherwise apply to an identical residential permit not using the pre-approved program; and~~

~~i. The plan review fee, building permit fee, and plan licensing fee actually paid by the property owner under the pre-approved program.~~

C. ~~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:~~

1. ~~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.~~

2. ~~Single family dwellings may use up to two bedrooms for a bed and breakfast. An accessory dwelling unit may use up to one bedroom for a bed and breakfast.~~

a. ~~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.~~

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

4. ~~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. The management plan may be modified with amendment to the conditional use permit.~~

5. ~~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.~~
6. ~~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.~~
7. ~~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.~~
8. ~~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.~~
9. ~~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.~~

~~D. Approved bed and breakfast facilities shall comply with the following:~~

1. ~~An operator shall provide 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.~~
2. ~~Bed and breakfast facilities shall meet and maintain 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.~~
3. ~~Bed and breakfasts shall obtain a city business license. Prior to issuance of a business license, an "annual building, fire and life safety" inspection shall occur unless the self-inspection provided for in subsection (D)(5)(b) of this section is accepted by the city. Business license for B&Bs shall run from January 1st to December 31st, when issued after clearance of the annual inspection.~~
4. ~~Advertisement of the B&B shall:~~
 - a. ~~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.~~
 - b. ~~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.~~
 - c. ~~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.~~
 - d. ~~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.~~

5. ~~As part of annual business license renewal, the property owner shall complete an annual permit process, including the following:~~

- a. ~~Report to the city the following minimum information:~~
 - i. ~~The address of the bed and breakfast; and the contact name(s) of the property owner.~~
 - ii. ~~The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.~~
 - iii. ~~The property owner shall both have legal responsibility for the collection and payment of all applicable taxes and remittance of the collected tax.~~
 - b. ~~Report the results of a self-conducted fire and life safety self-inspection. For acceptance by the city after the initial inspections with permitting, the property owner, or their designee, from that time forward, shall conduct a self inspection of their property annually for acceptance by the city.~~
 - i. ~~The city supplied self inspection form shall be completed and signed by the property owner and returned to the city, no later than 30 days after receipt from the city.~~
 - ii. ~~In the event a property owner fails to timely file the self inspection form with the city of Leavenworth, or the information supplied is incomplete or determined by the city to be unreliable, 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.~~
 - iii. ~~Random inspections may be conducted by the city at the city's discretion.~~
 - iv. ~~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.~~
- E. ~~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.~~
- 1. ~~Violation of the conditions of approval, as determined by the city, shall result in a monetary penalty of \$2,000; any second violation within two years (24 months) of the first violation shall result in revocation of the bed and breakfast conditional use permit; both the violation and revocation may be appealed pursuant to Chapter 21.11 LMC. Re-establishment shall be permitted administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.~~
- F. ~~Expiration of Conditional Use Permit for Bed and Breakfasts. In order to provide opportunity for residents to have a B&B, and encourage infill development, conditional use permits for bed and breakfasts shall expire immediately upon transfer of ownership. Transfer of ownership shall be any transfer not associated with a marriage, divorce or death. This expiration shall be applicable to all B&B permits regardless of the date of decision or the form of approval. This provision shall go into effect January 1, 2025. A conditional use permit also may be terminated under LMC § 18.52.090.~~
- G. ~~Existing and permitted bed and breakfast facilities annexed into the city after January 24, 2017, which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use, for a period of five years, at which time they shall either obtain a conditional use permit or cease operation. (Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1431 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014; Ord. 1542 § 1 (Att. A), 2017; Ord. 1628 § 1 (Att. A), 2021; Ord. 1673 § 1 (Att. A), 2023; Ord. 1683 § 1 (Att. A), 2023; Ord. 1694 § 1 (Att. A-1), 2024)~~

~~§ 18.52.125. Reserved.~~

Repealed by Ord. 1467.

(Ord. 1285 § 1 (Exh. A § 1(b)), 2007; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012)

~~§ 18.52.130. Conditional use permit—Two family dwelling units (duplexes).~~

Repealed by Ord. 1640.

(Ord. 979 § 4, 1995; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1431 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)

~~§ 18.52.135. Conditional use permit—Underground parking facility in the multifamily zone district to provide parking for a commercial zone district.~~

~~A. In granting a conditional use permit for an underground parking facility on property(ies) in the multifamily zone district to provide parking for the use of property(ies) located in a commercial zone district, the hearing examiner shall impose the following minimum conditions:~~

- ~~1. Parking facilities which provide parking for the use of a property in a commercial zone district shall only be allowed if on an adjacent land parcel which is zoned multifamily and which is contiguous to or separated only by an alley from the commercially zoned property.~~
- ~~2. All parking facilities shall be underground with the following exception:~~
 - ~~a. The entryway to the facility may be located aboveground to accommodate slope requirements for the access driveway but shall be minimized to only the extent necessary to provide access to the facility.~~
- ~~3. All components of underground parking facilities shall be set back a minimum of five feet from adjacent properties and shall comply with aboveground yard requirements of the zone district in which they are located with the following exceptions:~~
 - ~~a. The entryway to the facility may be located within setback and yard areas but shall be minimized in height and width to only the extent necessary to provide access to the facility; and~~
 - ~~b. Those underground components of the garage that abut public rights-of-way shall be exempt from setback requirements.~~
- ~~4. The city may require those protective measures and financial securities it deems necessary for protection when excavating adjacent to or in close proximity to the right-of-way.~~
- ~~5. Aboveground improvements (vents, ducts, piping or emergency egress stairs, and/or~~

~~other similar items) are not allowed in aboveground setback and yard areas and shall be shielded with landscaping or similar natural barriers.~~

- ~~6. Machinery to serve the underground parking facility shall not be located aboveground unless enclosed by a structure which shall be required to meet all setback and yard standards.~~
 - ~~7. Underground parking facilities shall not be subject to aboveground lot coverage restrictions except where parking facility elements are visible or exist aboveground.~~
 - ~~8. Aboveground parking facility elements shall not exceed the lot coverage requirements of the zone district in which they are located.~~
 - ~~9. A perpetual parking easement or analogous document, as approved by the city, shall be required for the utilization of the property(ies) located in the multifamily zone district by a property or properties in the commercial zone district. The properties may be allowed to have different owners; however, a covenant or declaration shall be recorded to title on both properties which describes all properties and identifies the dominant and subordinate tenant(s) and that the easement is perpetual.~~
 - ~~10. No at grade alley or street crossings by vehicles to access the parking facility and/or components of the parking facility shall be allowed so that circulation within and/or between parking facility components shall have a reduced impact to on street and/or alley traffic patterns.~~
 - ~~11. Applicants shall be required to obtain an easement from the city in order to create a passage under a public right of way. The city can choose to approve, approve with conditions, or deny this request.~~
 - ~~12. Visual impacts created by the parking facility shall be minimized by:~~
 - ~~a. All visible portions of the parking facility shall have a five foot landscape buffer and shall incorporate some vertical landscape elements at least every 20 feet; and~~
 - ~~b. All visible portions of the facility, including, but not limited to, windows, ventilation openings, and ingress/egress points shall be subject to the design standards outlined in the Old World Bavarian design theme, with particular attention to LMC § 14.08.040, Design elements.~~
- ~~B. In granting a conditional use permit, the hearing examiner shall evaluate the use for impacts and may impose conditions as he/she determines necessary to mitigate the impacts. At a minimum, the hearing examiner shall evaluate the following in this process:~~
- ~~1. Impacts from size, location, noise, light, pollution, and/or vibration to neighboring properties. For example: If a proposed facility is located next to a property with a pre-existing structure with noneconforming yard requirements, the hearing examiner could require that the garage be set back an additional distance and/or relocated. Another example: If there is the potential for venting of fumes in close proximity to an adjacent structure, the hearing examiner could require the relocation or reorientation of the vent and exhaust system;~~
 - ~~2. Impacts to adjacent properties from damages and disturbances during construction.~~

~~For example: The hearing examiner could require bonding to correct any damages;~~

- ~~3. Impacts to residentially and commercially zoned neighborhoods from altered traffic patterns. For example: To avoid impacts to the residential neighborhood from higher levels of commercial traffic, access to the commercial component of the parking garage could be required to be through the commercially zoned property only and access to the multifamily residential component of the parking facility could be required to be through multifamily zoned property only. In other words, the hearing examiner could require that underground parking facilities be designed such that flow patterns between separate uses are physically and/or functionally separated; and~~
- ~~4. Impacts to alleys from heightened traffic levels. For example: To avoid impacts of higher traffic and potential crossflow of traffic in alleys, the hearing examiner could require that access to the facility be required to be taken from a public street and alley access would not be permitted unless no other viable access point exists. Another example is requiring improvements such as widening, resurfacing, and traffic controls if the alley is allowed to be used.~~

~~(Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)~~

~~§ 18.52.140. Conditional use permit—Coffee roasting.~~

~~In granting a conditional use permit for coffee roasting, the hearing examiner shall impose the following minimum conditions:~~

- ~~A. The coffee roasting operation shall be in combination with a restaurant, drive-in restaurant or retail food store;~~
- ~~B. An effective afterburner shall be used;~~
- ~~C. An inspection report shall be obtained from Chelan County fire district No. 3 stating that fire code inspection is complete and satisfactory, and shall be given to the department of community development for the file;~~
- ~~D. The building size shall be no larger than 3,500 square feet;~~
- ~~E. No more than 20 percent of the floor area of the building shall be used for coffee roasting, assembling and packing. The 20 percent shall include fire code setbacks;~~
- ~~F. Only one production roaster shall be allowed.~~

~~(Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)~~

~~§ 18.52.150. Conditional use permit—Pet care centers.~~

- ~~A. In granting a conditional use permit for a pet care center located in a commercial zone district, the hearing examiner shall impose the following minimum conditions:~~
 - ~~1. The receiver of the CUP is required to provide an annual report to the city which confirms continued compliance with any and all requirements of the CUP.~~
 - ~~2. In the event of notice of violation and enforcement of violation, the CUP shall be revoked immediately, and the operations shall be immediately ceased and desist.~~
 - ~~3. Any and all pet areas shall be climate controlled and sheltered.~~

- ~~4. Waste disposal shall be approved by the city of Leavenworth.~~
 - ~~5. Health and disease control inspections shall be conducted by the Chelan County Humane Society at the permittee's expense. A kennel license must be obtained.~~
 - ~~6. The facilities shall be constructed to include sound reduction and barrier improvements to reduce or remove exterior noise.~~
 - ~~7. A 24 hour attendant is required.~~
 - ~~8. A minimum of 50 square feet for every five animals of secure private walk and play area (use of public parks for operations is prohibited) shall be required for each pet. A minimum of 50 square feet of secure private walk and play area shall be required.~~
 - ~~9. A minimum of six foot by four foot kennel area is required for each pet.~~
- ~~B. In granting a conditional use permit, the hearing examiner shall evaluate the use for impacts and may impose conditions as he/she determines necessary to mitigate the impacts. At a minimum, the hearing examiner shall evaluate the following in this process:~~
- ~~1. Impacts from size, location, odor, and/or noise to neighboring properties.~~
- ~~(Ord. 1421 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014)~~

Chapter 18.53 CONDITIONAL USES

Sections:

18.53.010 Purpose

18.53.020 Authorization to grant or deny a Conditional Use Permit

18.53.030 Conditions imposed

18.53.040 Approval- time limits

18.53.050 Hearing examiner action

18.53.060 General Conditional Use Criteria

18.53.070 Approval criteria applicable to specific conditional uses

18.53.010 Purpose.

The purpose of a conditional use permit is to:

1. Maintain compatibility between proposed uses and the intent of this code and the Comprehensive Plan; and
2. Impose conditions that will reasonably reduce nuisance, hazard to life or property, or excessive demands on public utilities, due to noise, smoke, dust, fumes, vibration, odors, traffic hazards, or other factors.

18.53.020 Authorization to grant or deny a Conditional Use Permit.

A conditional use requires a Conditional Use Permit. A Conditional Use Permit must be approved, approved with conditions, or denied by the Leavenworth hearing examiner, after a public hearing, in accordance with this chapter and Chapter 21.15 Hearing Examiner and Chapter 21.09.050 Quasi-judicial review.

18.53.030 Conditions imposed.

In permitting a conditional use, the hearing examiner may impose, in addition to the regulations and standards expressly specified by this title, other conditions necessary to uphold the intent of this code and the Comprehensive plan. These conditions may include, but are not limited to, the following:

- (1) Requirements for environmental protection.
- (2) Landscaping, clearing, planting, fencing and screening requirements.
- (3) Requirements of site restoration including but not limited to regrading and replanting.
- (4) Setbacks, height and bulk requirements.
- (5) Old World Bavarian theme requirements.
- (6) Management requirements to reasonably prevent nuisances to the public and/or nearby properties and existing uses.
- (7) Safety requirements, such as time of operations, traffic routing, parking, street improvements.

18.53.040 Approval – Time limits

If the use for which the conditional use permit was granted has not been issued a building permit and/or business license by the end of a two-year period, the permit expires. A specific approval period, as deemed necessary by the nature of the project or the other permits required by the project, may be imposed by the hearing examiner as a condition of the initial permit approval.

18.53.050 Hearing examiner action.

- (1) An approval decision by the hearing examiner must include the following:
 - (a) A statement of the applicable criteria and standards in the development codes and other applicable law;
 - (b) A finding that the proposed use, at the proposed location, is consistent with the purposes of the comprehensive plan, the zoning code, and the zoning district in which it is to be located, and that the proposed use will meet all applicable requirements of this title;
 - (c) A finding that the use, as conditioned, will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity;
 - (d) A finding that the proposal has been designed to minimize adverse effects on neighboring properties, to include at minimum the effects of lighting, transportation, noise, and appearance;
 - (e) A finding that the decision of the application and, if approved, conditions of approval are the minimum necessary to ensure the proposed development will comply with all applicable laws and regulations;
 - (f) A finding that the conditions placed upon the proposed use are conditions that are measurable and can be enforced and monitored;
 - (g) A statement that the decision is final unless appealed as provided for in LMC 21.11.040. An appeal of the hearing examiner's decision must be filed in writing within 21 days of the date of decision.
- (2) A conditional use permit may be denied if the hearing examiner finds the proposed use cannot be

conditioned so that the above required findings can be made.

18.53.060 General Conditional Use Criteria

A. The hearing examiner must use the all the following approval criteria to decide on a conditional use permit application:

1.The proposed use must align and be consistent with the goals and policies of Leavenworth's comprehensive plan;

2. The proposed use may not be materially detrimental to the public health, safety, or welfare, the environment, or surrounding properties or improvements in the vicinity of the proposed use or within the zoning district in which the subject property is located;

3. The proposed use may not generate noise, odors, emissions, light or glare, traffic, surface water or groundwater pollution, or other adverse impacts that, due to their type, intensity, duration, or frequency, would be materially detrimental to the public health, safety, or welfare, or to surrounding properties or improvements.

4. The proposed use may not result in significant adverse impacts to environmentally sensitive areas or historic or cultural resources;

5. There must be adequate public services to support the proposed use, including, but not limited to, utilities, transportation systems, schools, police and fire facilities, and social and health services. If a needed service or facility isn't currently available, the applicant may either (a) build or install the needed improvements, or (b) guarantee them with a bond, assignment of funds, or other security in a form approved by the City. Improvements must be finished before the use is occupied or within the timeline in the conditions of approval; and

6. The proposed use must meet e development standards for the underlying zone; and

7. Any additional minimum conditions identified for a particular type of proposed use identified in LMC 18.53.070

18.53.070 Approval criteria applicable to specific conditional uses:

Bed and breakfast

A. The purpose of permitting bed and breakfasts within the residential zoning districts is to provide an option for property owners to supplement household income or to recoup maintenance/development costs for housing stock.

B. No bed and breakfast shall be permitted:

1. On lot sizes less than 6,000 square feet; and

2. When the existing percentage of bed and breakfasts is at or above four percent of the total housing stock permitted within the residential zoning districts. The four percent shall be calculated using the most current Office of Financial Management (OFM) population estimates, specifically for one unit and manufactured housing units within the city limits.

Within the county UGA, the total percent of B&Bs shall be four percent of the UGA housing stock within the UGA's residential zoning districts, following the same calculation process as within the city.

C. In granting a conditional use permit for a bed and breakfast in addition to the criteria

in LMC § 18.53.060 and § 18.52.070 where applicable, the hearing examiner shall impose the following minimum conditions to allow a bed and breakfast as a conditional use:

1. 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.
 2. Single-family dwellings may use up to two bedrooms for a bed and breakfast. An accessory dwelling unit may use up to one bedroom for a bed and breakfast.
 - a. 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.
 3. The maximum number of occupants permitted to stay overnight shall be two people for each bedroom, excluding children under the age of six.
 4. 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. The management plan may be modified with amendment to the conditional use permit.
 5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. 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.
- D. Approved bed and breakfast facilities shall comply with the following:
1. An operator shall provide 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.
 2. Bed and breakfast facilities shall meet and maintain 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.

3. Bed and breakfasts shall obtain a city business license. Prior to issuance of a business license, an "annual building, fire and life safety" inspection shall occur unless the self-inspection provided for in subsection (D)(5)(b) of this section is accepted by the city. Business license for B&Bs shall run from January 1st to December 31st, when issued after clearance of the annual inspection.
4. Advertisement of the B&B shall:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
5. As part of annual business license renewal, the property owner shall complete an annual permit process, including the following:
 - a. Report to the city the following minimum information:
 - i. The address of the bed and breakfast; and the contact name(s) of the property owner.
 - ii. The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.
 - iii. The property owner shall both have legal responsibility for the collection and payment of all applicable taxes and remittance of the collected tax.
 - b. Report the results of a self-conducted fire and life safety self-inspection. For acceptance by the city after the initial inspections with permitting, the property owner, or their designee, from that time forward, shall conduct a self-inspection of their property annually for acceptance by the city.
 - i. The city supplied self-inspection form shall be completed and signed

by the property owner and returned to the city, no later than 30 days after receipt from the city.

- ii. In the event a property owner fails to timely file the self-inspection form with the city of Leavenworth, or the information supplied is incomplete or determined by the city to be unreliable, 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.
- iii. Random inspections may be conducted by the city at the city's discretion.
- iv. 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.

E. 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.

- 1. Violation of the conditions of approval, as determined by the city, shall result in a monetary penalty of \$2,000; any second violation within two years (24 months) of the first violation shall result in revocation of the bed and breakfast conditional use permit; both the violation and revocation may be appealed pursuant to Chapter 21.11 LMC. Re-establishment shall be permitted administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.

F. Expiration of Conditional Use Permit for Bed and Breakfasts. In order to provide opportunity for residents to have a B&B, and encourage infill development, conditional use permits for bed and breakfasts shall expire immediately upon transfer of ownership. Transfer of ownership shall be any transfer not associated with a marriage, divorce or death. This expiration shall be applicable to all B&B permits regardless of the date of decision or the form of approval. This provision shall go into effect January 1, 2025. A conditional use permit also may be terminated under LMC § 18.52.090.

G. Existing and permitted bed and breakfast facilities annexed into the city after January 24, 2017, which do not fully meet the definition and/or requirements of this section for a bed and breakfast shall be allowed to continue as a nonconforming use, for a period of five years, at which time they shall either obtain a conditional use permit or cease operation.

(Ord. 754 § 8, 1984; Ord. 762 § 1, 1985; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1421 § 1 (Att. A), 2012; Ord. 1431 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014; Ord. 1542 § 1 (Att. A), 2017; Ord. 1628 § 1 (Att. A), 2021; Ord. 1673 § 1 (Att. A), 2023; Ord. 1683 § 1 (Att. A), 2023; Ord. 1694 § 1 (Att. A-1), 2024)

Child care center.

A. Compliance with Washington State child care licensing requirements

B. Possess a valid business endorsement from the city.

C. Outdoor play area shall be completely enclosed by a fence meeting LMC 18.36.020

D. Located so that access streets and parking are sufficient to safely accommodate the number of vehicle trips associated with the child care use.

18.53XX Nursing/convalescent home, congregate care facility

A. Must meet licensing requirements of Washington State Dept of Social and Health Services.

B. The minimum site area must be adequate to provide for parking and shared open space.

18.53XX Coffee roasting.

A. The coffee roasting operation must be in combination with a restaurant or retail food store

B. An effective afterburner must be used.

C. An inspection report must be obtained from the Fire Marshal stating that fire code inspection is complete and satisfactory.

Community center

A. The maximum building height may be increased to 40' within Residential zones if the applicant can demonstrate that the deviation is necessary to serve the center's purpose. The setbacks may be increased on a rear and side yard by one half foot for each foot by which the building exceeds the underlying zoning maximum height.

B. Old World Bavarian theme applies to all zones for community centers.

18.53XX Educational facilities

A. All playground areas must be enclosed by a fence.

B. Reader boards/message boards must be reviewed as part of the conditional use.

18.53XX Essential Public Facilities

A. The proposal is consistent with the goals and policies of the comprehensive plan and the LMC.

B. There must be a demonstrated need for the essential public facility and/or special use within the region. The applicant must also demonstrate the use is not contrary to the public interest.

C. The applicant must demonstrate that they have conducted a site selection process that has evaluated alternative sites within the county.

D. The applicant must demonstrate that appropriate public participation in the siting decision has occurred consistent with RCW 36.70.020 and WAC 365-16-550.

E. Additional landscaping and yard setbacks or open space may be required as necessary to mitigate any impacts or maintain consistency with the surrounding land uses.

F. The applicant must document known impacts to city services (water, sewer/septic, road, power, police/fire, etc.) and mitigation options to be reviewed and approved by the hearing examiner.

Wireless Communications. See LMC 18.74

Pet care centers/kennels

A. An annual report must be provided to the city which confirms continued compliance with all requirements of the CUP.

B. In the event of an unresolved code violation, the CUP will be revoked and all operations authorized under the CUP must immediately cease.

C. Pet areas must be climate controlled and sheltered.

D. Waste disposal must be approved by the city of Leavenworth.

E. Health and disease control inspections must be conducted by the Chelan County Humane Society at the permittee's expense. A kennel license must be obtained.

F. The facilities must be constructed to include sound reduction and barrier improvements to reduce or remove exterior noise.

G. A 24-hour attendant is required.

H. Fifty (50) square feet for every five animals of secure private walk and play area (use of public parks for operations is prohibited) is required for each pet. A minimum of 50 square feet of secure private walk and play area is required.

I. A minimum of six-foot-by-four-foot kennel area is required for each pet.

CHAPTER 18.54 ADULT ENTERTAINMENT BUSINESSES**§ 18.54.010. Definitions.**

In construing the provisions of this chapter, except when otherwise declared, or clearly apparent from the context, the following definitions shall be applied:

"Adult arcade" means a commercial establishment containing individual viewing areas or booths where, for any form of consideration including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult entertainment" means:

1. Any exhibition, performance, or dance conducted in an adult entertainment facility where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
2. Any exhibition, performance, or dance intended to sexually stimulate any member of the public and conducted in an adult entertainment facility where such exhibition, performance, or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition, or dance. For purposes of example and not limitation, such exhibitions, performances, or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

"Adult entertainment facility" means a commercial establishment defined herein as an adult arcade, adult cabaret, adult motel, adult motion picture theater or adult retail store.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
2. Offers a sleeping room for rent for a rental fee period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

"Adult motion picture theater" means an enclosed commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual

representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, or novelty shop which as its principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed materials or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
2. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.
3. For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes 25 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (a) the retail dollar value of all sexually oriented materials compared to the retail dollar value of all nonsexually oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for sexually oriented materials compared to the total volume of shelf space and display area reserved for nonsexually oriented materials.

"Sexually oriented materials" means any books, magazines, periodicals, or other printed materials or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas. The term "sexually oriented materials" includes any instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

"Specified anatomical areas" means and includes any of the following:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activities" means and includes any of the following:

1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

(Ord. 1133 § 3, 2000)

§ 18.54.020. Adult entertainment facilities.

- A. Scope of Restrictions. All adult entertainment facilities shall comply with the requirements of this section. The purpose and intent of requiring standards for adult entertainment facilities is to mitigate the adverse secondary effects caused by such facilities and to maintain compatibility within the city. The standards established in this section apply to all adult entertainment facilities and include, but are not limited to, the following: adult arcades, adult cabarets, adult motels, adult motion picture theaters, and adult retail stores. The standards established in this section shall not be construed to restrict or prohibit the following activities or products: (1) plays, operas, musicals, or other dramatic works that are not obscene; (2) classes, seminars, or lectures which are held for a serious scientific or educational purpose that are not obscene; and (3) exhibitions, performances, expressions, or dances that are not obscene.
- B. Separation Requirements. Adult entertainment facilities shall only be permitted in the city's commercial zones and only if the following separation requirements are met:
1. No adult entertainment facility shall be located closer than 500 feet to any other adult entertainment facility whether or not such adult entertainment facility is located within or outside the city limits.
 2. No adult entertainment facility shall be located closer than 500 feet to any residential zoning district whether or not such zoning district is located within or outside the city limits.
 3. No adult entertainment facility shall be located closer than 500 feet to any of the following uses whether or not such use is located within or outside the city limits:
 - a. Any public park;
 - b. Any public library;
 - c. Any public or private nursery school or preschool;
 - d. Any public or private primary or secondary school;
 - e. Any day care;
 - f. Any community youth center; and
 - g. Any place of worship.
- C. Measurement. The buffers required by this section shall be measured by extending a straight line from the nearest point on the property line of the lot containing the proposed adult entertainment facility to:
1. The nearest point on the boundary line of a residential zoning district;
 2. The nearest point on the property line of a public park; or
 3. The nearest point on the property line of the lot containing an adult entertainment facility, a public library, public or private nursery school or preschool, public or private primary or secondary school, day care, community youth center, or place of worship.

- D. Nonconforming Adult Entertainment Facilities. An adult entertainment facility shall be deemed a nonconforming use and shall be subject to the requirements of LMC Titles 18 and 21 if a use identified in subsection (B) of this section locates within 500 feet of such adult entertainment facility after the date that such adult entertainment facility has located within the city in accordance with the requirements of this section.

(Ord. 1133 § 3, 2000)

CHAPTER 18.56 VARIANCES**§ 18.56.010. Purpose.**

The purpose of a variance is to provide relief when a strict application of the requirements of the zoning code would impose unusual practical difficulties or unnecessary physical hardships on the applicant, because special conditions or circumstances exist which are peculiar to the site, or location of existing structures thereon, due to size, shape, topography or other physical conditions of and inherent to the site. No variance shall be granted to establishment or expansion of a use otherwise not permitted in this title, nor for economic reasons.

(Ord. 531 § 1, 1973; Ord. 551 § 38.120(10), 1976; Ord. 1203 § 25, 2003; Ord. 1628 § 1 (Att. A), 2021)

§ 18.56.020. Application forms and procedure.

A property owner or authorized agent may request a variance by providing a complete application and paying fees to the administrator. It is the applicant's responsibility to provide all documentation necessary to address the requirements of a variance. Variances are processed as a quasi-judicial review, with a decision issued by the hearing examiner, pursuant to LMC Title 21. (Ord. 1628 § 1 (Att. A), 2021)

§ 18.56.040. Application – Postponement or withdrawal.

Any applicant, or agent, may at any time request withdrawal or postponement of consideration of the application.

(Ord. 531 § 1, 1973; Ord. 551 § 38.120(25), 1976; Ord. 1628 § 1 (Att. A), 2021)

§ 18.56.050. Granting – Conditions – Authority.

In granting a variance, the hearing examiner may attach conditions necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this title.

(Ord. 531 § 1, 1973; Ord. 551 § 38.100, 1976; Ord. 1203 § 25, 2003; Ord. 1628 § 1 (Att. A), 2021)

§ 18.56.060. Requirements.

Variances to a requirement of the zoning code with or without conditions may be granted only if, on the basis of investigation and evidence submitted, the following six conditions are established and confirmed in written findings:

- A. That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same area;
- C. That the exceptional or extraordinary circumstances or conditions did not result from the applicant's actions;

- D. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the near vicinity;
- E. That the granting of the variance would support goals and policies contained within the comprehensive plan; and
- F. That granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures or buildings in the zone in which the property is located.

(Ord. 531 § 1, 1973; Ord. 551 § 38.110, 1976; Ord. 1628 § 1 (Att. A), 2021)

**CHAPTER 18.60
BUILDING PERMIT**

§ 18.60.010. Permit and compliance required.

~~No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this title, unless he receives a written order from the hearing examiner in the form of an administrative review, special exception, or variance as provided by this title.~~

~~(Ord. 531 § 1, 1973; Ord. 551 § 40.110, 1976; Ord. 1203 § 27, 2003)~~

§ 18.60.020. Application—Information required—Notice of approval or disapproval.

~~All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this title. One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.~~

~~(Ord. 531 § 1, 1973; Ord. 551 § 40.120, 1976)~~

§ 18.60.030. Permit—Expiration—Notice.

~~Repealed by Ord. 1409.~~

~~(Ord. 531 § 1, 1973; Ord. 551 § 40.130, 1976)~~

CHAPTER 18.64 FEES, CHARGES AND EXPENSES

§ 18.64.010. Established – Payment prerequisite.

- A. The city council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, ~~certificates of zoning compliance~~ land use applications, appeals and other matters pertaining to this title. The schedule of fees shall be posted in the office of the administrative official and may be altered or amended only by the city council.
- B. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- (Ord. 531 § 1, 1973; Ord. 551 § 46, 1976)

CHAPTER 18.68 NONCONFORMING PROVISIONS⁴**§ 18.68.010. Purpose and intent.**

Within the districts established by this chapter or amendments that may later be adopted, there may exist lots, uses and structures which were lawful before the ordinance codified in this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendments. The purpose of this chapter is to address the legal status of nonconforming uses, buildings/structures, or lots by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated.

It is the intent of this chapter to permit these legal nonconformities to continue until they are removed. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Ultimately, it is the intent of this chapter to encourage the discontinuance or termination of nonconformity and the changing of nonconformity to a conforming or more conforming use, building or lot.

(Ord. 1111 § 1, 1999)

§ 18.68.020. Establishment.

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the city. Determination of the nonconforming status of a lot, use, building or structure is an administrative function of the director. Property owners asserting existing nonconforming status shall submit such information as the director deems necessary to substantiate or document the claim to the existing nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items as utility statements, property tax bills, real estate contracts, leases, building permits, dated photographs, newspaper clippings and other relevant documentation, when applicable. Unsubstantiated anecdotal evidence cannot be accepted for the determination of existing nonconforming status.

(Ord. 1111 § 1, 1999)

§ 18.68.030. Nonconforming lots of record.

In any district in which single-family dwellings are permitted, a single-family dwelling and allowed accessory buildings may be erected on nonconforming lots of record. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, ~~provided all other current regulations of the district shall apply, including, without limitation, required yards/setbacks, lot coverage, density, parking, storm drainage, landscaping, access, and road improvements; variance to these standards shall not be allowed.~~ Nonconforming lots of record which have become more nonconforming due to subsequent action of the owner(s) shall still be allowed to develop if they retain more than 75 percent of the area of the original "lot of record." This is intended to accommodate minor past modifications made to parcels, to allow for infill development and takes into account those adjustments made prior to the time that the city allowed construction on such parcels and owners were unaware of the ramifications that this could have on the development potential of the lot. Lot reassembly is allowed; however, no lot reassembly which creates awkwardly shaped parcels shall be allowed.

(Ord. 1111 § 1, 1999; Ord. 1268 (Exh. D), 2005)

§ 18.68.040. Nonconforming uses, buildings, structures.

- A. A nonconforming use, building and/or structure lawfully established under the Leavenworth Municipal Code (LMC) and which became or becomes nonconforming by amendment to this title may continue as long as it remains otherwise lawful. No nonconforming use, building and/or structure shall be enlarged, increased or extended to occupy a greater area of land, nor shall it be moved in whole or in part to any other portion of the lot or parcel being occupied by such use, at the effective date of the adoption or amendment of the ordinance codified in this title, except as provided for in this chapter.
- B. The following provisions shall apply when a nonconforming use is damaged, demolished or destroyed by any means:
 - 1. When a nonconforming use and associated building/structure are damaged by any means, and reconstruction costs do not exceed 75 percent of the value of the building/structure (as determined by using a contractor's estimate for reconstruction and the most recent assessed value as stated in the Chelan County assessor's records, or an appraisal submitted by a licensed real estate appraiser), the nonconforming use, building and/or structure may be replaced or rebuilt as it was immediately prior to the damage, or in a manner that is more conforming. No replacement or reconstruction of a nonconforming building/structure shall be performed without issuance of a development permit(s) as appropriate. The property owner shall provide the information necessary to reasonably assure the review authority that the replacement or reconstruction complies with this section. The review authority may approve replacement or reconstruction in conformance with the submitted and verifiable plans or in a manner that is more conforming to the applicable provisions of the LMC and the district in which the building/structure is located. The proposed replacement or reconstruction cannot be completed in such a manner as to constitute an expansion of the nonconforming use, building and/or structure.
 - 2. Provisions contained within this chapter do not supersede or relieve a property owner from compliance with the requirements of the uniform building and fire codes, and the provisions of the development regulations that are beyond the specific nonconformance addressed by this chapter.
- C. Single-family residential dwellings lawfully permitted and established within a commercial district prior to adoption or amendment of this chapter may be maintained, repaired or reconstructed in accordance with the provisions of this chapter, provided the dwelling meets the provisions of Chapter 18.36 LMC. Additionally, accessory buildings which are allowed with single-family residences may be erected, provided the following conditions and/or regulations are complied with:
 - 1. The structure(s) shall meet the applicable provisions of Chapter and 18.36 LMC; and
 - 2. The single-family residence has not been converted to a more conforming, nonresidential use at any previous time.

- D. The sale or transfer of a nonconforming use or building/structure does not alone affect the right to continue the nonconforming use or use of a nonconforming building/structure.
- E. Buildings/structures, lots, required improvements, uses and/or developments which were not legally established or not legally existing as of the effective date of the ordinance codified in this title retain their illegal status and must be abated or fully conform and comply with the procedural and substantive provisions of the LMC.
- F. The term "nonconforming use" refers only to the single existing use and does not include all uses which the property could have been used for under a prior zoning ordinance or zoning classification.
- G. Nothing in this chapter shall be construed to restrict normal structural repair and maintenance of a nonconforming building/structure, including the replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any 12-month period does not exceed 25 percent of the assessed value of the building/structure, as described in subsection (B)(1) of this section, prior to such work.
- H. Expansions of structures that are nonconforming with respect to a required yard may not encroach any further into the required yard, and are limited to extensions adding no more than 25 percent of the length of the original wall as it existed on May 24, 1999, subject to other applicable requirements of the LMC. Nothing in this section will prohibit vertical expansion in the side or rear yards up to the height allowed in the applicable zoning district, provided all other applicable requirements of the LMC are met. Nothing in this section will prohibit vertical expansion in the front yard up to the height allowed in the applicable zoning district if the portion of the nonconforming structure to be expanded is 15 feet or greater from the front property line. If the portion of the nonconforming structure to be expanded is less than 15 feet from the front property line, that portion of the structure can be extended vertically up to 25 percent of the existing height of the structure, provided all other applicable requirements of the LMC are met.
 - 1. Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming single-family dwelling where such nonconformance is due to inadequate front, side or rear yard setback, providing such single-family dwelling complied with the yard setbacks required by ordinance at the time of construction, or was constructed prior to the adoption of setback requirements.

(Ord. 1111 § 1, 1999; Ord. 1121 § 2, 1999; Ord. 1589 § 1 (Att. B), 2022; Ord. 1694 § 1 (Att. A-1), 2024)

§ 18.68.050. Discontinuance.

- A. A nonconforming use, building and/or structure shall be discontinued when it is:
 - 1. Succeeded by another use, building and/or structure that is more conforming; or
 - 2. Discontinued and not re-established within one year; or
 - 3. Damaged, demolished, removed or destroyed, by any means, to the extent that replacement and/or reconstruction costs exceed 75 percent of its value as described in LMC § 18.68.040(B)(1); or
 - 4. Damaged, demolished, removed or destroyed, by any means, to the extent that replacement and/or reconstruction cost does not exceed 75 percent of its value as described in LMC § 18.68.040(B)(1) and when a complete application for such replacement and/or reconstruction is not made within one year of such damage.

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B. When a nonconforming use becomes discontinued as defined above, it shall be deemed that such use has ceased to exist and thus loses its status as a legal nonconforming use. Any subsequent use shall conform to the provisions of the district in which it is located.
(Ord. 1111 § 1, 1999)

CHAPTER 18.74 WIRELESS TELECOMMUNICATIONS FACILITIES**§ 18.74.010. Purpose.**

The purpose of this chapter is to establish comprehensive standards for regulating the placement, modification, and removal of wireless telecommunications facilities (WF) within the city of Leavenworth. These standards are intended to comply with the Telecommunications Act of 1996, and to protect the health, safety, and general welfare of the public. The standards are also designed to protect property values by minimizing the visual impacts created by WF, while allowing for the development of enhanced telecommunications services in the city.

Leavenworth is a tourist destination that attracts thousands of visitors each year due to its Old World Bavarian-Alpine theme as well as the abundance and variety of year-round recreational opportunities afforded by the mountains and rivers that surround the city. The visual attractiveness of the city of Leavenworth is paramount to its continued economic vitality. For this reason, the provisions of this chapter very specifically regulate the manner in which telecommunications facilities may be placed within the city; however, the regulations included in this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless services.
(Ord. 1205 § 1, 2003)

§ 18.74.020. Governing standards.

In the event of a conflict between the standards of this chapter and the development standards contained in LMC Title 14 or elsewhere in the Leavenworth Municipal Code, the more stringent standards shall govern.
(Ord. 1205 § 1, 2003)

§ 18.74.030. Definitions.

Definitions applicable to wireless telecommunications facilities are located in Chapter 21.90 LMC.
(Ord. 1205 § 1, 2003)

§ 18.74.040. Applicability – Exemptions.

The requirements of this chapter shall apply to all new WF within the city of Leavenworth and the expansion, modification, and/or alteration of any existing WF, except that the following shall be exempt from the provisions of this chapter:

- A. Direct-to-home personal satellite dish antennas (not more than one meter in diameter), TV antennas, wireless cable antennas, and customer-end antennas that receive and transmit fixed wireless signals, intended to receive and process video programming signals for noncommercial use, and not located within any front yard setback area. This exemption is per the FCC Over-the-Air Reception Devices Rule cited as 47 C.F.R. Section 1.4000, as amended.
- B. Military and federal, state, and local government communications facilities used for temporary purposes for emergency preparedness and public safety.
- C. Normal, routine, and emergency maintenance and repair of existing wireless

telecommunications facilities and related equipment which do not increase the size, footprint, or bulk of such facilities and which otherwise comply with city, state, and federal laws and regulations.

- D. Send and receive citizens band radio antennas or antennas operated by federally licensed amateur (ham) radio operators may be located in any zoning district, in compliance with FCC regulation PRB-1, as amended.

(Ord. 1205 § 1, 2003)

§ 18.74.050. Permits required.

- A. Design Permit. A design permit shall be required for all WF proposed within all zoning districts of the city of Leavenworth, in accordance with design standards contained in this chapter and in LMC Title 14. Design permit approval shall be required two weeks prior to the conditional use permit public hearing. If an application for a WF fails to receive design permit approval, the application cannot proceed to a public hearing before the hearing examiner for the conditional use permit.
- B. Conditional Use Permit. A conditional use permit shall be required for all WF permitted within the city of Leavenworth, in accordance with the development standards contained in this chapter, and the requirements of Chapter 18.52 LMC and LMC Title 21.
- C. Building Permit. A building permit shall be required for all WF, if required by the International Building Code, unless specifically exempted in LMC § 18.74.040.
- D. State Environmental Policy Act. SEPA compliance shall be required unless categorically exempt per WAC 197-11-800, as amended.
- E. Planned Development District. Any WF allowed through a conditional use permit in a nonplanned development district zone may be applied for and allowed through a planned development district zone approval.
- F. Temporary Uses. A WF may be permitted as a temporary use with administrative review and approval by the director, in order to facilitate continuity in wireless telecommunications service during repair or maintenance of existing wireless telecommunications facilities. Such temporary WF shall be allowed for not more than 60 days, commencing when construction of such temporary facility begins. The temporary WF shall be removed within 30 days after the facility is no longer needed for telecommunications purposes.
- G. Other Permits. The applicant for a permit pursuant to this chapter shall obtain any other required federal, state, or local permits, prior to installation of the WF.

(Ord. 1205 § 1, 2003)

§ 18.74.060. Application requirements.

Applicants shall submit the following in addition to required application materials.

- A. Design Permit. In addition to the standard application requirements for a design permit, applicants shall submit the following:
1. A scaled site plan clearly indicating the location of the proposed facility, all other structures and uses on the site, adjacent roadways, proposed means of access, parking,

existing and proposed landscaping, and setbacks from property lines.

2. Scaled elevation drawings of all sides of the structure showing the proposed antenna, any proposed accessory equipment structures, existing or proposed fencing, buffering, and screening, type of architectural treatment (concealment), and any other features necessary to show compliance with the applicable standards, shall be provided.
 3. Photo-simulations of the proposed facility from all adjacent properties and public rights-of-way for all commercial facilities. For noncommercial uses, scaled drawings shall be submitted showing how the proposed use will appear from all adjacent properties.
 4. A location evaluation study that shows that the WF is required for present and future network coverage, that the height requested is the minimum necessary to provide for the function of the antenna(s), and, if not located in the light industrial zoning district, documentation as to why it is not.
- B. Conditional Use Permit. In addition to the above additional requirements for a design permit, and the standard application requirements for a conditional use permit, applicants shall also submit the following:
1. An agreement, signed and notarized by the owner of the building or structure, for location of the WF on an existing building or structure.
 2. A letter of credit, performance bond, or other security acceptable to the city, as described in LMC § 18.74.080(J), to cover the future costs of removal of the WF.
 3. Proof of license by the FCC, if applicable.
 4. A copy of the findings from the FAA's Aeronautical Study Determination regarding the proposed WF, if applicable.
 5. A declaration, made under penalty of perjury, or sworn statement by an appropriate technical expert, stating:
 - a. That the antenna usage will not interfere with other adjacent or neighboring transmission or reception communications signals; and
 - b. That any facility will comply with all applicable federal, state, and local laws, including specifically FCC and FAA regulations and the Leavenworth Municipal Code.
 6. A lease agreement (if the proposed site is a leased site) which specifies or shows that the site owner is not precluded from entering into leases on the site with other providers.
 7. Engineering evidence that the antenna must be located at the proposed site to satisfy its function in the applicant's local grid system. The city may require the applicant to provide feasibility studies which demonstrate that locations on existing wireless telecommunications support structures (outside the city limits of the city of Leavenworth) and/or in preferred locations, as noted in LMC § 18.74.070(B), have been explored and are not feasible or available.

(Ord. 1205 § 1, 2003)

§ 18.74.070. Location standards.

- A. Wireless Telecommunications Towers. Wireless telecommunications towers are prohibited within the city of Leavenworth.
- B. Attached Antennas. Attached antennas and accessory equipment structures are allowed within all zoning districts of the city of Leavenworth. Locating attached antennas within the light industrial zoning district is preferred over locations in any other zoning district within the city. Antennas shall not, to the greatest extent possible, have a negative impact on views from commercial, residential, or recreational zoning districts. Attachment of antennas onto existing structures used for utility functions shall be preferred as long as the use does not adversely affect other public uses on the site. Location of antennas onto or within new or existing buildings or structures is allowed.

(Ord. 1205 § 1, 2003)

§ 18.74.080. Development standards.

The following minimum development standards shall apply to all WF, in addition to any standards applicable to the underlying zoning district in which they are located. As part of the conditional use permit review process, the hearing examiner shall determine that these standards are met. The hearing examiner is also authorized to require additional conditions.

- A. Anti-Climbing Devices. All WF and required fencing shall be equipped with appropriate and effective anti-climbing devices, as needed.
- B. Attachment to Trees Prohibited. It is prohibited to attach any WF or portion thereof to any tree.
- C. Signage. All WF shall be identified with a nonilluminated sign not exceeding 16 square inches. The sign shall list the wireless service provider's name and emergency telephone number, and shall be posted in a place visible to the general public, to be approved by the director before installation. The sign shall be considered a noncommercial sign. No advertising signs for wireless service providers shall be located on buildings that antennas are attached to unless otherwise permitted per the sign ordinance, Chapter 14.10 LMC. In addition, antennas may be camouflaged as otherwise permitted signs.
- D. Lighting. WF shall not be illuminated except where required by the FAA. Lighting of WF shall be contained to the site the facility is located on to the greatest extent possible, and directed and/or shielded away from adjacent properties.
- E. Noise from Accessory Equipment. WF shall comply with state noise level standards per Chapter 173-60 WAC, as amended. Generators may only be permitted for emergency operation purposes when there is a loss of electrical power and will only be allowed until electrical power is restored. If air conditioning or other noise-generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. The city may require noise attenuation devices or other mitigation measures to minimize impacts.
- F. Antennas on Utility Poles. Antennas to be located on utility poles shall be limited to whip antennas, and the antenna shall not exceed the height of the existing pole. No utility pole

shall be extended in height in order to accommodate an antenna.

G. General Height Standards. The following standards shall apply to WF:

1. The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
2. If required, a lightning rod, not to exceed 10 feet in height, and FAA required lighting shall not be included in the height limitations.
3. The maximum height of the WF shall not exceed one-third greater than the average height of the structure the antenna is attached to, with height of the structure being measured as in the International Building Code, and shall not exceed the maximum height allowed for buildings in the underlying zone, measured directly from the average grade to the top of the WF.

H. Parking. All wireless telecommunications staffed facilities shall have one off-street parking space per staff member. The design of any on-site required parking shall be per the requirements of Chapter 14.12 LMC, as amended.

I. Setbacks. Accessory equipment structures for WF shall comply with the setback requirements for buildings in the underlying zoning district. Antennas attached to buildings or other permanent structures shall comply with the setback requirements for buildings in the underlying district.

J. Performance Bond. The owner or operator of the WF shall obtain and keep in force throughout the time the facility is located on the site a performance bond payable to the city of Leavenworth in the amount of 150 percent of the estimated cost of removal, as submitted by the owner or operator and approved by the director, but not less than \$1,000. The bond is intended to cover the costs of removal of such facility at such time as the facility may be required to be removed pursuant to LMC § 18.74.110.

(Ord. 1205 § 1, 2003)

§ 18.74.090. Design standards.

The following design standards shall be used by the design review board in reviewing design applications for WF within all zoning districts of Leavenworth. In addition, a WF located within any of the commercial zoning districts shall require approval by the design review board, pursuant to the requirements of Chapter 14.08 LMC, Old World Bavarian Architectural Theme. Visual impacts shall be minimized to the greatest extent possible by maximum feasible use of the following design standards. The design review board is authorized to require additional conditions, if necessary, to ensure design compatibility with the surrounding environment.

- A. A WF shall be located so as to minimize the visibility of the facility and the obstruction of scenic views from adjacent properties.
- B. Concealment Technology. Concealment technology shall be used to camouflage all permitted wireless facilities, except in the case of accessory equipment structures that are completely screened by landscaping, walls or fences or if the wireless facility is completely located within the interior of a structure. If the facility cannot be located within the interior of a structure, the preferred concealment method shall be design and construction of a

structure that is architecturally compatible with the surrounding buildings and area.

- C. Attached antennas shall be designed or placed to blend with the predominant background or architectural features of the structure they are attached to, as seen from abutting residential uses, commercial uses, public recreational areas, roadways, or other public rights-of-way.
- D. Painting. WF shall be painted or finished utilizing like colors and materials so that the WF will blend with the dominant color of the background (natural or manmade). The applicant, owner, and/or the operator of the facility shall be responsible for continued maintenance of such paint or finish.
- E. When located on buildings, panel antennas shall be placed closely against walls or existing parapets, and shall not extend above the wall or parapet unless required to achieve better compatibility with the building design or to obtain antenna function.
- F. Accessory equipment structures shall be placed underground, wholly enclosed in an existing structure or building, or designed to blend into the architecture and landscaping of the surrounding buildings or structures.
- G. Ground-mounted dishes shall be solidly screened to at least as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the top of the dish on sides adjacent to and visible from all zoning districts, except the light industrial zone. When located in any commercial zoning district, the dish shall be screened per the requirements of LMC § 14.08.070.
- H. Roof-mounted dishes shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building. Roof-mounted dishes should be placed as close to the center of the roof as possible to minimize visibility from the surrounding area. When located in any commercial zoning district, the dish shall be screened per the requirements of LMC § 14.08.070.
- I. Landscaping Standards. Wireless telecommunications facilities shall be subject to landscaping and screening standards. Concealing the facility using architectural means is preferred over screening by landscaping.
 - 1. If accessory equipment structures are not camouflaged by utilizing concealment technology, they shall be enclosed by a fence or wall at least six feet in height, and a row of evergreen shrubs, spaced not more than five feet apart and capable of growing to form a continuous hedge at least five feet high within five years of planting, and at least one row of evergreen trees or shrubs spaced not more than 10 feet apart nor less than six feet high when planted shall be installed on the outside of the fence or wall. The vegetation and fence or wall shall totally screen the structure(s) or concealment technology shall be used.
 - 2. Landscaping materials shall be selected and sited to produce a hardy and drought resistant landscaped area. Irrigation shall be provided to help ensure survival during the plant establishment period and continued health of the landscaping.
 - 3. Maintenance of the landscaped area shall be the responsibility of the owner and/or operator of the facility. Required landscaping must be maintained in a healthy manner. Trees and shrubs that die must be replaced with healthy in-kind materials at

the earliest opportunity and no longer than within the next year's growing season. A landscaping maintenance plan shall be submitted as part of the conditional use permit application.

4. The design review board may allow the use of any combination of existing vegetation, new landscaping, topography, walls, decorative fences or other features to meet the intent of required landscaping, if the proposal achieves the same degree of screening as the required landscaping. The design review board may waive the standards for those sides of the facility that will not be visible from public streets or other properties.
5. When landscaping installation is required, a maintenance bond assignment of funds, or other financial guarantee acceptable to the city shall be provided in the amount of 100 percent of the value of the labor and materials, per city of Leavenworth bond procedures. The guarantee shall be in effect for two years from the date of planting.

(Ord. 1205 § 1, 2003)

§ 18.74.100. Federal requirements.

All wireless telecommunications facilities must meet current standards and regulations of the FAA and the FCC.

(Ord. 1205 § 1, 2003)

§ 18.74.110. Removal of wireless telecommunications facilities.

No less than 30 days prior to the date that a wireless service provider plans to abandon or discontinue operation of a facility, the provider shall notify the city of Leavenworth department of community development by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. The owner of the facility shall then remove the antenna(s) and all other elements of the facility within 90 days of discontinuation or abandonment, unless an additional period of time is authorized by the director. In any case, if the city finds that any wireless telecommunications facility has not operated for a continuous period of six months, the owner or lessee of the property on which the WF is situated or the owner of the WF shall remove the facility within 90 days of receipt of notice from the city to remove the facility. If the antenna(s) and/or all other elements of the WF are not removed within said time period, the city may remove the antenna or WF at the owner's expense.

(Ord. 1205 § 1, 2003)

§ 18.74.120. Third party review.

Wireless service providers use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of their services and low power mobile radio service facilities, such as expected coverage area, antenna configuration, and topographic constraints that affect signal paths, etc. In certain instances, a third party expert may need to review the technical data submitted by a wireless service provider. The city or hearing examiner may require a technical review as part of a permitting process. The cost of the technical review shall be borne by the wireless service provider.

The selection of the third party expert may be by mutual agreement between the provider and the city, or at the discretion of the city, with a provision for the provider and interested parties to comment on the proposed expert and review their qualifications. The expert review is intended

to address interference, public safety issues, and a site-specific review of technical aspects of the facilities. The technical review may also review the provider's methodology and equipment used. Based on the results of the expert review, the city or hearing examiner may require changes to or condition the provider's application. The expert review may be required to address the following:

- A. The accuracy and completeness of submissions;
 - B. The applicability of analysis techniques and methodologies;
 - C. The validity of conclusions reached; and
 - D. Any specific technical issues designated by the city.
- (Ord. 1205 § 1, 2003)

EXHIBIT "A"**CITY OF LEAVENWORTH
LEGISLATIVE PRIORITY ISSUES FOR 2025 ADDRESSING
THE 2026 LEGISLATIVE SESSION****1. Funding for Housing**

The City of Leavenworth will work with the Governor's Office and other legislative partners including the Association of Washington Cities (AWC) to explore new resources and policies that may increase resources for affordable housing, building upon the passage of SB 5868 that allowed for the use of the county .09% sales tax for economic development to include workforce housing. Further funding is needed and could include the following:

- The City would like to see the state change current law to allow for additional taxes or fees to be assessed on houses that are purchased as homes that are not to be used as primary residences by the buyers. These could include additional fees collected at the time of sale, as well as a surcharge added to the property tax rate of such homes, with funds raised in such a manner to be used to address the City's need for workforce housing up to 120% of AMI.
- Pursue an additional tax as a funding stream for workforce housing. This could be done by adding an additional small portion of tax to the existing lodging tax to be used to develop workforce housing. The City would like the flexibility to use these funds in support of workforce housing, serving residents up to 120% of AMI.
- The City is requesting legislature review the Revised Code of Washington (RCW) 82.14.530 Sales and use tax for housing and related services. This legislation authorized a 1/10 of 1% increase to the local sales tax focused on affordable housing once approved by a vote of the people. At this time, those funds would be targeted at specific populations for those requiring special needs or very low or poverty level incomes. The City is requesting that the legislature consider revising the language of RCW 82.14.530 to provide additional flexibility to the cities and counties and modify the legislation to allow for the use of these funds for workforce housing serving up to 120% AMI.

2. Fire Prevention and Mitigation

According to a 2018 study by the USDA Forest Service, Leavenworth is the most wildfire-threatened community in Washington.

The City shall work with legislative partners to improve fire hazard mitigation legislation and to seek to get state and federal agencies to put some of the approved fire mitigation funds into the immediate area surrounding the City for fire reduction work. We will support the efforts of the County to locate a small diameter mill in our county to assist in the thinning of our forests to maintain health and reduce fuels. The City understands that educating property owners and community groups on loss mitigation strategies in wildland urban interface. We will work with the Forest Service to make sure that the mitigation efforts planned for our surrounding area are completed in as timely a manner as possible.

3. City of Leavenworth Priorities

- The City will pursue an allocation in the transportation budget to be used for the completion of the Titus to Chumstick connector road (Autumn Strasse) of up to \$3 million. This is seen as a vital addition as a second exit road for the upper Ski Hill area. It is a difficult and expensive road due to soil conditions and wetland issues and the presence of the irrigation ditch.
- Seek a budget proviso of \$700,000 to help us become a Bear Wise community by the purchase of bear resistant commercial size garbage cans for the downtown core businesses. This effort is being led by the Sierra Club Wildlife Committee as they work to get appropriations through the state Department of Fish and Wildlife for us as a pilot project.
- Seek a capital grant of \$5,000,000 for the conversion of the old Osborn school to a library and community center.

4. Support the Legislative Agenda of the Association of Washington Cities

The Association of Washington cities has set the following 4 key areas of emphasis that they will push using their lobbying arm. NOTE that the housing asks mirrors much of our own housing agenda. They will also support other items not on this key emphasis list, such as public safety issues and mental health support systems. A more complete list can be found on their website:

- **Enhance indigent defense:** Increase state support and funding for indigent defense. Enhance state support for increasing indigent defense workforce. These are in direct response to the State Supreme Court's requirement that caseloads be reduced for public defenders.
- **Increase sustainability for local transportation preservation, maintenance, and operations needs:** Advocate for sustainable revenue that supports local preservation, maintenance, and operations and includes direct distributions to cities and towns. Continue to work to improve traffic safety and explore revenue tools like a highway usage fee, a retail delivery fee, and expanded Transportation Benefit District (TBD) authority, as well as other funding options such as a "sidewalk utility."
- **Preserve state shared revenues:** Preserve existing state shared revenues for cities and towns. This is in response to the shortfall in state funding and the concern that cities will end up paying a disproportionate share to make up for that ongoing shortfall.
- **Improve housing supply:** To help cities meet their goals for more housing affordability, cities need the state to provide the time to implement recent state housing legislation and, critically, provide new tools to increase housing investments. Cities need new investments and funding tools to meet the needs for affordable housing in cities large and small across the housing continuum, including construction and preservation of affordable housing, home ownership and senior housing, and support for tools such as updating UGA development,

local option real estate excise tax and short-term rental taxes, and expanding use of lodging taxes for housing.

Association of WA Cities Priority issues for 2027

Budget & fiscal sustainability

- **Fully fund the ongoing local government fiscal health account** proposed as part of the legislative approach to **SB 6346** (tax on millionaires). Beginning in 2029, the account should be funded at an amount that will backfill lost revenue from sales tax exemptions, reflect a commitment to share statewide revenue generated in cities and towns with those communities, and include a growth factor that keeps up with revenue growth and inflation.
- **Expand existing revenue tools** to increase their ability to address city funding needs. Changes would include items such as:
 - Expanding and enhancing the funding tools for transportation benefit districts (TBDs);
 - Authorizing local short-term rental tax dedicated to affordable housing;
 - Exploring increasing the share of liquor and cannabis revenue shared with cities and towns and making shared revenues as flexible as possible, allowing usage toward any general government purpose; and.
 - Supporting ongoing efforts to revise the property tax cap to reflect inflation.
- **Escalate state funding for the Municipal Criminal Justice Assistance Account (MCJAA)**, which increases each year according to the state's fiscal growth factor. The account provides \$60.4 million for the current biennium distributed among all cities through allocations for population, high crime rate, violent crime rate, contractual law enforcement services, and/or innovative law enforcement programs. As a direct and quarterly distribution, cities enjoy wide latitude to use MCJAA funding for criminal justice purposes, including both new and existing services such as law enforcement and indigent defense.

Housing, jobs, and infrastructure

- **Make direct and meaningful investments in local infrastructure**, including funding for operations and maintenance of aging systems. Preserve reliable revenue streams for the Public Works Assistance Account (PWAA), reject efforts to expand the pool of eligible applicants that would dilute the account's effectiveness, and authorize at least \$500 million from the PWAA to fund competitive award cycles in the 2027-29 biennium.
- **Increase funding and enhance eligibility for the Connecting Housing and Infrastructure Program (CHIP)**, a capital budget program that provides state funding to cities to cover certain infrastructure costs that would otherwise be borne by affordable housing developers. Currently it funds costs associated with sewer, water, and stormwater infrastructure. Expansion of eligible costs could include impact fees, sidewalks, public works improvement, ADA compliance, off-site requirements, and road improvements associated with affordable housing projects. Other considerations include allowing nonprofit providers to apply directly with city support to remove the administrative burden from the city and improve program efficiency, and allowing CHIP to support projects up to 100% of adjusted median income. The previous biennial funding level was \$100 million; cities request increasing the investment to \$150 million.

RESOLUTION NO. 09-2026**A RESOLUTION OF THE CITY OF LEAVENWORTH, WASHINGTON, AMENDING RATES AND FEES.**

BE IT RESOLVED by the Mayor and the City Council of the City of Leavenworth, as follows:

Section 1. The rates, fees, and charges as set forth on the attached Exhibit "A", which is incorporated herein, are hereby adopted by this reference and new charges, fees, and rates will be effective May 12, 2026 unless otherwise noted within a specific item/section.

Section 2. Resolution 30-2025 is hereby amended to be consistent with this resolution.

Section 3. This resolution and any amendment thereto shall be published in summary form in the official newspaper of the City of Leavenworth.

Passed by the City Council of the City of Leavenworth and approved by the Mayor in an open public meeting on the 12th day of May, 2026.

APPROVED:

DocuSigned by:

Carl Florea

A8B4411C12AB49D...

Carl J. Florea, Mayor

ATTEST:

Signed by:

Andrea Fischer

D5CBE4ADAE1B451...

Andrea Fischer, City Clerk

Effective 5/12/2026

CITY OF LEAVENWORTH FEE SCHEDULE

Exhibit A

Each Department Head shall be granted the authority of interpretation of the portions of this resolution, which fall under the authority of their Department.

COMMUNITY DEVELOPMENT DEPARTMENT RATES, FEES, AND CHARGES

GENERAL INFORMATION ON FEES

A. Payment of the base fee for applications is required at the time of application submission. Payment of base fees for annexations, vacations, and other related activities, which do not require submittal of permit applications, are due prior to commencement of any staff work on the activity. Typically, this would be following submission of an initial letter of interest and/or petition. Payment of all fees will also be required regardless of approval/non-approval of the activity.

- i. Hourly fees are in addition to the underlying permit/action base fees.
- ii. Hourly fees are typically billed on a monthly basis.
- iii. Any billing more than 30 days overdue shall result in progress on the application ceasing and/or withholding of final approval/permit issuance.

B. Outsourcing:

The City may outsource work to agencies, firms, and individuals at its discretion for any type of permit related activities. The types of activities include, but are not limited to, the work of attorneys, planners, engineers, geotechnical experts, biologists, etc. Outsourcing *typically* occurs when a project has a component which requires review by persons with special expertise, the city must outsource based on staffing, and/or workloads, or an applicant has requested and has been granted expedited review.

Outsourcing based on City Determination of Need:

If the City determines that work must be outsourced based on the need for specialized study, input from persons with expertise, or for other reasons; the City retains the authority to determine that this action is required but will provide notification in either email or written format to the applicant of the action prior to authorizing the expenditure. The City is not required to receive an authorization from the applicant prior to authorizing to proceed, but simply to notify. The following shall apply:

The applicant shall be responsible for all consultant costs, any related staff time and a ten percent administrative fee for other City expenses involved in administering the work of the consultant.

If the City determines that work must be outsourced based on staffing levels, workload, or for other reasons (not including permit expedition requests), the consultant's work will be billed to the applicant at the same rate as City staff time. If the fee schedule indicates there is no hourly fee charged for a specific type of application, even if outsourced, hourly fees will not be charged.

Please note that all other requirements of the City's fee schedule apply.

Outsourcing by Request of the Applicant:

An applicant may submit a written request to outsource a permit application (or portions thereof) for purposes of permit expedition or for other reasons. The City reserves the right to approve, approve with conditions, or deny outsourcing requests. If approved, the following shall apply:

The applicant shall be responsible for all consultant costs, any related staff time and a ten percent administrative fee for other City expenses involved in working with the consultant and the applicant.

Please note that all other requirements of the City's fee schedule apply.

- C. Any direct cost beyond \$750 for the Hearing Examiner's work on a case shall be billed to and paid by the applicant. This shall be in addition to any other fees.
- D. Applications that require both City and County approval are still subject to the City's fees.
- E. All project types may not be listed here. If they are not, fees will be applied as determined by the Community Development Director.

BUILDING AND FIRE PERMITS FEES

The following fees are required with the submittal of application or at issuance, at the city's discretion. Additional fees, outsourcing (passthrough) and hourly staff time may apply.

1. Building fees shall be based on the Total Valuation of the construction. The building valuation data from the International Code Council and other valuation criteria will be used to determine the value of construction. The permit fee shall then be calculated utilizing the following table:
2. Plan review fees shall be calculated at 65 percent of the building permit fee. Plan review fees are separate from and in addition to permit fees and are required to be paid at the time of permit submittal. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in section 106.3.4.2 of the International Building Code, an additional plan review shall be charged at the rate shown in the Building Permit Fee Table.

Total Valuation	Fee
\$1 to \$500	\$30.00
\$501 to \$2,000	\$30.00 for the first \$500 plus \$3.61 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$84.78 for the first \$2,000 plus \$16.95 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$475.48 for the first \$25,000 plus \$12.26 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$782.23 for the first \$50,000 plus \$10.49 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,207.69 for the first \$100,000 plus \$6.80 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,929.93 for the first \$500,000 plus \$5.77 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$6,816.23 for the first \$1,000,000 plus \$4.62 for each additional \$1,000, or fraction thereof

3. Additional State Surcharge Fees. In addition to the above-stated fees, state surcharge fees shall apply. Without limitation, the following state surcharge fees shall apply:

Type	Fee
Building permits	\$6.50
For each additional unit for a building containing more than one residential unit	\$2.00
Commercial building permits	\$25.00

4. The plan review fee for pre-approved Accessory Dwelling Unit is addressed in Residential Miscellaneous Fees.
5. Additional Inspection Fees. Additional fees shall be charged as follows:

Other Inspections	Fee
Inspections outside of normal business hours (minimum charge – 2 hours)	\$65.00 per hour ¹
Reinspection fees	\$65.00 per hour ¹
Inspections for which no fee is specifically indicated	\$65.00 per hour ¹
Fire & Life Safety inspection	\$65.00 per hour ¹
Additional plan review required by changes, additional or revisions to plans (*minor changes – minimum charge ½ hour)	\$65.00 per hour ^{1,3}
For use of outside consultants for plan checking and/or inspections	Actual costs ²
¹ Or the total hourly cost to the City of Leavenworth, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved. ² Actual Costs include administrative and overhead costs ³ Minor changes, additions, and revisions, as determined by the Building Official	

6. Mechanical permit fees shall be calculated based on the following fees with a minimum fee of \$75 for mechanical permits:

Item	Fee
Permit issuance fee (required for all mechanical permits)	\$ 26
Installation/relocation of each forced air or gravity type furnace or burner, including ducts/vents	\$ 25
Installation of each outdoor A/C or Heat Pump	\$ 25
Installation of mini-split	\$ 50
Installation of each vent fan with one duct or appliance, or dryer duct	\$ 10
Installation of residential hood with exhaust fan and duct	\$ 25
Commercial kitchen hood with fan and ducts and fire suppression system	\$150
Ventilation systems not part of any heating or cooling system	\$ 50
Roof Top Unit or Packaged HVAC unit, less than 2000 CFM	\$ 50
Roof Top Unit or Packaged HVAC unit, 2000 CFM or more	\$150
Installation of wood or gas fireplace	\$ 50
Installation/relocation of domestic-type incinerator	\$ 18

Installation/relocation of commercial or industrial-type incinerator	\$ 50
Miscellaneous equipment or alteration regulated by the Mechanical Code, for which no other fee is listed (per unit)	\$ 25

7. Plumbing permit fees shall be calculated based on the following fees with a minimum fee of \$75 for plumbing permits:

Item	Fee
Permit issuance fee (required for all plumbing permits)	\$ 25
Each plumbing fixture on one trap or a set of fixtures on one trap	\$ 10
Hose bib (each additional outlet (over 5) + \$2.00	\$ 10
Water heater and/or vent	\$ 10
Floor drains/Interior roof drains	\$ 10
Grease traps / grease interceptors	\$ 10
Grinder pump	\$ 10
Each installation, alteration or repair of water piping and/or water treating equipment	\$ 10
Repair or alteration of drainage or vent piping (each fixture)	\$ 10
Backflow Protection Devices	\$ 25
Graywater system, each	\$ 40
Initial installation and testing for a reclaimed water system	\$ 30
Each annual cross-connection testing of a reclaimed water system (excluding initial test)	\$ 30
Gas piping (pen outlet)	\$ 10
Each additional outlet (over 5)	\$ 5

8. Manufactured or modular single-family structure permit fee shall be.....\$525 or the staff hourly fee for review hours and number of inspections (whichever is greater).
9. Footing and Foundation Permit (allowed only at the discretion of the Building Official):
- a. Residential.....\$125
 - b. Commercial and Multifamily.....\$275
10. Residential Retaining Wall.....\$125
11. Commercial Retaining Wall.....based on valuation
12. Residential Pool.....\$225*
(*mechanical and plumbing fees still apply)
13. Commercial Pool.....based on valuation*
(*mechanical and plumbing fees still apply)
14. Commercial Walk-in Freezer.....\$225*
(*mechanical and plumbing fees still apply)
15. Work without a permit.....\$500 or Double the basic permit fee (excludes taxes, plan review, and other fees) whichever is greater.

16. Residential Stormwater Plan Review outsource - passthrough
17. Demolition Permit\$225
18. Excavation, Grading, and Fill Permit (IBC Appendix J)\$225
19. Inspections for which no fee is specifically indicated.....\$50/hr (min ½ hr)
20. Reinspection (when corrections are not completed/approved)\$100
21. Fence Permit.....\$65
22. Deferred submittal.....\$57/hr*

(*Or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.)

Fire Code:

23. Decommissioning Tank.....\$150
24. Liquid Petroleum Gas (LPG) and Fuel Tank installation (per tank).
 - a. 500 gallons or less.....\$150
 - b. 501 to 5000 gallons.....\$300
 - c. 5001 gallons or more.....\$450
25. Automatic Sprinkler Plan Review & Testing (NFPA 13 or 13R)\$300 plus \$2 per sprinkler head
26. Automatic Sprinkler Plan Review & Testing (NFPA 13D)\$150 plus \$2 per sprinkler head
27. Fire alarm & smoke detection system Plan Review & Testing for more than 10 devices.....\$200 + \$2 / device
28. Commercial kitchen hood fire suppression system.....\$100
29. Fire hydrants and mains plan review.....\$150
30. Fire hydrants and mains inspection.....\$75 per each hydrant or main
31. Commercial IFC application plan review \$150 per building application or \$75 if single component.
32. Commercial IFC component inspections, fee covers two inspections:
 - High piled storage.....\$75
 - Tents and temporary membrane structures.....\$50
 - Tents and temporary membrane structures used for cooking.....\$100
 - Fireworks Public Display Permit Fee.....\$100
 - Fireworks Public Display Deposit.....\$500
 - Exhibitions (Miscellaneous).....\$75

Residential Misc.:

33. Factory built wood/gas heating appliances, log lighters and inserts.....\$45
34. Factory built gas kitchen range.....\$45
35. Masonry fireplace including chimney.....\$45
36. LPG tanks and gas lines for heating and cooking appliances.....\$30
37. Roofing replacement permit including sheathing if necessary.....\$195 per building
38. Pre-Approved Accessory Dwelling Unit.....\$200 per plan review

Commercial Misc.:

39. Roofing replacement permit including sheathing if necessary.....\$250 per building

- 40. Factory built fireplace/heating appliances, log lighters wood or gas (per unit).....\$45
- 41. LPG gas lines for heating and cooking appliances.....\$45
- 42. Stages, platforms, bleachers, and scaffolding structures (temporary).....\$125

Refunds:

The building official may authorize the refund of:

- 43. Up to 100 percent of any fee erroneously paid or collected;
- 44. Up to 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code;
- 45. Up to 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done;
- 46. The building official shall not authorize refunding of any fee paid except in response to a written application filed by the original permittee no later than 180 days after the date of fee payment.

LAND USE AND LEGISLATIVE PERMIT FEES

Calculation of fees begins following the release of the pre-application meeting notes. If the pre-application meeting requirement has been waived by the Community Development Director, fees will be calculated immediately upon receipt of the application/request. In addition to the base fee, a charge of \$50 per hour will be assessed for each hour of staff time for reviewing the project; however, 50% of the base fee will be credited toward the total dollar amount of the staff hours billed to the applicant. For example, if the base fee is \$800, \$400 worth of staff hours (8 hours) will be credited toward the total dollar amount of staff hours billed. Revisions to any permit will be billed at half the original submission fee and charged at the hourly rate.

<u>State Environmental Policy Act Review</u>	<u>Base Fee</u>
1. Environmental Impact Statement	\$1,500
2. SEPA compliance for non-exempt activities.....	\$375
3. Co-lead or assumption of lead status (for projects outside of the City's jurisdiction) following assumption of lead or co-lead status.....	\$65/hr
• Recovery of all consultant costs, plus a ten percent administration fee for clerical work related to contract administration	
4. Revisions to approved permits within this category	50% of the Original Fee

Miscellaneous land use actions/permits

1. Parking Lot Permit (with SEPA).....	\$475
2. Parking Lot Permit	\$100
3. Conditional Use Permits.....	\$1,675
4. Home Occupations, Group A	\$33
5. Home Occupations, Group B	\$225
6. Variances	\$1,675
7. Site Development.....	\$225
8. Development Agreement	\$1,800 (includes SEPA)
9. Flood Development Permit.....	\$65
10. Lighting Permit	\$65
11. Administrative Deviation/Decision.....	\$65
12. Administrative Interpretation which requires written policy.....	\$825
13. Administrative Interpretations of decisions/permits.....	\$125
14. Bed & Breakfast Annual Permit	\$125
15. Revisions to approved permits within this category (as necessary) 50% of the Original Fee	

Subdivision permits

1. Short Subdivisions.....\$825, plus \$50 per lot
2. Major Subdivisions.....\$1,675, plus \$50 per lot
3. Final Plat (Short or Major Subdivision)\$375
4. Planned Development.....\$1,675, plus \$50 per lot
5. Binding Site Plans (plats).....\$1,625, plus \$50 per lot
6. Binding Site Plans (condominiums)..... \$825, plus \$50 per lot
7. Plat Alteration.....\$675
8. Boundary Line Adjustments\$325
9. Boundary Line Adjustments - Lot line elimination / consolidation\$150
10. Revisions to approved permits within this category 50% of the Original Fee

Shoreline permits

1. Substantial Development Permit.....\$875
2. Shoreline Conditional Use Permit.....\$300 (requires SDP)
3. Shoreline Variance \$1,375 (standalone) or \$500 (with SDP)
4. Shoreline Exemption\$250
5. Shoreline Revisions.....\$125

Legislative Action

1. Right-of-way vacation investigation\$525
 - Appraisal costs, legal fees, and cost of property will be due if approved for vacation
 - If multiple property owners initiate vacation activity the activity will be treated as a joint application with the cost split among property owners.
2. Annexation\$575
 - Costs for annexation studies shall be fully reimbursed by the applicant
3. Developer reimbursement and collection agreements.....\$1,100
 - Costs for consultant work shall be fully reimbursed by the applicant
4. Comprehensive Plan amendment
 - a. Phase 1 – Initial Application for Docket.....\$325
 - b. Phase 2 – If approved for docket, fee for review process.....\$1,125

(Note: Payment does not constitute approval of a proposed amendment)
5. LMC text amendment (Titles 12, 13, 14, 15, 16, 17, 18).....\$1,125
6. LMC text amendments (Titles 1, 2, 3, 5, 6, 8, 9, 10, 21).....\$625

- 7. LMC map amendment/rezone (completed after comprehensive plan amendment)...\$1,125
- 8. Shoreline Master Program text amendment\$1,125
- 9. Shoreline Master Program environment designation amendment\$1,825
- 10. Revisions to approved permits within this category 50% of the Original Fee

Appeals to the Hearing Examiner:

- 1. Appeal\$1,525*
- 2. Motion for Reconsideration.....\$100

* Appeal fees do not apply for a first hearing on the record in a city-initiated enforcement case.

Hearing Examiner and related Legal, Specialized Study and Staff Services (For proceedings and appeals not covered in the Community Development Section of the Fee Schedule):

The appellant, applicant, and/or involved party shall reimburse the City for all costs billed to the City by the Hearing Examiner, staff time, and if utilized, for City legal counsel and/or specialized study services reasonably required by the appeal. Staff time involved shall be billed at \$65/hr.*

* Appeal fees do not apply for a first hearing on the record in a city-initiated enforcement case.

PRE-APPLICATION MEETING FEES

The purpose of the preapplication meeting is to provide the applicant with the best available information regarding the development proposal and application processing requirements, and to assure the availability of complete and accurate development information necessary for review prior to the applicant's expenditure of application fees and the scheduling of the application review process. Answers to any questions requiring engineering calculations for the availability of water and sewer are not included in these meetings. Charges incurred to provide this information will be passed on to the applicant.

The City will perform a Courtesy Consultation Meeting prior to the required pre-application meeting at the request of the applicant. Items discussed at this meeting will be for information gathering purposes only. Attendance at a Courtesy Consultation Meeting does not eliminate the requirement to attend a pre-application meeting. Please note: The City will not provide notes from this meeting, but will provide a copy of the City's Fee Schedule to the applicant.

Pre-Application Meeting (s):

Subdivision	No Charge
Commercial and Multifamily New Construction.....	No Charge
Other, as determined necessary by Community Development Director.....	No Charge

DESIGN REVIEW FEES

Architectural Design:

- 1. New design for, or changes to, a structure\$200
- 2. Changes to building color, roofing, or murals (includes mural additions), or other individual elements - when no other improvements are proposed.....\$65
- 3. Submittal of revisions to a design approved in the prior 12 months \$125
- 4. Re-submittal of projects after being cited for non-compliance with original design approval..... \$200
- 5. Fence design, tables, chairs, umbrellas, or other similar elements when no other improvements are proposed.....\$65
- 6. Administrative Approval, change of design or of individual elements such as landscaping structures, lighting, fences or fence-type walls, garbage enclosures, walkways, plazas, or similar structures when they are not proposed in conjunction with a larger project or that would require design review board review.....\$65
- 7. Exterior changes to a building /structure without an approved design review permit...\$500

Sign:

- 8. Sign - first sign:\$125
- 9. Each additional sign (applied for at the same time)\$35
- 10. Sign permit revision.....\$25
- 11. Placement of sign without a permit \$500 (per occurrence)

Miscellaneous:

Any time an application requires a second meeting by the Design Review Board due to actions of the applicant, including withdrawal, requesting continuance, design changes, or non-attendance, payment shall be made prior to further review by the Design Review Board in the amount of ½ of original application fee

Any time an application requires more than two meetings by the Board in order to review changes, whether proposed by the applicant or requested by the Design Review Board, payment shall be made prior to further review by the Board in the amount of\$150

WATER RATES, FEES, AND CHARGES

System Development Charges, adopted by Resolution No. 25-2025, and Water Rates, adopted by Resolution No. 27-2025, are included herein.

New Connection Charges

The charges in this section shall be paid by new customers to receive water service (applicable to all customer classes):

1. System Development Charge (SDC): This charge covers the impact of new developments on the City's water system. The charge for each meter size is calculated from the ERU equivalent designated for each meter size. The below listed ERU equivalents for each meter size are from the American Water Works Association (AWWA) meter factor size designation based on a ¾" meter.

Meter Size	System Development Charge
¾" (1.0 ERU).....	\$9,621.05
1" (1.7 ERU).....	\$16,355.79
1 ½" (3.3 ERU).....	\$31,749.47
2" (5.3 ERU).....	\$50,991.58
3" (10.0 ERU).....	\$96,210.52
4" (16.7 ERU).....	\$160,671.57
6" (33.3 ERU).....	\$320,381.03
8" (53.3 ERU).....	\$512,802.07

2. Meter Charge (not including installation):

Meter Size	Meter Charge
¾".....	\$590.00
1"	\$755.00
1 ½".....	\$1,080.00
2"	\$1,620.00
3" and greater.....	Provided by contractor per City Specifications

3. Installation, Inspection, and Connection Charge:

- a. ¾", 1", 1 ½", or 2" Meter Size

- i. It is the Contractor's responsibility to excavate, backfill, and restore the water service trench. The City will tap the main; provide and install water service up to an including meter setter and associated box and lid; and install water meter.

- ii. Installation Charge\$ 1,440.00
- b. Greater than 2” Meter Size and All Fire Service Lines
 - i. It is the Contractor’s responsibility to excavate; tap the main; provide and install water service up to an including meter setter and associated box and lid; provide and install water meter; backfill and restore the water service trench.
 - ii. Inspection Charge \$135.00
- c. Fire Hydrant Installation: For the installation of a fire hydrant not part of a larger project
 - i. All labor, equipment, material, and supplies associated with construction of a fire hydrant shall be the responsibility of the Contractor.
 - ii. Inspection Charge (per hydrant).....\$410.00
- d. Titus Road Connection Charge (No Expiration)\$225

Note: Titus Road: Beginning at north property line of lot 2, SS 3264 to north end of Aldea Village

4. Utility Reimbursement Agreements

- a. DNR, LLC Utility Reimbursement Agreement (URA) (see DNR, LLC agreement for flat fee as identified for various parcels, this flat fee includes the 10% administrative fee as defined in the URA. – Expires 9/30/2031)
- b. Cascade Medical Center (CMC) Utility Reimbursement Agreement (URA) (see CMC agreement for flat fee as identified for various parcels, this flat fee includes the 10% administrative fee as defined in the URA. – Expires 9/29/2031)

5. Local Facility Charges

- a. Chumstick Connection Charge (See Ordinance 1556 – No Expiration)\$1,333

Residential Monthly Water Rates

- 6. Service Base Rate: The monthly minimum residential charge for being connected to the City’s water system.
 - a. Inside city limits
 - i. ¾” meter.....\$92.31
 - ii. 1” meter.....\$92.31
 - iii. 1 ½” meter.....\$300.62
 - iv. 2” meter.....\$493.68
 - b. Outside city limits (rates are 25% higher than inside city rates)
 - i. ¾” meter.....\$115.39
 - ii. 1” meter.....\$115.39
 - iii. 1 ½” meter.....\$375.78

- iv. 2” meter.....\$617.11
- c. Low-income senior or disabled discount rates: Qualifying low-income senior and disabled citizens receive a discount off the monthly minimum residential charge. To qualify for the discount, applicants must be 62 years of age or older or disabled, and must have a total household income of \$50,000 per year or less. To qualify for the additional hardship low-income senior or disabled discount, applicants must have an income of \$25,000 or less per year with no other assets. To apply for either discount, applicants must fill out and return an application for a utility discount, for review and approval by the City.
 - i. Qualified low-income senior or disabled.....50% of applicable service base rate listed above
 - ii. Additional hardship low-income seniors or disabled.....25% of applicable service base rate listed
- 7. Consumption Charges: The following rates will be charged for water usage:
 - i. 0 – 4,000..... \$1.07 per 1,000 gallons
 - ii. 4,001 – 10,000.....\$2.20 per 1,000 gallons
 - iii. 10,001 – 14,000.....\$3.22 per 1,000 gallons
 - iv. Over 14,000.....\$4.59 per 1,000 gallons

Multifamily (3 units or more) Monthly Water Rates

- 8. Service Base Rate: The monthly minimum multifamily charge for being connected to the City’s water system. The service base rate is a monthly charge multiplied by the number of residential units, regardless of the size of meter.
 - a. Inside city limits\$27.16 per residential unit
 - b. Outside city limits (25% higher than inside city rates).....\$33.95 per residential unit
- 9. Consumption Charges: The following rates will be charged for water usage:
 - a. All Consumption\$1.32 per 1,000 gallons

Commercial Monthly Water Rates

- 10. Service Base Rate: The monthly minimum commercial charge per meter for being connected to the City’s water system.
 - a. Inside city limits:
 - ¾” meter.....\$65.76
 - 1" meter\$109.79
 - 1 ½” meter\$218.94
 - 2" meter\$350.42
 - 3” meter\$657.42
 - 4” meter\$1,096.28
 - 6” meter\$2,191.91

- 8" meter\$3,507.18
- 2" x 6" fire service meter\$697.40
- b. Outside city limits (rates are 25% higher than inside city rates):
 - ¾" meter\$82.20
 - 1" meter.....\$137.24
 - 1 ½" meter.....\$273.68
 - 2" meter.....\$438.03
 - 3" meter\$821.78
 - 4" meter\$1,370.35
 - 6" meter\$2,739.89
 - 8" meter\$4,383.97
 - 2" x 6" fire service meter\$871.75
- c. Irrigation service base rate, regardless of meter size, for irrigation-only meters during non-irrigation months when there is no consumption recorded by the meter. Customers must call the City to request this rate be applied during non-irrigation months. (Note: During non-irrigation months or during months when consumption is recorded by the meter, the standard applicable service base rate shall apply.)
 - i. In City:\$28.10
 - ii. Outside City:\$35.10
- 11. Consumption Charges: The following rates will be charged for water usage:
 - a. All Consumption\$1.66 per 1,000 gallons

Miscellaneous fees

- 12. Fire hydrant water use fee.....\$9.30 per 100 Cubic Feet
- 13. Fire hydrant meter installation charge (meter removal included in this one-time fee).....\$67.00
- 14. Meter turn on/off charge, including late payment turn-on fee (during business hours only)
 - a. Standard hours (7:00am – 2:30pm).....\$62 each trip
 - b. Non-standard hours (2:30pm – 4:00pm).....\$308 each trip
- 15. Charge to remove or reinstall meter.....\$77 each trip
- 16. Late fee.....\$15
- 17. Customer Requested Meter Test Fee per LMC 13.04.210..... \$20
- 18. Replacing Existing Residential Water Meter Box and Lid to be Traffic Rated:
 - a. Existing Water Meter Box is Traffic-Rated, Lid is Not Traffic-Rated:
The City will remove and dispose of the existing water meter lid and provide and install a new, traffic rated lid.....\$130.00
 - b. Existing Water Meter Box and Lid are not Traffic-Rated:

Option 1 – Customer Site Preparation: It is the Customer’s responsibility to fully excavate and expose 2-foot radius around water meter box to the full depth of the water service, backfill, and restore the area disturbed by the new water meter box. The City will remove and dispose of the existing water meter box and lid and provide and install a new, traffic rated water meter box and lid.....\$275.00

Option 2 – City Site Preparation: The City will excavate and expose area around water meter box to the full depth of the water service, backfill, and restore the area disturbed by the new water meter box. The City will remove and dispose of the existing water meter box and lid and provide and install a new, traffic rated water meter box and lid.\$275.00 + Labor, Equipment, and Material Charges for preparation and restoration work per Fees and Charges for Equipment Rental, Traffic Control, and Work in the Right-of-Way. The City can provide the customer with a fee estimate prior to beginning any work; however, actual Labor, Equipment, and Material costs will be billed based on the final charges incurred upon completion of the work.

19. Residential Water Meter Setter Adjustment Fee: Water meter bury depth shall meet adopted City Construction Standards. When customer-initiated improvements or requests require adjusting the water meter depth, this charge shall apply. The City will provide and install a meter re-setter to adjust meter setter elevation.....\$360.00
20. All other work required as a result of customer-initiated improvements or requests related to the water meter or its associated appurtenances will be billed to the customer. Charges will include all applicable labor, equipment, and materials in accordance with the Fees and Charges for Equipment Rental, Traffic Control, and Work in the Right-of-Way.
21. Customer-Requested Meter Relocation: Depending on the meter size, the relevant “Installation, Inspection, and Connection Charge” under the section “New Connection Charges” shall be applied
22. Non-Compliance Fee: Failure to complete required backflow assembly testing within 45 days following three written notices\$500 per Month

Final or closing utility bill: The City does not pro-rate utility bills. Accounts involving new owners, the pro-ration is between the previous owner and the new owner. In the event a previous balance is on the account, the City will make every effort to collect from the previous owner. However, the new owner is ultimately responsible for the bill, as the utility account stays with the property. The City suggests contacting the title company used in the real estate transaction for further remedy. In a landlord-tenant situation the landlord is ultimately responsible for the utility bill.

SANITARY SEWER RATES, FEES, AND CHARGES

System Development Charges, adopted by Resolution No. 25-2025, and Sanitary Sewer Rates, adopted by Resolution No. 27-2025, are included herein.

New Connection Charges

The charges in this section shall be paid by new customers to receive sanitary sewer service.

1. **System Development Charge (SDC):** This charge covers the impact of new development on the City's sewer system. For the purpose of calculating the sewer SDC, the definition of an Equivalent Residential Unit (ERU) is one residential dwelling unit at 175 gallons per day. The abbreviation DU stands for Dwelling Unit.

- a. **Residential Customers:**

- i. Residential Customer (1.0 ERU).....\$ 3,738.32

- b. **Multifamily Customers:** Dwelling units in multifamily residential structures are assigned an ERU value of less than one to reflect the fewer number of occupants typically residing in each unit, and an assumed proportionate resulting reduction in wastewater production (1990 US Census Report and 1996 Comprehensive Plan).

- i. 4 or Less Units (1.0 ERU)\$ 3,738.32

- ii. Over 4 Units (0.54 ERU/DU)..... \$ 2,018.69 per dwelling unit

- c. **Commercial Customers:** The definition of ERU for Restaurants, Bars, and Hotel/Motels are based on the number of hotel/motel rooms and the number of seats respectively as defined in the *Washington State Department of Ecology Criteria for Sewage Works Design*.

- i. **Restaurant Category 1** – Take Out / Ice Cream Shop / Yogurt Shop. Applicable if there is no dishwasher, no fryer, and no public restrooms. Restaurant area (kitchen and dining area) of 400 square feet included.

- a. Base Restaurant Category 1 SDC (1.0 ERU)\$ 3,738.32

- b. Excess restaurant area charge (in excess of 400 sq. ft)
..... \$11.77/sq. ft.

- ii. **Restaurant Category 2 / Bakery (Retail)** – Applicable if up to two of the three following criteria are present in business: dishwasher, fryer, public restrooms. Restaurant area (kitchen, dining area and public restrooms) of up to 1,000 square feet included.

- a. Base Restaurant Category 2 / Bakery (Retail) SDC (4.0 ERU)\$ 14,953.29

- b. Excess restaurant area charge (in excess of 1,000 sq. ft)
..... \$11.77/sq. ft.

- iii. **Bar** - Applicable if there is no food and no fryer. A dishwasher and public restrooms may be present. Bar area (seating area and public restrooms) of up to 1,000 square feet included.

- a. Base Bar SDC (1.17 ERU) \$ 4,373.84
 - b. Excess bar area charge (in excess of 1,000 sq. ft)
..... \$11.77/sq. ft.
- iv. **Hotel/Motel** (0.5 ERU/Room)\$ 1,869.16 per room
- v. **Other Commercial Customers** – For commercial customers that cannot be included in the previous definitions, the ERU will be defined by the business’s water meter size. The American Water Works Association (AWWA) defines each equivalent 3/4-inch water meter is considered one ERU using defined meter capacity to determine the factor for the number of ERU’s for each non-residential meter size above 3/4 inch. In no case shall less than 1.0 ERU be assigned to any proposed connection.
 - a. 5/8” or 3/4” Water Meter (1.0 ERU)\$ 3,738.32
 - b. 1” Water Meter (1.7 ERU)\$ 6,355.15
 - c. 1 ½” Water Meter (3.3 ERU).....\$ 12,336.46
 - d. 2” Water Meter (5.3 ERU)\$ 19,813.11
 - e. 3” Water Meter (10.0 ERU)\$ 37,383.22
 - f. 4” Water Meter (16.7 ERU)\$ 62,429.98
 - g. 6” Water Meter (33.3 ERU)\$ 124,486.12
 - h. 8” Water Meter (53.3 ERU)\$ 199,252.56
- vi. **Special Conditions:** For special conditions the City will determine the SDC based on either the ERU table, on estimated wastewater flow, or on a combination of both methods at the City’s sole discretion. Flow will be based on either estimated peak day flow or maximum month average day flow at the sole discretion of the City. Special conditions include the following:
 - a. Structures with more than one of the occupancy types listed above.
 - b. As determined by the city upon review of an applicant’s administrative appeal.
 - c. As determined by the city upon its sole judgment that the specifics of the proposed occupancy and/or its characteristics warrant special determination of the SDC.
- vii. **Administrative Appeal:** An applicant for sewer connection may appeal the SDC determination to the Mayor or City Administrator within thirty (30) working days of receiving the initial SDC determination from the City. The decision of the Mayor or City Administrator shall be provided within thirty (30) working days of the appeal and shall serve as the final SDC determination.
- viii. **Change of Occupancy Type:** If, in the sole judgment of the City, a proposed change in occupancy type for an existing structure already connected to the sewer system will substantially increase the amount or

character of wastewater flow over that for the previous occupancy, and the SDC for the proposed occupancy would result in a greater SDC than for the previous occupancy, and the change of occupancy requires a building permit, then the use of the structure for the proposed occupancy type shall be contingent upon payment to the city of an SDC determined in accordance with this resolution. The additional SDC charge shall be added to any City permit fees or charges applicable to the proposed occupancy.

2. Installation, Inspection, and Connection Charge:

- a. Inspection Charge\$790.00
- b. Titus Road Connection Charge (No Expiration)\$225.00
- Note: Titus Road: Beginning at north property line of lot 2, SS 3264 to north end of Aldea Village**
- c. Chumstick Connection Charge (See Ordinance 1556 – No Expiration)\$2,000.00

Residential Monthly Sanitary Sewer Rates

3. Monthly Sewer Rate: The monthly residential charge for being connected to the City’s sanitary sewer system.

- a. Inside City Limits.....\$64.45
- b. Outside City Limits (rates are 25% higher than inside city rates).....\$80.56
- c. Low-income senior or disabled discount rates: Qualifying low-income senior and disabled citizens receive a discount off the monthly minimum residential charge. To qualify for the discount, applicants must be 62 years of age or older or disabled and must have a total household income of \$50,000 per year or less. To qualify for the additional hardship low-income senior or disabled discount, applicants must have an income of \$25,000 or less per year with no other assets. To apply for either discount, applicants must fill out and return an application for a utility discount, for review and approval by the City.
 - i. Qualified low-income senior or disabled.....50% of applicable sewer rate listed above
 - ii. Additional hardship low-income seniors or disabled.....25% of applicable sewer rate listed above

Multifamily (3 units or more) Monthly Sanitary Sewer Rates

4. Monthly Sewer Rate: The monthly multifamily charge, per each dwelling unit, for being connected to the City’s sanitary sewer system.

- a. Inside City Limits\$43.76 per dwelling unit
- b. Outside City Limits (rates are 25% higher than inside city rates).....
..... \$54.70 per dwelling unit

Commercial Monthly Sanitary Sewer Rates

Water use shall be based on the average monthly water use between October 1 of the previous year and September 30 of the current year. For the purpose of calculating the monthly commercial sewer rates, one Equivalent Residential Unit (ERU) of water use is equivalent to 7,500 gallons.

- 5. Service Base Rate: A minimum of 1.0 ERU per month will be charged to each commercial customer
 - a. Inside City Limits.....\$94.71/ERU of water use
 - b. Outside City Limits (rates are 25% higher than inside city rates).....
.....\$118.39/ERU of water use
- 6. Food Service Surcharge: Charged in addition to the Service Base Rate for food service establishments with grease fryers. The purpose of this surcharge is to account for the loading of the sewer plant associated with grease. Food service establishments without an individual water meter (a shared meter) shall be based on a calculation of one ERU per 5 seats or seventy-five percent (75%) of the total water use associated with the shared meter, as decided by the Public Works Director in coordination with the Finance Director. The surcharge shall be seventy-five percent (75%) of the service base rate as calculated above, which is as follows:
 - c. Inside City Limits.....\$71.03/ERU of water use
 - d. Outside City Limits (rates are 25% higher than inside city rates).....
.....\$88.79/ERU of water use
- 7. Sewer Calculation for Municipal Pools, Schools, Churches, and Non-Profits: See Resolution 05-2025 for calculating sewer rates with a combined water meter for their building/facility and irrigation water use on a single water meter.

Miscellaneous Fees

- 8. Late Fee.....\$15
- 9. Non-Compliance Fee: Food Service Establishments without grease traps.....\$500 per month

Final or closing utility bill: The City does not pro-rate utility bills. Accounts involving new owners, the pro-ration is between the previous owner and the new owner. In the event a previous balance is on the account, the City will make every effort to collect from the previous owner. However, the new owner is ultimately responsible for the bill, as the utility account stays with the property. The City suggests contacting the title company used in the real estate transaction for further remedy. In a landlord-tenant situation the landlord is ultimately responsible for the utility bill.

STORM SEWER FEES, RATES, AND CHARGES

All customers served by City sanitary sewer system will also be charged for storm sewer, irrespective of their physical connection to the City's storm sewer system. New Connection Charges and Monthly Storm Sewer Rates, as applicable, shall be paid by all City sanitary sewer customers. System Development Charges, adopted by Resolution No. 25-2025, and Storm Sewer Rates, adopted by Resolution No. 27-2025, are included herein.

New Connection Charges

The charges in this section shall be paid by new customers to receive storm sewer service, which are applicable to all customer classes. For the purpose of calculating System Development Charges, one ERU equates to 4,000 square feet of impervious area. Residential lots developed will be charged as one ERU, unless determined otherwise by the City Engineer. Multifamily and commercial properties developing an area larger than 4,000 square feet of impervious area will be charged based on the number of calculated ERU's, calculated to one-tenth of an ERU. Example, if a property has 10,000 square feet of impervious area $10,000/4,000 = 2.5$ ERU's.

- 1. System Development Charge (All Customer Classes) \$1,376.70 per ERU
- 2. Inspection Charge (Only for physical connection to stormwater system).....\$135.00

Residential Monthly Storm Sewer Rates

- 3. Monthly Storm Sewer Rate:
 - a. Residential..... \$6.41

Multifamily (3 units or more) Monthly Storm Sewer Rates

- 4. Monthly Storm Sewer Rate: For the purpose of calculating monthly storm sewer rates, each unit of a multi-family dwelling is considered one dwelling unit.
 - a. Multifamily (3 units or more)..... \$6.41 per dwelling unit

Commercial Monthly Storm Sewer Rates

- 5. Monthly Storm Sewer Rate: The rates and service charges shall be based on the service provided and relative contribution of surface and storm water runoff from a given parcel to the storm water control facilities. The average estimated percentage of impervious surfaces on the parcel, the land use classification, the total parcel acreage, and/or measured impervious surface area will be used to determine the relative contribution of surface and storm water runoff from the parcel. For detailed analysis and definitions required for residential and commercial low, medium and high impact rate structures see Leavenworth Municipal Code section 13.90.050.
 - a. Commercial Low Impact \$6.41
 - b. Commercial Medium Impact \$26.93
 - c. Commercial High Impact.....\$42.31

Miscellaneous Fees

6. Late Fee \$15.00

Final or closing utility bill: The City does not pro-rate utility bills. Accounts involving new owners, the pro-ration is between the previous owner and the new owner. In the event a previous balance is on the account, the City will make every effort to collect from the previous owner. However, the new owner is ultimately responsible for the bill, as the utility account stays with the property. The City suggests contacting the title company used in the real estate transaction for further remedy. In a landlord-tenant situation the landlord is ultimately responsible for the utility bill.

SOLID WASTE RATES, FEES, AND CHARGES

Solid Waste Rates, adopted by Resolution No. 27-2025, are included herein.

Commercial and Multifamily (3 units or more) Monthly Garbage Rates (Weekday Pickup)

Weekday pickup is defined as collection on Monday through Friday.

1. **Scheduled Collection:** The following rates entitle a customer to the collection of one container once per week on a weekday. For multiple midweek collections per week, multiply the following applicable rate by the number of midweek times per week that the garbage is collected.
 - a. 64-gallon Container\$54.04 per each weekday pickup
 - b. 96-gallon Container\$59.32 per each weekday pickup
 - c. 96-gallon Bear-Resistant Container.....\$59.32 per each weekday pickup
 - d. 96-gallon Bear-resistant Container (only when utilized as replacement of a 300-gallon container; a minimum of 2 bear-resistance containers must be in use per customer to receive this rate).....\$51.45 per each weekday pickup
 - e. 300 Gallon Container..... \$102.89 per each weekday pickup
 - f. City Big Belly Street Garbage Cans\$74.00 per each weekday pickup
2. **Non-Scheduled or Additional Collection:** This rate is half of the monthly weekday rate to account for additional staff time to schedule, collect, and bill. Note that customers can reduce this cost by adding additional days to their regular weekly collection.
 - a. 64-gallon Container\$27.02 per collection
 - b. 96-gallon Container\$29.66 per collection
 - c. 96-gallon Bear-Resistant Container.....\$29.66 per collection
 - d. 300-gallon Container\$51.45 per collection
 - e. Single Bag Collection (Not in a Container).....\$8.45 per bag per collection
 - f. Pallet Disposal\$8.45 per pallet
3. **Overloaded Container During Collection:**
 - a. 64-gallon Container\$9.00 per occurrence
 - b. 96-gallon Container\$9.88 per occurrence
 - c. 96-gallon Bear-Resistant Container.....\$9.88 per occurrence
 - d. 300-gallon Container\$7.15 per occurrence

Commercial and Multifamily (3 units or more) Monthly Garbage Rates (Weekend Pickup)

Weekend pickup is defined as collection on Saturday or Sunday.

4. Scheduled Collection: The following rates entitle a customer to the collection of one container once per week on a weekend day. For multiple weekend collections per weekend, multiply the following applicable rate by the number of weekend times per week that the garbage is collected.
- a. 64-gallon Container \$82.25 per each weekend pickup
 - b. 96-gallon Container \$87.53 per each weekend pickup
 - c. 96-gallon Bear-Resistant Container \$87.53 per each weekend pickup
 - d. 96-gallon Bear-Resistant Container (only when utilized as replacement of a 300-gallon container; a minimum of 2 bear-resistance containers must be in use per customer to receive this rate) \$65.55 per each weekend pickup
 - e. 300 Gallon Container \$131.10 per each weekend pickup
 - f. City Big Belly Street Garbage Cans \$74.00 per each weekend pickup
5. Non-Scheduled or Additional Collection: This rate is half of the monthly weekend rate to account for additional staff time to schedule, collect, and bill. Note that customers can reduce this cost by adding additional days to their regular weekly collection.
- a. 64-gallon Container \$41.13 per collection
 - b. 96-gallon Container \$43.77 per collection
 - c. 96-gallon Bear-Resistant Container \$43.77 per collection
 - d. 300-gallon Container \$65.55 per collection
 - e. Single Bag Collection (not in a container) \$12.86 per bag per collection
 - f. Pallet Disposal \$12.86 per pallet
6. Overloaded Container During Collection:
- a. 64-gallon Container \$13.71 per occurrence
 - b. 96-gallon Container \$14.58 per occurrence
 - c. 96-gallon Bear-Resistant Container \$14.58 per occurrence
 - d. 300-gallon Container \$21.86 per occurrence

Miscellaneous Garbage Fees

7. Garbage Container Monthly Rental Fee
- a. 64-gallon Container \$3.15 per container
 - b. 96-gallon Container \$3.15 per container
 - c. 96-gallon Bear-Resistant Container \$10.80 per container

- d. 300-gallon Container Rental without Caster Wheels.....\$38.00 per container
- e. 300-gallon Container Rental with Caster Wheels.....\$54.00 per container
- 8. Cleaning Fee: Customers are responsible for keeping their City-issued garbage containers clean and sanitary. A cleaning fee will be issued to customers who wish to have the City perform additional cleaning per container per occurrence.
 - a. 64-gallon Container\$33.00
 - b. 96-gallon Container\$33.00
 - c. 96-gallon Bear-Resistant Container.....\$33.00
 - d. 300-gallon Container\$60.00
- 9. Container Replacement Fee: The following fees will be charged for City-issued garbage containers that are damaged or lost:
 - a. 64-gallon Container\$157.00
 - b. 96-gallon Container\$157.00
 - c. 96-gallon Bear-Resistant Container.....\$540.00
 - d. 300-gallon Container\$632.00
- 10. Spilled Trash: The City of Leavenworth is not responsible for spilled trash caused by weather, animals, birds, overfilled containers, or containers with open lids. Any material outside of its container will be billed to the customer at a rate of \$60 per hour/per employee (2-hour minimum) used to clean the area. Any equipment deemed necessary for the clean-up will be charged directly to the business at \$100 per hour.
- 11. Late Fee.....\$15.00

Commercial Monthly Cardboard Rates

All commercial accounts will be assessed a monthly fee for the service of cardboard collection.

All customers must ensure that commercial cardboard generated from their business operations is securely placed inside the designated container. Containers contaminated with materials other than recyclable cardboard may not be serviced by the City until such items are removed. The City of Leavenworth is not responsible for removing refuse or discarded items located around the container or enclosure. It is the responsibility of the commercial customer to clear these items to ensure continued regular service. If issues with container maintenance persist, the City reserves the right to remove the recycling container. In such cases, the business will forfeit the right to this service and must arrange for the disposal of their recyclable materials independently.

Based on the location of the business, each commercial customer will be categorized into one of the following customer types:

- a. Front Street Alley Core: Any commercial customer that is located south of Front Street and north of Commercial Street between 10th Street and the western terminus of the downtown alley, Edelweiss Weg (up to and including 633 Front Street).

- b. Stand-Alone Cardboard: Any commercial customer that is not located in the Front Street Alley Core.
- 12. Front Street Alley Core: Commercial customers in this location will utilize one communal 300-gallon cardboard container that is shared with other commercial customers in the vicinity. This monthly rate will provide unlimited use of the communal bin. Each bin will be placed in a location specified and approved by the City and containers will be serviced regularly to maintain sanitary and aesthetic conditions.
 - a. Front Street Alley Core Monthly Cardboard Rate.....\$36.50
- 13. Stand-Alone Cardboard: Commercial customers in this location will be provided with one 300-gallon cardboard container. The container will be serviced one time per week, unless scheduled otherwise by the customer.
 - a. Stand-Alone Cardboard Monthly Cardboard Rate\$38.87 per each weekly pickup
 - b. Non-Scheduled or Additional Collection: This rate is half of the monthly weekend rate to account for additional staff time to schedule, collect, and bill. Note that customers can reduce this cost by adding additional days to their regular weekly collection\$19.44 per collection
 - c. Overloaded Container During Collection\$6.48 per occurrence

Miscellaneous Cardboard Fees

- 14. Cardboard Contamination Fee (charged for cardboard container contaminated with trash).....\$103.00 per container per occurrence
- 15. Cleaning Fee: Customers are responsible for keeping their City-issued cardboard containers clean and sanitary. A cleaning fee will be issued to customers who wish to have the City perform additional cleaning per container per occurrence.
 - a. 300-gallon Container\$60.00
- 16. Container Replacement Fee: The following fees will be charged for City-issued cardboard containers that are damaged or lost:
 - a. 300-gallon Container\$632.00
- 17. Spilled Cardboard: The City of Leavenworth is not responsible for spilled cardboard caused by weather, animals, birds, overfilled containers, or containers with open lids. If a customer allows cardboard to accumulate on their premises or fails to position the container conveniently for collection, the City may, at its discretion, collect and remove the cardboard. Collection of any material outside of its container will be billed to the customer at a rate of \$62 per hour per employee (2-hour minimum) used to clean the area. Any equipment deemed necessary for the clean-up will be charged directly to the business at \$103 per hour.
- 18. Late Fee.....\$15

Final or closing utility bill: The City does not pro-rate utility bills. Accounts involving new owners, the pro-ration is between the previous owner and the new owner. In the event a previous

balance is on the account, the City will make every effort to collect from the previous owner. However, the new owner is ultimately responsible for the bill, as the utility account stays with the property. The City suggests contacting the title company used in the real estate transaction for further remedy. In a landlord-tenant situation the landlord is ultimately responsible for the utility bill.

Additional Charge For Pickup For Noncompliance: In the event any owner or occupant of premises within the City permits garbage to accumulate thereon, and fails or refuses to deposit such garbage in suitable containers in accordance with the provisions of this resolution, or fails to place the same conveniently for loading, the City, at its discretion, may collect and remove such garbage, and in such case the entire expense of the collection and removal thereof, as determined by the City, shall be charged against such premises, and against the owner or occupant, in addition to the regular charge for collection and disposal of such garbage.

CEMETERY RATES, FEES AND CHARGES

Burial and Cremains Lot Purchase: The purchase price of all lots (adult, youth/infant, and 18"x24" cremains lots) includes endowment care, vase, vase setting fee, and temporary markers. One adult burial lot may be used for up to one (1) adult casket and one (1) cremains with payment of the Companion or Extended Use fee. One cremains lot may be used for up to two (2) urns with payment of the Companion or Extended Use fee.

	<u>Inside City Limits</u>	<u>Outside City Limits</u>
1. Adult Burial Lots.....	\$1,540.00.....	\$2,570.00
2. Youth/Infant Lots	\$570.00.....	\$980.00
3. 18" x 24" Cremains Lots	\$820.00.....	\$1,440.00

Niche Purchase: The purchase price of a niche includes endowment care.

	<u>Inside City Limits</u>	<u>Outside City Limits</u>
4. Niches (Rows 1 – 4)	\$1,130.00.....	\$1,750.00

Opening and Closing Fees

	<u>Weekday</u>	<u>Saturday</u>
5. Adult Lots.....	\$820.00.....	\$1,335.00
6. Youth/Infant Lots	\$360.00.....	\$615.00
7. Cremains Lots.....	\$360.00.....	\$615.00
8. Niches.....	\$255.00.....	\$410.00
9. Disinterment	\$1,645.00.....	Weekday Only
10. Disinurnment (Ground)	\$360.00.....	Weekday Only
11. Disinurnment (Niche).....	\$255.00.....	Weekday Only

Stone Setting, Administrative, and Miscellaneous Fees

12. Companion or Extended Use (per Burial Lot, Cremains Lot, or Niche).....	\$283.00
13. Marker Survey Fee	\$103.00
14. Marker Setting Fee	\$250.00
15. Niche Delivery Fee.....	\$103.00
16. Lot Transfer of Ownership Fee (Including to City)	\$26.00
17. Niche Shutter Replacement Fee	\$514.00

- 18. Niche Vase and Vase Setting Fee.....\$41
- 19. Winter Burial Fee: At the direction of the Public Works Director, this fee will be charged for winter burials when weather conditions are anticipated to necessitate the removal of snow for the burial to occur. This fee shall be paid in advance of burial preparation by City staff. If weather conditions permit a burial without snow removal, this fee will be reimbursed to the customer\$1,542.00

Payment of Lots

A cemetery lot must be paid for in full before interment. The City will hold a cemetery lot for a purchaser upon receipt of a twenty percent (20%) down payment, provided the balance is paid within one (1) year. A service fee of \$25 shall be charged for the delayed payment.

Fees for Additional Services

Fees and costs in addition to those set forth above may be charged for special circumstances requiring additional City staff time, equipment or resources. These costs would be identified by staff when needed and would be presented to the purchaser prior to charging for any services; such additional charges shall be paid in full prior to any interment or disinterment. Fees will be billed at the current rate of \$62 per hour.

**FEES AND CHARGES
FOR EQUIPMENT RENTAL, TRAFFIC CONTROL, WORK IN THE
RIGHT OF WAY**

Right-of-Way Permit and Utility Extension Fees

1. Right-of-Way Permit (Maintenance of Existing Sidewalk Only)\$36.00
2. Right-of-Way Permit (No Asphalt/Concrete Cutting or Excavation in Right-of-Way)
\$108.00
3. Right-of-Way Permit (Asphalt/Concrete Cutting or Excavation in Right-of-Way)\$324.00
4. Right-of-Way Permit Paid Parking Surcharge: For work occurring in a location that utilizes
or blocks access to paid on-street parking stalls.....\$21.00 per day per on-street parking stall
5. Right-of-Way Permit Restricted Access Surcharge: For work occurring in a location that
restricts vehicular access (i.e., Front Street pedestrian plaza).....\$21.00 per day per vehicle
6. Right-of-Way Permit Late Application Surcharge: If work requiring a Right-of-Way Permit
begins without obtaining the permit in advance, the Right-of-Way Permit fee will be double
the standard applicable Right-of-Way Permit fee
7. Utility Extension Permit (Water/Sewer/Stormwater)
 - a. City Permit Fee\$308.00
 - b. In addition to the City Permit fee, the City may outsource work to agencies, firms, and
individuals at its discretion for any type of the Utility Extension Permit-related activities
(i.e., engineers, inspectors). The applicant shall be responsible for all consultant costs.

Labor, Equipment, and Traffic Control Device Rates

8. Traffic control signs Deposit Required Rates Listed Below
9. Barricades with flashers Deposit Required Rates Listed Below
10. Wooden barricades Deposit Required Rates Listed Below
11. Traffic cones..... Deposit Required Rates Listed Below
12. Crew labor cost..... \$62.00 per hour per employee
13. Overtime labor cost \$93.00 per hour per employee
14. Heavy equipment (excluding operator)..... \$103.00 per hour
15. Deposit Fees for Traffic Control Signs, Barricades (with or without flashers), and Traffic
Cones:
 - a. Request for 1-5 signs/barricades/cones.....\$51.00
 - b. Request for 6 or more signs/barricades/cones\$154.00

All such chargeable use of City time and equipment is at the City’s discretion. There is a minimum 4-hour requirement for any requests of City owned and operated heavy equipment.

POOL FEES

Day-Use Fees

	PRSA resident	Non-PRSA resident
Under two (2) years of Age	No Fee	No Fee
General Admission (Two (2) years and up	\$6	\$10
Senior Citizen (all swims) *	\$4	\$7
Lap Swim/Water Exercise (non-senior)	\$6	\$10
10-Punch Pass (20% Discount)	\$48	\$80
Senior 10-Punch Pass (20% Discount)	\$32	\$56

Season Passes

Family Pass (Limit 6 People)	\$180	\$252
Add On-Option Per Person	\$30	\$42
Individual Pass	\$110	\$156
Senior Pass	\$65	\$90

*A Season pass includes access to open swim, lap swim and water exercise classes. Lessons are billed separately.

Swim Lessons

Class lessons	\$ 45/per student	\$50/per student
Private Lessons	\$65 per hour, up to two students per hour fee	

Pool Rental (Must be outside regular pool hours)

Rental charge of \$125 plus \$25.00 per lifeguard, per hour. The number of lifeguards shall be determined by the pool manager or assistant pool manager.

*Senior Citizen: age sixty-five (65) or older, proof of age required.

Swim Teams

Swim Team Prep Fee.....	\$75/per person
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**LEAVENWORTH FESTHALLE & CIVIC CENTER
RENTAL AND DEPOSIT FEES
FOR CALENDAR YEARS – 2026-2027**

2026 Daily Rentals	For-Profit Event	Non-Profit Event
Fri – Sat	\$2,100	\$1,575
Sun – Thu	\$1,260	\$578
Refundable Deposit*	\$2,000	\$2,000
Table / Chair Rental	\$300	\$300
Event Set Up (5 hrs)	\$175	\$175
Event Take Down (5 hrs)	\$175	\$175
Event Staffing	\$35 / hour	\$35 / hour
Bartending	\$40 / hour	\$40 / hour
Hired Security	\$35 / hour	\$35 / hour
Post Event Deep Clean*	\$350	\$350
On Site Janitorial	\$50 / hour	\$50 / hour
Audio Video Package	\$150 / per event	\$150 / per event

Private Event / Celebration Daily Rental	
Fri - Sat	\$6,140
Sun - Thu	\$4300
Refundable Deposit*	\$2,000
All private event / celebration rentals include room rental plus 10 hours for average event support including: • 16 hours of use – check in at 8:00 AM; check out at 12:00 AM • Use of Festhalle tables and chairs • Setup and breakdown of Festhalle tables and chairs • Event Staffing (2 x 9 hours) • Facility deep clean and sanitize • Audio Video Package • Bartending (2 Bartenders @ 8.5 hours each)	

Hourly Rentals:	Sun - Thu
Lobby	\$100 / hour
Main Hall	\$150 / hour
Refundable Deposit*	\$500

*Required for all events

*Failure to return keys will result in an additional \$300 fee.

Other fees and charges for services related to the Festhalle rental of equipment, chairs, tables, security, kitchen amenities, and janitorial services may apply and are defined within the Festhalle Rental Agreement.

2027 Daily Rentals	For-Profit Event	Non-Profit Event
Fri – Sat	\$2,100	\$1,575
Sun – Thu	\$1,260	\$578
Refundable Deposit*	\$2,000	\$2,000
Table / Chair Rental	\$300	\$300
Event Set Up (5 hrs)	\$175	\$175
Event Take Down (5 hrs)	\$175	\$175
Event Staffing	\$35 / hour	\$35 / hour
Bartending	\$40 / hour	\$40 / hour
Hired Security	\$35 / hour	\$35 / hour
Post Event Deep Clean*	\$350	\$350
On Site Janitorial	\$50 / hour	\$50 / hour
Audio Video Package	\$150 / per event	\$150 / per event

Private Event / Celebration Daily Rental	
Fri - Sat	\$6,140
Sun - Thu	\$4300
Refundable Deposit*	\$2,000
All private event / celebration rentals include room rental plus 10 hours for average event support including: • 16 hours of use – check in at 8:00 AM; check out at 12:00 AM • Use of Festhalle tables and chairs • Setup and breakdown of Festhalle tables and chairs • Event Staffing (2 x 9 hours) • Facility deep clean and sanitize • Audio Video Package • Bartending (2 Bartenders @ 8.5 hours each)	

Hourly Rentals:	Sun - Thu
Lobby	\$105 / hour
Main Hall	\$158 / hour
Refundable Deposit*	\$500

*Required for all events

*Failure to return keys will result in an additional \$300 fee.

Other fees and charges for services related to the Festhalle rental of equipment, chairs, tables, security, kitchen amenities, and janitorial services may apply and are defined within the Festhalle Rental Agreement.

MISCELLANEOUS FEES AND CHARGES

Dog Licenses

1. Spayed/Neutered\$10
2. Unaltered\$15
3. If paid after March 1st (Spayed/Neutered) (Includes \$10 penalty).....\$20
4. If paid after March 1st (Unaltered) (Includes \$15 penalty)\$30

NSF / EFT Fee\$45

Credit Card Convenience Fee.....3% - 3.5% per transaction

Invoice Late Fee.....12% per Annum

- 1 – 3 Months No Initial Fee
- 4 – 6 Months Late Fee added each month to full balance with prior late fees
- 7th Month – City will send to collections

Copy and Transcription Services

Printed Copies\$0.15/page

Scanned into Electronic Format.....\$0.10/page

Documents Provided Electronically \$0.05/4 files or attachments

Electronic Transmission Fee.....\$0.10/Gigabyte

Cassette Tape, USB or CD Copy City Actual Cost

The City adheres to rules pertaining to RCW 42.56.120(2)(b), (c), and (e) The Public Records Act and as such finds that calculating actual costs would be unduly burdensome; therefore, utilizes the option to charge the above fees per said RCW sections. The City reserves the right to amend changes to this schedule as amended by RCW. The City reserves the right to outsource copying of materials and transcription of tapes. If materials are outsourced, the actual cost for copying and transcription billed to the City shall be the cost reimbursed to the City by the requestor.

Fax Services

First page.....\$2

Additional page..... \$.50/each

Notary Services

City Documents.....No Charge

Other Documents.....\$15.00

Public Notice Board (refundable deposit).....\$50

Consumer Price Index (CPI)

A general rule of the City's various contracts and agreements may include language for a CPI adjustment on an annual basis. The City will incorporate the use of the Seattle CPI-U for all Urban Consumers when incorporating such language.

City Hall Room Rental Fees

Hourly Fee.....\$25

Nonprofit Rate.....\$25/event

Hourly Fee After Hours.....\$50

Nonprofit Rate..... \$50/event

* The City Council and/or City Administrator may reduce certain Room Rental fees upon request.

Commercial River Access Permit Fees

Application Fee.....\$125

Refundable Deposit.....\$250

Rafting

Commercial Rafting Launch/Take Out Fee.....\$3 per passenger

Tubing, Kayaking, Paddle Boarding

Commercial Tubing Launch/Take Out Fee\$5.00 per passenger

Other Licenses / Permits

Business Licenses:

Number of Persons

1 to 12\$115

13 and Over\$300

Penalty within one month of city notification of delinquency..... 50 % of license fee

Penalty after one month of city notification of delinquency..... 100% of license fee

Temporary Business License (up to 4 months).....\$25 per month

Transient Business.....\$100

Temporary change of occupancy number.....\$100

Vehicle for Hire Licenses:

Motorized vehicle for hire license initial application:\$500

Any new business, part year after January 1 to June 30 ½ Rate

Penalty after July 31 but on or before August 31 50 % of license fee

Penalty after August 31 100% of license fee

Licenses are renewed on or before July 1 of each year at a rate of \$75 per year, per vehicle.

Non-motorized vehicle for hire license:

- Non-Motorized vehicle for hire license initial application:.....\$500
- Any new business, part year after January 1 to June 30 ½ Rate
- Penalty after July 31 but on or before August 31 50% of license fee
- Penalty after August 31 100% of license fee

Licenses are renewed on or before July 1 of each year at a rate of \$75 per year, per vehicle.

Special Use Permits:

- Special Use Permit fee (when not specified in the Leavenworth Municipal Code)\$200
- Special Use Film Permits\$500 application review, plus \$50 per hour for staff time (review and support activities). Additionally, City may require bonding for cleaning/restoring any public space/right-of-way.
- Special Use Permit Renewals (completed within 30-days of expiration)\$50
- Special Use Permit Renewals (completed after 30-days of expiration)\$150
- Park Facility (Front Street Gazebo) Private Use Fee.....\$125
- City Park Right-of-Way Square Footage Rate per Square Foot per month.....\$0.50
- Street Right-of-Way (Festival use) Square Footage Rate per Square Foot per month.....\$0.50
- Festival Fee per LMC 5.38.060.....\$125
- Sidewalk Right-of-Way Square Footage Rate per Square Foot per month.....\$1.50
- Liquor Control Board Demarcation Marker\$15.00 each
- Demarcation Marker placement or repair.....\$100.00 per occurrence
- Street Right-of-Way (Outdoor seating) Square Footage Rate per Square Foot per month.....\$1.50
- Right-of Way Permit for Street Closure (includes block parties)..... \$125
- Festival Food Booth (100 Square Feet) in the Right-of-Way (street or park) up to 30 days.....\$100
- Temporary Parking Lot per LMC 10.08.220.....\$100

Leasehold Excise Tax: Special Use Permits that exceed \$250, all necessary fees combined, are subject to the State Leasehold Excise Tax of 12.84% that will be added in addition to the fees of the Special Use Permit unless otherwise exempt under WAC 458-29A-400.

The City Council and/or City Administrator may reduce certain Special Use Permit fees upon request.

PARKING LOT, METER, AND PERMIT FEES

Parking lot, on-street parking, and permit hours and fees are detailed in the tables below. Permit parking is permitted only in specified stalls in designated parking lots, and enforcement of permit parking shall apply to designated areas owned, leased, managed, or maintained by the City. The Chelan County Sheriff and Mayor's Designee are authorized to issue infraction notices for parking infractions that are in violation of any parking regulations within the Leavenworth Municipal Code (LMC). All cars parked in violation of the parking regulations within the LMC are subject to towing and parking infraction fee(s) as identified below. ADA parking is free in on-street parking and in ADA-marked parking lot stalls provided parkers have a valid ADA placard or license plate.

Paid Parking Permits 20% Discount Non-Profit Rate

<u>Lot</u>	<u>Monthly Fee</u>
Blewett (B1/2)	\$125
Freund Lot FL	\$100
Horseshoe Lake HL	\$75
Glacier GL	\$75
Front Street Access w/ ROW permit	\$20/vehicle/day
Contractor Permit	\$105
Employee Parking Program Listed lots for Permit: • Blewett Annex, • Dragontail, • Enchantments • Freund • Glacier • Horseshoe Lake Lots only – No street parking	\$50

<u>PRSA Resident Parking Program</u>	<u>Hourly Fee</u>	
	<u>3 hours</u>	<u>Additional time</u>
All off street lots and on street stalls without restrictions	\$1/hour-up to 3 hours	Market rate for day each additional hour after 3

Parking Lot Fees

<u>Parking Lot</u>	<u>Hourly Fee</u>		<u>Daily Rate Fee</u>		<u>OVERNIGHT RATE IF AVAILABLE</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>		
Aasgard A1/A2	\$1	\$5	\$10	\$50		
Blewett & Blewett Annex B1/B2	\$1	\$5	\$10	\$50		
Colchuck C1 April-October 31, yearly overnight	\$1	\$4 \$5	\$10	\$50	\$60	\$75
Dragontail D1	\$1	\$4 \$5	\$10	\$50		
Enchantments (Library / City Hall) E1	-	-	-	-		
Freund (Pool) F1	\$1	\$5	\$10	\$50		
Glacier (DOT) G1/G2	\$1	\$5	\$10	-		
Horseshoe Lake H1/H2	\$1	\$5		\$50	\$55	\$70
Oversized Parking in Glacier Lot	\$2	\$8	\$10	\$60		

On-Street Parking Fees

<u>On-Street Parking</u>	<u>Hourly Fees</u>	
	<u>Min</u>	<u>Max</u>
Street Kiosks	\$1	\$5.00

Parking Infraction Fees

<u>Fee</u>	<u>Amount</u>
Parking Infraction (paid w/in 48 hours of issuance)	\$39
Parking Infraction (paid between 48 hours and 15 days of issuance)	\$49
Parking Infraction Late Fee (if not paid within 15 days of issuance)	\$25
Parking Infraction Late Fee (if not paid within 45 days of issuance)	\$25
Parking Infraction Pedestrian Plaza after 11am / camping in residential zones	\$250
Parking Infraction Late Fee (if not paid within 15 days of issuance)	\$25
Parking Infraction Late Fee (if not paid within 45 days of issuance)	\$25

Parking Delinquent Special Collections Fees

If the penalty imposed for any Parking Infraction Fee is not paid within seventy-five (75) days of the date it was imposed, the total amount owed for all Parking Infraction Fees may be turned over to a collection agency for collection and may be subject to an additional surcharge imposed by the collection agency.

Other Parking Regulations

1. All parking lots have hours of 7:00 am – 3:00 am. Overnight parking is allowed in permitted lots only, with paid reservation.
2. All parking lots are subject to lot-specific rules detailed below and posted on signs in each lot.
3. Overnight parking is not permitted in City-owned lots, with the exception of:
 - a. Colchuck lot (during the months of April – October 31 yearly), and Horseshoe Lake lot overnight available all year.
4. The City allows a grace period of fifteen (15) minutes for any pay parking stall in lots or on-street, not including restricted loading zones, permit stalls, 3-hour max lots, Freund (pool) Lot stalls while pool open, or marked no parking areas. A grace period is available at kiosk and with app to register one plate per day.
5. Front Street Pedestrian plaza is closed to all through traffic at 11am, daily. The fine for violators within the bollard-protected area of 600 Front Street to 932 Front Street, is \$250 per occurrence.
6. No camping or sleeping in vehicles (including RVs and vans) is permitted in City owned lots or on any City right-of-way. The fine for violators is \$250 per occurrence.
7. Freund Parking Lot
 - a. A pay kiosk will be installed in 2025 for pay parking in outside rows, only while pool not in operation.
 - b. During Pool Season (Memorial Day to Labor Day), the Freund parking lot outside parking lanes may be designated for pool patrons only.
 - c. All-time restrictions on parking are posted on signs in the lot.
 - d. Middle rows are restricted to permit holders only, license plate enforced.
8. Enchantments Parking Lot
 - a. No fee is required for use of the parking lot.
 - b. Time restrictions on parking are posted on signs in the lot.
 - c. Individual lot signs alert motorists to stall restrictions.
9. Glacier Parking Lot
 - a. Large vehicle parking is permitted in the Glacier lot and may be subject to a daily fee paid through the City's Paid Parking Program system. (The City may add additional large vehicle parking to the Car Wash lot at 1451 US Highway 2 at a future date. The City website shall have the most up-to-date information.)
 - b. Large Vehicle parking is only for vehicles that occupy more than one standard parking stall of 8'6" in width and 17'6" in depth. (e.g. RVs, Trucks & Trailers, Busses, etc.).
 - c. On an emergency basis, Glacier lot may be used for large vehicles or other parking needs when Stevens Pass is closed.
10. Parking rates are to be determined within the rate min/max or lower than the rate minimum by City Administration without notice.
11. Holiday and Festival rates to be determined by City Administration without notice.

CITY OF LEAVENWORTH

PO Box 287
700 US 2
Leavenworth, WA 98826
Phone: (509) 548-5275
Fax: (509) 548-6429

BLOCK PARTY
PERMIT APPLICATION
Permit Fee: \$125.00

***NOTE: This application must be processed
a minimum of 30 days prior to event.**

EVENT TITLE: _____

ORGANIZATION NAME/SPONSOR: _____

ADDRESS/PO BOX: _____ Phone: _____

CONTACT PERSON: _____ Phone: _____

ADDRESS: _____ Cell: _____

EMAIL ADDRESS: _____

PROPOSED DATE OF EVENT: _____

EXACT START TIME: _____ ENDING TIME: _____

EVENT DESCRIPTION: _____

LOCATION OF EVENT: _____

APPROXIMATE NUMBER OF PARTICIPANTS: _____

Indemnify and Hold Harmless:

The undersigned represents that he/she is authorized to act on behalf of the sponsor of the event for which this permit is requested, and on behalf of the sponsor agrees that the sponsor shall indemnify, defend and hold harmless the City, it's officers and employees from any and all claims, losses, damages, demands, suits, and attorney fees of any kind on account of injury to persons and property arising out of or in connection with the event for which this permit application is submitted.

Applicant Signature: _____ Date: _____

AREA BELOW FOR AGENCY USE ONLY
☐ FEE COLLECTED

☐ PUBLIC WORKS APPROVAL

INITIAL & DATE: _____

FINAL PERMIT APPROVAL: _____ DATE: _____

ROUTE FINAL PERMIT TO: _____ INITIAL & DATE ROUTED: _____

☐ FIRE DISTRICT #3

☐ PUBLIC WORKS

☐ CHELAN COUNTY SHERIFF

☐ AMBULANCE & CASCADE MEDICAL

BLOCK PARTY PILOT PROGRAM

Block parties are a fun and easy way to build community and get to know your neighbors. Gather your neighbors to hold a block party in your street. With an approved permit, you can host your event on your neighborhood non-arterial/collector street! Please call the City with questions about your street.

Some closures exceed the thresholds we have established for block parties and are not allowed under this permit. The Block Party Pilot Program is intended for neighborhood-scale gatherings. If your street closure event exceeds the following thresholds, it cannot be permitted as a block party.

- Attendance is expected to exceed 100 people at any point in time
- Vendors (other than a permitted food vendor) are a part of the event
- Event includes alcohol sales
- Closure exceeds one block
- Closure request is on an arterial/collector street
- Block Party permits are not available from November 15 – March 15

Step 1 – Getting Started

Make sure your street is:

- Free and open to the general public
- No greater than one block long and does not include an intersection
- Located on a non-arterial/collector street
- Not on a street that is utilized by busses, or an emergency vehicle route
- Planned to occur between 9:00 AM and dusk (or until 9:00 PM if dusk is later than that), including setup/cleanup
- Food is allowed at block parties; the participants can provide it
- Furniture, structures, and equipment in the street should be easy to move immediately if emergency access is required – not to be located within the 20-foot fire lane
- Large structures like temporary stages and bouncy houses are not permitted to be located in city right-of-way (streets/sidewalks)
- Make sure to follow the City Noise Ordinance (LMC 9.33). As long as music isn't loud enough to disrupt nearby neighbors and ends before 9:00 PM, you're most likely following the rules. Maximum allowable decibels in Residential is 60 dBA; amplified music requires a noise variance permit.

Step 2 – Talk to Your Neighbors

We encourage you to communicate with your neighbors before applying for a permit. Coordinating with your neighbors in advance may also help you select dates that don't conflict with another neighbor, who may have visitors or a construction project planned the same day that will bring extra vehicles to your street. You can also identify people who are able to volunteer to help make your event a success! You can download the [street closure flyer](#) to notify your neighbors.

Step 3 – Apply for your permit

Try to submit your application early! Applications must be processed a minimum of 30 days prior to your event. You can [download the application](#) and email to events@cityofleavenworth.com or mail / hand deliver to City Hall.

Step 4 – Prepare to Close the Street

As the permit holder, you are responsible for proper placement of signage and barricades. Public Works Crews will deliver signage and barricades the business day before your event and place them off to the side. Please follow the guidelines below:

Barricade Basics:

- At the ends of your closure, set up barricades no more than 6 ft apart and connect them with streamers or rope
- Place barricades behind the extension of the sidewalk to make it easy for people to cross the street

Signage:

- Block Parties abutting a main arterial/collector street require “no-turn” and “road closed ahead” signage
- “Road Closed” signage is placed at the center of the street to be closed, in front of barricades

Step 5 – Safely Close Your Street and Have Fun!

It’s hard to have fun if you’re worried about the safety of your children and friends, so make sure you close the street before you begin! Set up your barricades and signs. Agree on which adult(s) will monitor the barricades. At least one adult must be visible from both barricades and on-site at all times to quickly move the barricades for local traffic. Remember – local access, deliveries, and emergency vehicles are allowed to enter the closure. The success of the program and safety of your neighbors relies on hosts being alert and responsive to their needs.

A 20-foot fire lane must be maintained at all times, so only easily movable equipment should be on the street, and not stored within the fire lane. Any large objects that cannot be easily moved are not allowed in the street or on the sidewalk. That’s why we don’t allow bouncy houses under this permit.

Step 6 – Clean Up and Remove Barricades

When your event is over, please make sure the street is empty of equipment and any activity debris. Clean-up is a great activity to share with all the people who participated! Be sure to remove barricades and signs (off to the side) and reopen the street to through traffic. Public Works will retrieve the barricades and signs the next business day.

RESIDENTIAL STREET CLOSURE CHECKLIST

☐ **PRINT YOUR PERMIT**

Print and keep a copy of the permit onsite during the closure. Read and understand the conditions of the Block Party Pilot Program.

☐ **TELL YOUR NEIGHBORS**

We encourage you to tell your neighbors of your event early, but we **require** you tell your neighbors at least 24 hours prior to the start of your event. You can create your own notification or download the flyer from the website.

☐ **BARRICADE PLACEMENT**

Barricades should be placed at both ends of the closure. The distance between each barricade should not exceed 6 feet, and they should be linked together with rope, streamers, banners, etc. Place barricades so that people crossing the street can easily get to the other side, behind curb ramps and crosswalks (either a painted crosswalk or the area connecting the two sidewalks).

☐ **SIGNS**

Place appropriate signs in the center of the street, in front of barricades, at both ends of the closure.

No Left Turn, No Right Turn, and Road Closed Ahead signs are required at arterial/collector streets.

☐ **CLOSURE DETAILS**

Keep sidewalks open for people walking and rolling.

Allow bikes through, although they should go slow and watch out for neighbors!

Local traffic and delivery vehicles are allowed into the closure as needed to access homes on the block.

Emergency vehicles may need to enter the closure area quickly. Please ensure that the 20-foot fire lane remains free of obstructions. If the closed street is less than 20-foot wide, then the full street width shall be treated as a fire lane.

☐ **MONITORS**

Monitors are responsible for promptly moving barricades and clearing the roadway when residents, visitors, delivery vehicles, or emergency vehicles request access within the closure. The permit holder is required to designate monitors for the duration of the event.

☐ **BREAKDOWN**

Check that the area is clear of all equipment, pavement markings, and debris before barricades are removed. Once clear, move the barricades and signage off to the side for removal by Public Works.

WE'D LIKE TO CLOSE OUR STREET AND HAVE SOME FUN!

The City of Leavenworth provides Block Party Permits that allow neighbors to temporarily close their street for recreation and play. We're applying to close our block!

Note: the street will only be closed to through traffic, so neighbors, visitors, deliveries, and emergency vehicles will still have access.

Please let us know if you have any questions or concerns.

Thanks!

Street: _____

Between: _____

& _____

Day of Week	Start Time	End Time

From (date): _____ to: _____

Contact Name: _____

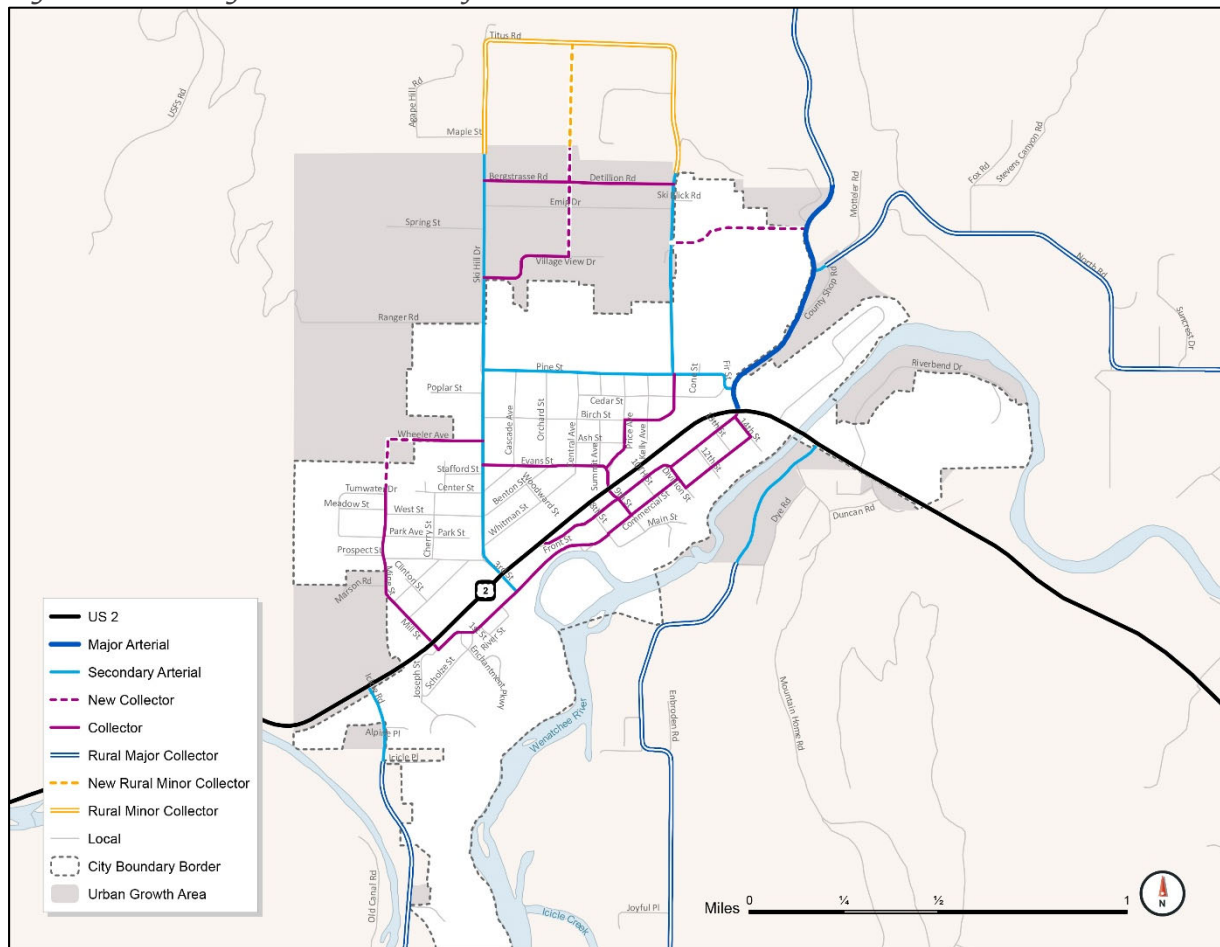
Contact email or phone: _____

More information can be found at:

www.cityofleavenworth.com



Figure 1. Roadway Functional Classification



Non-Motorized Facilities

Leavenworth offers several amenities that make it a desirable place to walk or bike: downtown is relatively flat, there are several trails and places to walk and bike to, and the City has a dual identity as a tourist destination and home to physically active, outdoor minded, residents that make walking and biking a part of their daily lives.

In recent years, the City has taken strides to add to its multimodal infrastructure: bicycle lanes exist in both directions on US 2 within the majority of downtown, allowing bicyclists easy access to downtown from both the eastern and western extents of the City. Paved trails and bicycle lanes also exist in other parts of the City, including along Ski Hill Drive, Chumstick Highway, and the recently constructed trail along Pine Street.

There are sidewalks in various locations throughout the City, including on both sides of US 2 from E Leavenworth road to the west City limits, on roadways connecting various neighborhoods, and within most of the downtown core. There are a total of nine pedestrian facilities for crossing US 2 including two signalized crossings, in addition to other marked crossings and crosswalks incorporated into signalized intersections. Within the center of Leavenworth, marked crossings are closer together; however, as noted