LEAVENWORTH CITY COUNCIL
Study Session Agenda
City Hall – Council Chambers & Zoom
November 10, 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 following items are included under **TAB B.**

- 2027 Lodging Tax Budget Memo

5:45-6:00 Leavenworth Area Promotions (LAP) 2027-2028 Budget

Jessica Stoller will provide a presentation on the activities of the Leavenworth Area Promotions Committee and identify the request for funding in 2027 and 2028. The preliminary budget has been developed with the submitted request of $950,500 in 2027, which is up from $795,675 in 2006 and equates to approximately a 19.5% increase and $991,500 in 2028 for an additional increase of approximately 4.3%.

Council will need to consider how to address this request as the Lodging Tax Fund is not able to support these requests as operational expenses are exceeding incoming revenues in both 2027 and 2028. Capital costs are in addition to operational costs for the City and currently the City is expending all available revenues on capital projects, specifically to the downtown improvements.

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

- LAP 2027-2028 Budget Request
- LAP 2027 Destination Marketing Plan

6:00-6:30 Development Regulations Discussion

This time is provided for the Council to continue discussions on the draft Development Regulations that are going before the Planning Commission on November 4, 2026 for Public Hearing. The sections before you tonight include all revisions that have been drafted to date. This time is for the City Council to discuss the direction of these items; no action will be taken on these items at this time.

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

- Draft Zoning Map
- Draft Chapter 14.08 Old World Bavarian Architectural Theme
- Draft Chapter 14.12 Off-Street Loading and Parking
- Draft Chapter 14.28 Lighting Standards
- Draft Chapter 15 General Requirements (State requirement)
- Draft Chapter 16.08.220 Critical Areas review process (State requirement)
- Draft Chapter 17 Subdivisions (State requirement)
- Draft Title 18 Full Title

- Draft Title 21 Full Title

6:30-6:45 <u>Fee in Lieu of Parking Discussion</u>

This time is provided for the Council to discuss the parking in-lieu fee amount for the Rate & Fee schedule.

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

- Memo to the Council from City Staff
- Memo from the Planning Commission with alternative ideas

6:45-6:50 <u>Lobbying Services for City Funding Opportunities – Continued Discussion</u>

Councilmember Rob Eaton would like to continue the discussion regarding lobbying for money for capital projects in the future.

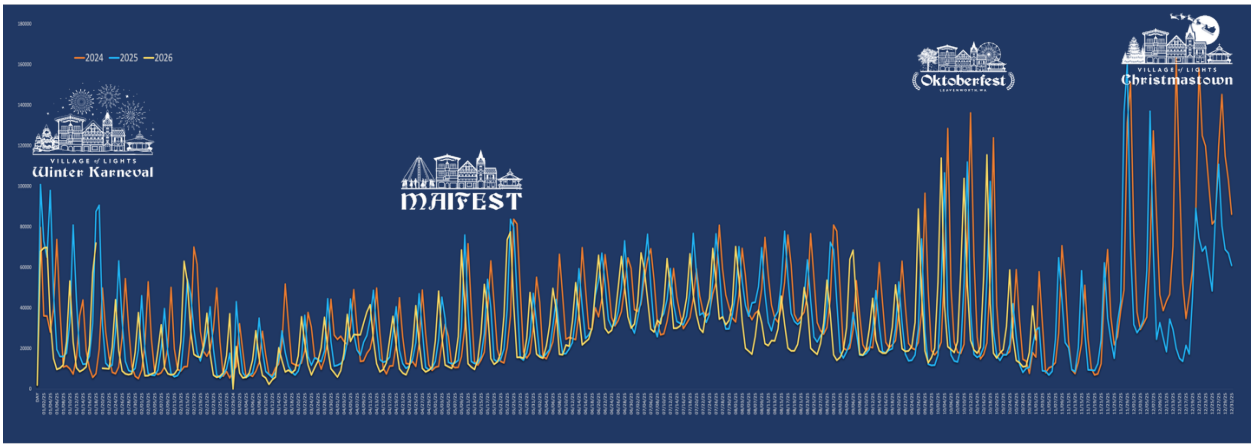
There are no items included under **TAB F.**

2027 Lodging Tax Budget & Annual Plan

On behalf of the Board of Directors, thank you for partnering with the Leavenworth Chamber of Commerce to be the Destination Management Organization for our Bavarian Village. The Leavenworth Chamber is a 501(c)(6) nonprofit organization well positioned to use Visitor-Generated Lodging Tax (LTAX) to fund Welcome Center operations, personnel and events.

For 2027 the Chamber will operate the Welcome Center, provide live entertainment during the summer months at the Gazebo in Front Street Park, and produce annual events that have a significant economic impact* using lodging tax funds as outlined in RCW 67.28.1816.

> *RCW 67.28.1816 authorizes lodging tax revenues to be used for the following:*
> *1. Tourism marketing*
> *2. The marketing and operations of special events and festivals designed to attract tourists*
> *3. Supporting the operations and capital expenditures of tourism-related facilities owned or operated by a municipality*
> *4. Supporting the operations of tourism-related facilities owned or operated by nonprofit organizations described under 501(c)(3) and 501(c)(6) of the Internal Revenue Code*



Significant economic impact events are highlighted on our annual footfall chart, which shows their impact on pedestrian traffic. Pedestrian traffic correlates to increased parking revenue, lodging tax and retail tax. From left to right: Winter Karneval, Maifest, and the Village of Lights: Christmastown.

2027 Lodging Tax Uses & Budget

Operations:

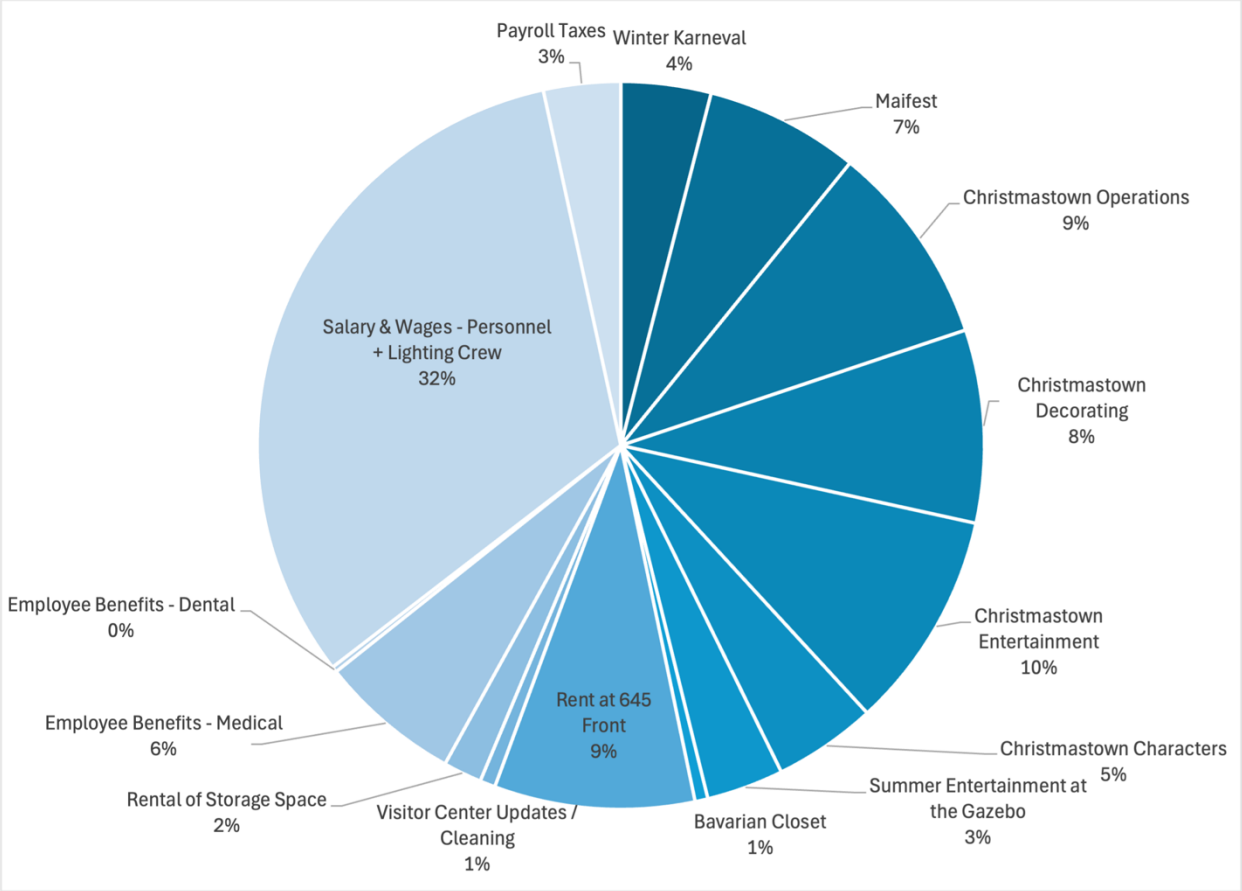
- With funding from both the City and the County we will be able to fully staff the Welcome Center in 2027.
- The Welcome Center will be open 9 a.m. to 6 p.m. daily, closed on Thanksgiving Day, Christmas Day and New Year's Day.
- The Chamber will produce the following events, which will be reimbursed with City lodging tax:
    - Winter Karneval
    - Maifest
    - Christmastown

$875 used for the budget is an approximation based on 21% of the 2026 estimated total collection.

Expense	LTAX Budget Allocation	Total Chamber Budget Amount For t	% of Total Chamber. Budget
Winter Karneval	$ 35,000	$ 35,000	100%
Maifest	$ 60,000	$ 60,000	100%
Christmastown Operations	$ 78,800	$ 78,800	100%
Christmastown Decorating	$ 75,000	$ 75,000	100%
Christmastown Entertainment	$ 85,000	$ 85,000	100%
Christmastown Characters	$ 40,000	$ 40,000	100%
Summer Entertainment at the Gazebo	$ 30,000	$ 30,000	100%
Bavarian Closet	$ 5,000	$ 5,000	100%
Rent at 645 Front	$ 78,000	$ 78,000	100%
Welcome Center Updates / Cleaning	$ 6,000	$ 6,000	100%
Rental of Storage Space	$ 15,000	$ 28,000	**54%**
Employee Benefits - Medical	$ 55,000	$ 105,000	**52%**
Employee Benefits - Dental	$ 2,200	$ 6,200	**35%**
Salary & Wages - Personnel + Lighting Crew	$ 280,000	$ 1,055,000	**27%**
Payroll Taxes	$ 30,000	$ 80,000	**38%**
	$ 875,000	**$ 1,767,000**	**50%**

The "% of Total Budget" is how much of each expense is covered by Visitor-Generated Lodging Tax. In instances where it is less than 100%, the remaining expenses are covered by either the County LTAX where appropriate or by the Chamber.

2027 LTAX
$875k Budget Allocation Details



3% SUMMER ENTERTAINMENT

A small portion is needed to provide live music at the Gazebo and the entertainers below, who create a vibrant Bavarian atmosphere during our peak summer months.

- Bonnie Birch Trio
- Christopher Barnes
- Tubadours
- Max Kyllonen
- Musikkapelle Leavenworth
- Leavenworth Alphorns
- Robert Baumann
- Alpenfolk (Thomas Tilton)

4% WINTER KARNEVAL

Winter Karneval festivities and fireworks on MLK weekend are the cornerstone of our January programming, extending the Village of Lights into a typically slow month.

7% MAIFEST

Funding for Maifest 2027, the headliner of our May branding, bringing the Celtic Festival, Rock Fest, Maifest, Bird Fest and the Alphorn Festival under one umbrella to celebrate the month. Maifest weekend has created a steady source of lodging demand and one of the highest footfall traffic days in the second quarter.

32% CHRISTMASTOWN
2% STORAGE OF LIGHTS AND DECOR

The Village of Lights & Christmastown, a December that caps our 4th quarter with our busiest days of the year. The storm power outage and storm-related issues in 2025 show just how important these weekends are to our local businesses and economy.

Being able to continue to fuel the business after a difficult year with the economy and severe weather is more important now than ever. With Christmas markets now in Seattle, Vancouver, Kamloops, the Puyallup Fairgrounds, Coeur d'Alene, as well as Krampus events in Bremerton and new light shows across the state like at Tulalip, our competition is growing.

Due to the above considerations and the loss of Front Street Park trees, we have allocated more funding ($35,000) to create new lighting experiences in 2027.

Therefore, for 2027 Visitor-Generated Lodging Tax will pay for these Christmastown expenses:

- 54% of the total cost of storing Christmastown Lights and Decor
- 100% of the Bands, Entertainment and Costumed Characters
- 100% of the Decorating (Lights, gas, boom lift rentals)
- 100% of Christmastown operations.
    - Included in this total is the approximately $40,000 paid to the City of Leavenworth for the Festhalle Rental.

32% PERSONNEL WAGES
7% HEALTHCARE
3% PAYROLL TAXES

In 2027 the Welcome Center will be staffed by three full-time and two part-time dedicated Guest Service personnel, and our events are managed by two full-time event staff members. These full-time positions also come with an IRA match, PTO, and health, vision and dental insurance, with the entry plan at no cost to the employee. Both teams are supported by **11 seasonal full-time event support staff** workers that assist with setting up and tearing down our events.

Visitor-Generated Lodging Tax will cover 36% of this personnel cost as well as a percent of the related benefits and payroll taxes.

9% WELCOME CENTER OPERATIONS

As of November 1, 2026, the Welcome Center has had over 50,000 visitors, an 11% increase over the same period in 2025. The Welcome Center provides personalized travel service, maps, travel advisories, brochures, recommendations, Wi-Fi, resources, and festival and event information. It also supports all Leavenworth Area Promotions (LAP) promotions and giveaways. The Welcome Center now provides a pop-up location for local businesses and nonprofits wanting more visibility, such as the Humane Society who provided outreach and kittens up for adoption.

The services offered by the Welcome Center are invaluable for the destination when we have weather-related events like Leavenworth experienced in December 2025. Helping the thousands of inbound December travelers with accurate and up-to-date information and resources is key to rebounding from such economically devastating events and provides a service no one else can provide.

When combined with the 30,000 people we greet in the lobby of the Festhalle during Christmastown (Daily from Black Friday to Christmas Eve), we have personal interactions with over 80,000 people Leavenworth visitors annually.

1% BAVARIAN CLOSET

Lastly, we replace and add to the Bavarian Trachten Closet that is maintained at the Chamber's Administrative office with items available to check out for all Bavarian events.

2027–2028 Lodging Tax Budget Request

LAP requests **$950,500 for 2027** and **$991,500 for 2028**. The $154,825 increase covers four things: Washington's new sales tax on digital ads, more digital advertising in our drive markets, 4% media inflation, and new creative for our brand campaign. Every line ties back to one outcome: more overnight stays, which fund the lodging tax.

2027 REQUEST

$950,500

+$154,825 (19.5%) over the 2026 budget of $795,675

2028 REQUEST

$991,500

Same program plus 4% inflation; no new programs

Where the $154,825 increase goes

1 Sales tax on digital ads +$58,621

Washington's new 10% sales tax on advertising and web services, kept by the 2026 Legislature

2 More digital advertising +$42,598

About $90,000 more in paid search, social and web work, partly paid for by about $47,000 trimmed from New Projects, print and other lines. Digital reaches our drive markets best; Seattle–Tacoma brings about 58% of visitor days.

3 4% media inflation +$20,606

Industry forecast is 3–4% a year; our Meta cost per click rose from $0.20 to $0.39 in August

4 Campaign Refresh (new) +$33,000

New year-round creative for our top-performing brand campaign, built largely from our existing photo and video library

Total increase +$154,825

Budget by line

Category	2026	2027	Change	2028
Internet – Web	140,000	**202,500**	+62,500	211,000
Internet – Social Media	130,000	**167,500**	+37,500	174,500
Media Production / Creative	115,000	**137,500**	+22,500	143,000
Website Maint. / Upgrades	60,000	**97,500**	+37,500	101,500
Out of Home	40,000	**47,500**	+7,500	49,500
Media Administration	60,000	**60,000**	—	62,500
Map Production	30,000	**40,000**	+10,000	42,000
Promotions	33,000	**40,000**	+7,000	42,000
Travel Guides	50,000	**45,000**	-5,000	47,000
Magazines	20,000	**17,500**	-2,500	18,500
Map Distribution	25,000	**22,500**	-2,500	23,500
New Projects	70,000	**25,000**	-45,000	26,000
Travel Writer / FAM Tours	11,675	**10,000**	-1,675	10,500
Video Camera Line	11,000	**5,000**	-6,000	5,500
Campaign Refresh NEW	—	**33,000**	+33,000	34,500
Total	**$795,675**	**$950,500**	**+$154,825**	**$991,500**

Print, maps and New Projects are held flat or trimmed to make room for digital, where cuts lose reach fastest. Contests are removed for 2027. 2028 = each 2027 line + 4% for inflation.

Leavenworth
WASHINGTON

PRELIMINARY EDITION

The complete report will follow once 2026 data is fully collected.
Additional information may be added as we complete our strategic planning.






2027 Destination Marketing Plan

LEAVENWORTH AREA PROMOTIONS · DRAFT FOR COMMITTEE REVIEW

WHO WE ARE

Guiding tourism so it works for the whole community

MISSION

Leavenworth Area Promotions supports Leavenworth's continued success by guiding strategic tourism promotion and fostering a strong, sustainable visitor economy.

STRATEGY

Keep Leavenworth top of mind in the marketplace, strengthen soft seasons and reach midweek travelers.

2027 FOCUS

Grow overnight yield: longer stays and higher spending from the visitors who already love Leavenworth, not just more visitors.

THE COMMITTEE

Leavenworth Lodging Association
Jesse Boyd
Martin Szuster
Chris John

Leavenworth Chamber of Commerce
Rusty Gibbs
York Bauer
Gemma Fortier

City of Leavenworth
Anne Hessburg
Travis McMaster

Chamber of Commerce staff: Jessica Stoller and Troy Campbell. Staff carry out the work year-round with our agency partner. LAP is funded by a share of the hotel lodging tax.

IN THIS PLAN

03 What LAP does
04 How LAP is funded
05 Why tourism matters
06 2026 at a glance
07 Where we stand: a tough travel year
08 Storm and smoke: what they cost us
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10 Destination Smart principles
11 Strategic priorities
12 Markets and return on ad spend
13 Seasonal calendar and signature events
14 Paid campaign results
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20 The new leavenworth.org for 2027
21 2026 learnings, 2027 recommendations
22 Budget request, 2027–2028
23 Why digital: return, resilience, refresh

WHAT LAP DOES

LAP markets Leavenworth and helps visitors arrive prepared

LAP funds the destination's core marketing, PR and stewardship work. Every line in the budget serves one purpose: a visitor economy that supports local businesses and residents.

Brand & campaigns

- Holy Schnitzel tourism campaign
- Give a Schnitzel stewardship campaign
- Print, digital, broadcast and out-of-home
- Seasonal and shoulder-season campaigns
- Midweek promotions

Digital & web

- Leavenworth.org management
- Destination social media channels
- Email marketing and e-newsletters
- Blogs, FAQs and evergreen content
- AI discovery and organic search

PR & media

- Editorial outreach and earned media
- Travel writer and influencer hosting
- Press releases and media resources
- Media inquiry response
- Travel shows and broadcast features

Content & production

- Photography and video production
- Content library development
- Promotional and PSA video
- Commercial film support
- B-roll library for media use

WHY LAP'S EFFORTS MATTER

01

Drives overnight visitation and local spending

Marketing investment turns into visitors making the trip and spending at local businesses: lodging, dining, retail and recreation.

02

Supports local businesses and jobs

A healthy visitor economy sustains jobs and revenue for businesses that depend on tourism, directly and indirectly.

03

Enhances the visitor experience

From stewardship messaging to accurate trip-planning content, LAP shapes what visitors expect and experience when they arrive.

04

Strives for sustainable tourism growth

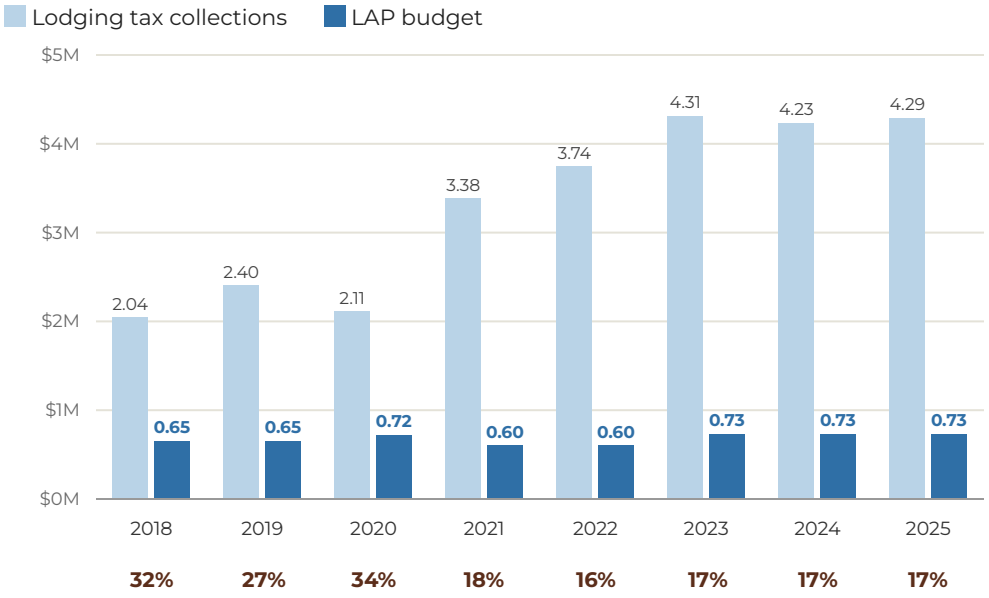
Strategic marketing aims to reach the right visitors at the right times, working to protect quality of life for residents and guests alike.

HOW LAP IS FUNDED

Lodging tax has more than doubled since 2018, while LAP's budget has held steady

LAP receives a portion of the hotel lodging tax collected in city limits, approved by City Council every two years. From 2018 to 2025, collections grew 110% and the LAP budget grew 12%.

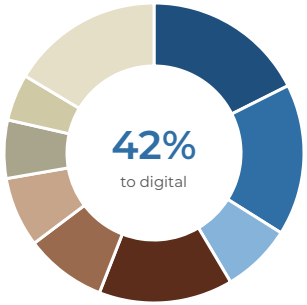
LAP BUDGET VS. LODGING TAX COLLECTIONS ($M)



LAP budget as a share of collections: 32% in 2018, 17% in 2025.

HOW THE 2026 BUDGET IS ALLOCATED

$795,675 across media and program categories



Internet – web	18%
Internet – social media	16%
Website maintenance	8%
Media production	14%
New projects	9%
Media administration	8%
Travel guides	6%
Out of home ads	5%
Other categories	16%

WHY INTERNET AND SOCIAL ARE THE LARGEST SHARE

We can track it.
Every digital dollar reports back: who saw the ad, who clicked and, through Datafy, who actually came and what they spent.

We can change it fast.
When a storm, closure or smoke hits, we swap the message in hours and shift dollars to what is working. Print takes months.

We can add to it quickly.
When an opportunity opens, like the Maifest streaming TV buy, we can launch within days.

WHAT'S IN "OTHER CATEGORIES" (16%)

Promotions ($33,000), map production ($30,000), map distribution ($25,000), magazines ($20,000), travel writer and FAM tours ($11,675) and the video camera line ($11,000). Together, $130,675.

WHY TOURISM MATTERS

Tourism supports two of every three jobs in Leavenworth

Chelan County's Tourism Impact Assessment, released in February 2026, shows Leavenworth carries more of the county's visitor economy than any other community.

65%
of Leavenworth's workforce is supported by tourism, the highest in the county

$350M
in business sales generated by tourism in Leavenworth

2,310
jobs and $91M in labor income in Leavenworth

74%
of the city's sales tax comes from tourism, 12% of all city revenue

LEAVENWORTH'S SHARE OF THE COUNTY

Tourism economic impact **35%**

Lodging tax collected **38%**

Countywide, visitors spent $675.5M, supporting 6,700 jobs and $71M in state and local taxes. 85% of residents surveyed agree tourism directly supports local businesses.

WHAT IT MEANS FOR THIS PLAN

Tourism funds city services and local jobs, so protecting overnight stays protects the community. The study also heard resident concerns about crowding, costs and wages, which is why Destination Smart guides how we market: longer stays and quieter periods over bigger crowds.

WHAT EVENTS AND VISITORS BRING

Signature events and longer stays drive spending across the village.

$16M
direct economic impact of Oktoberfest's three weekends

33,316
Christmastown at the Festhalle visitors

$136
average daily spend per trip; 2.4-day average stay for visitors from 50+ miles



2026 AT A GLANCE

Travelers cut back in 2026, but our marketing still delivered

Gas, airfare and smoke kept people closer to home, and trips fell 13%. Our ads still beat every industry benchmark and drove $11.2M in visitor spending.

$11.2M
visitor spending driven by our ads, Jan–Sep 2026: $5.93M in lodging and $5.3M in town.

$5.05M
earned media value, Jan–Sep 2026, with 77.5% positive coverage.

26.7M
organic social views in the past 12 months across Facebook, Instagram, YouTube and TikTok.

$63 : $1
Spring 2026 return on ad spend, with website traffic held flat on 10.7% less budget.

22,864
trips driven by our ads, Jan–Sep 2026. Ad-driven overnight guests stayed 2.8 days.

2.4×
more likely to visit Leavenworth after seeing our ads, measured against a control group in 2026.

NEW IN 2026

Talkin' Schnitzel, the official Visit Leavenworth podcast: 6 episodes since June.

YouTube Shorts launched in June: 42.4K views in four months.

In-town guide at today.leavenworth.org: 5,355 visitors in its first 30 days.

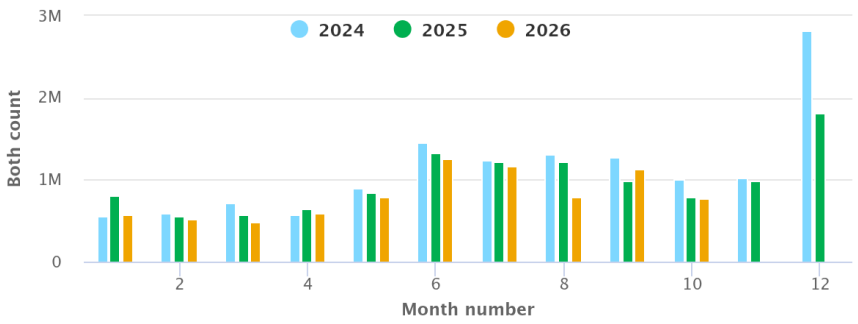
A tough year to travel: fewer trips, but visitors stay longer

Gas hit a state record, airfare kept travelers on the ground, and storms and smoke hit our two busiest months. Trips are down, lodging tax is down 2.5% so far, but the visitors who come are staying longer.

MEASURE	LATEST	CHANGE
Hotel/motel tax, 2025 full year	**$4.29M**	+1.5% vs 2024
Hotel/motel tax, 2026 receipts thru Sep	**$3.02M**	−2.5% vs $3.10M
Retail sales tax, 2026 receipts thru Sep	**$2.14M**	−7.0% vs $2.30M
All visitors: trips, 2026 thru Sep 13	—	−13%
All visitors: visitor days	—	−2%
All visitors: average stay	**2.9 days**	+0.3 day
Overnight guests: trips	—	−15%
Overnight guests: visitor days	—	+2.3%
Overnight guests: average stay	**3.4 days**	+0.6 day
Downtown foot traffic, August	—	**−35%**

City receipts lag activity by two months: September receipts cover July stays.

DOWNTOWN FOOTFALL BY MONTH, 2024–2026



Monthly downtown foot traffic counts. August 2026 fell about 35% from 2025 in the smoke; December 2025 fell about a third from 2024 after the storm.

THE CHALLENGES THIS YEAR

$5.67

Record gas. Washington's average hit a state record in May, up $1.41 (33%) from 2025. 40% of travelers say gas prices greatly affect their plans, up from 21% in March.

51%

Airfare keeps people grounded. Half of Americans say rising airfares make them hesitant to fly. 32% cite airfare as a barrier to travel.

89%

Flying feels unreliable. Nearly nine in ten flyers are bracing for a delay or cancellation. This is why we cut flight markets to Phoenix only.

41%

Fewer, shorter trips. Travelers are cutting the number of trips they take, and 47.5% expect a recession. They choose drives closer to home.

Canada pulled back. Canadian and international visitors continue to decline across the region.

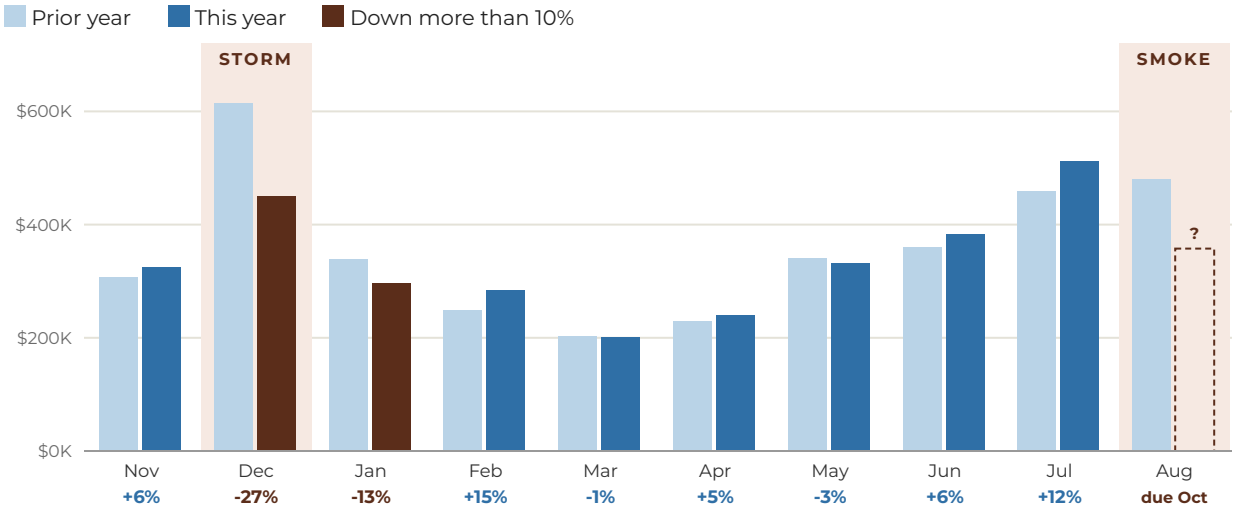
AI answers replace clicks. Organic search traffic to leavenworth.org fell 16% in 2026.

Storm and smoke. A December atmospheric river closed US 2 on peak weekends, and August wildfire smoke emptied the village. SEE P. 08

Our two biggest months took the two biggest hits

December is Leavenworth's busiest month and August normally its second busiest. This year a winter storm hit one and wildfire smoke hit the other, through no fault of the destination. July lodging tax was up 12% before the smoke arrived.

LODGING TAX BY MONTH OF STAY, 2025–26 VS. PRIOR YEAR ($K)



Hotel/motel tax shown by month of stay (receipts arrive two months later). August stays arrive with October receipts. **[Add August when available.]**

–27%

December lodging tax after the storm: $164,000 less than December 2024 in a single month. Retail sales tax fell 21%.

–35%

August foot traffic in the smoke. On the worst weekdays, foot traffic was down 50–60%.

$12 : $1

August campaign return in the smoke, down from $150 : $1 over the summer. Clicks to book fell 32%.

WHAT HAPPENED

Dec 10–11, 2025
Atmospheric river: flooding, power and cell outages; county declares emergency.

Dec 2025
US 2 closed Coles Corner through Tumwater Canyon on Christmastown weekends.

Feb 10, 2026
US 2 Tumwater Canyon fully reopens after washout.

Jul 15–31
Little Giant Fire starts by lightning; Level 3 evacuations in Chelan County.

Aug 4–7
Smoke tops the air quality index; ash falls; river outfitters and shops close.

Labor Day + Oktoberfest
Labor Day matched 2024; some hotels full all three Oktoberfest weekends.

Bad headlines travel fast, so we chase them down

"Even on clear days here, statewide smoke and fire headlines make people second-guess their trip." — Jessica Stoller, Leavenworth Chamber

WHAT TRAVELERS READ THIS YEAR

THE LEAVENWORTH ECHO · DEC 11, 2025

Flooding, wind damage batter western Chelan County, State of Emergency declared

Power, cell service and downtown businesses out; US 2 closed.

FOX 13 SEATTLE · AUG 4, 2026

Leavenworth, WA air quality: 1 hour outside equals smoking 6 cigarettes

Based on an online calculator, not a medical study, the story notes.

FOX 13 SEATTLE · AUG 7, 2026

Wildfire smoke chokes Chelan County, WA as tourism plunges

Foot traffic “down 50 to 60%” early in the week, then “back to normal.”

THE WENATCHEE WORLD · AUG 10, 2026

Smoke clouds summer tourism in Chelan, Leavenworth

Chamber: businesses added indoor options and rebooking.

FOX 13 SEATTLE · FEB 10, 2026

US 2 Tumwater Canyon fully reopens after washout

The good-news follow-up we work to get in front of travelers.

THE SEATTLE TIMES · SEP 24, 2026

After dealing with wildfires, Washington state tourist spots hope for a good fall

Credits Leavenworth's real-time travel and air quality updates and live webcams.

Headlines shown as published. Brown edge: coverage we had to answer. Blue edge: recovery coverage.
[Add other headlines we corrected, with before/after.]

COVERAGE SENTIMENT, JAN–SEP 2026 · 864 STORIES



HOW WE RESPOND

1. **Monitor the same day.** Media alerts and social listening flag every story naming Leavenworth.
2. **Correct the record.** We contact reporters and editors when a headline outruns the facts: which roads are open, which businesses are open, what the air is like right now.
3. **Show, don't tell.** Live webcams, air quality and road updates on the travel advisories page let visitors see for themselves.
4. **Push the recovery story.** Reopenings, clear-sky days and events go to media, creators and paid social the moment conditions turn.

THE RESULT

486+ fire and closure stories ran in July and August alone. Even so, **77.5% of 864 stories were positive** and 9.1% negative, worth $5.05M in earned media. P. 16

Five pillars keep tourism in balance. LAP leads two of them.

Destination Smart balances the needs of industry and residents so tourism stays healthy for our city, region, economy and environment. LAP's work sits in Visitor Flow Management and Communication & Monitoring.

Funding It Forward

Lodging-tax-funded events build in fundraising and community benefit.

Destination Development

Infrastructure, workforce and projects that serve visitors and residents.

Visitor Flow Management

Spread visitors across days, seasons and places; help them park and get around.

LAP PILLAR

Communication & Monitoring

Use visitor data to decide; inform visitors through PR, PSAs and social.

LAP PILLAR

Climate & Resiliency

Travel advisories, zero-waste goals, live cameras and wildfire readiness.

HOW LAP MANAGES VISITOR FLOW

Village maps and guides show where to park and how to get around. The in-town guide at today.leavenworth.org puts what's on, maps and live webcams on visitors' phones. Midweek, shoulder-night and soft-season campaigns spread demand away from peak weekends.

HOW LAP COMMUNICATES AND MONITORS

Datafy, footfall counters and lodging tax data guide where and when we market. PR on events, Give a Schnitzel messaging and real-time social posts keep visitors informed before and during their trip, and in a crisis (page 09).

HOW WE MEASURE: WE ACT WHEN SEVERAL SOURCES POINT THE SAME WAY

Key results
Did we move the needle? Lodging tax, trips, length of stay, overnight share, economic impact and return on ad spend. City tax data and Datafy; monthly and by season.

Campaigns
Is creative and targeting working? Impressions, click rates, cost per click, website users, clicks to book and visitor spending by campaign. Monthly agency reports and seasonal recaps.

Visitation
Who showed up, from where? Origin markets, demographics, event visitor days and ad-aware trips. Datafy and downtown footfall counters.

Earned and owned
Are we visible beyond paid ads? Earned media value and sentiment, social followers and views, podcast plays, webcam views and in-town guide use. Muck Rack, Meta, YouTube, Hootsuite, Google Analytics.

Context comes before conclusions: before judging a campaign, we check weather, road closures, smoke, regional events and the economy.

STRATEGIC PRIORITIES

Six priorities for 2027

01

Show up in AI search

Rewrite core content for conversational search, add structured data and FAQs, and optimize for Google AI, ChatGPT and Perplexity. The new website is built for this.

02

Grow shoulder nights at events

Promote Thursday arrivals and Sunday stays for Oktoberfest and Maifest, with packages and market-specific messaging.

03

Rebuild organic reach

Evergreen keyword content plus short-form video (YouTube Shorts, TikTok) and the Talkin' Schnitzel podcast.

04

Strengthen Portland

A high-value market where we want more overnight stays. Tailored spring and Maifest messaging, influencer partnerships and retargeting.

05

Maximize January–February

Use the Village of Lights to grow winter trips: post-holiday lights, romance, snow play and midweek stays.

06

Focus flights on Phoenix

Airfare and reliability worries (page 07) led us to cut flight markets to Phoenix, whose ad-driven visitors stayed 5.9 days this summer. In 2027 we go deeper there.

HOLY SCHNITZEL · YEAR-ROUND · REFRESHED FOR 2027

Branded, content-forward digital ads and retargeting to drive awareness, intent and bookings. New creative in 2027 (page 23). Drive markets: all of Washington, Portland, Boise. Flight market: Phoenix.

GIVE A SCHNITZEL · MAY–OCT AND DEC

Respectful-visitor messaging in town and in close-in drive markets: river safety, parking etiquette, wildfire awareness and winter travel safety.

HOW WE KNOW IT'S WORKING

Each priority has its own measure, tracked monthly through agency reports, Datafy and city tax data.

01 AI-referred visits and AI answer rank

02 Thursday and Sunday festival room nights

03 Organic views, followers, podcast plays

04 Portland share of overnight trips (6%)

05 Jan–Feb midweek lodging demand

06 Phoenix trips, stay length and return on ad spend

Seattle fills the rooms and returns the most per dollar

MARKET	ROLE	VISITOR DAYS	SPENDING	OVERNIGHT TRIPS	AD SPEND	VISITOR SPENDING	RETURN ON AD SPEND
Seattle-Tacoma	Primary drive	56%	52%	60%	$21,761	**$7,274,003**	**333×**
Spokane	Drive, high spend	7.1%	21%	7.6%	$4,162	**$1,172,540**	**281×**
Yakima-Tri-Cities	Drive	4.5%	4.7%	5.2%	$2,526	**$586,134**	**231×**
Portland	Co-primary	4.4%	5%	6%	$25,851	**$823,663**	**31×**
Boise	Drive	—	—	—	$5,062	**$106,930**	**20×**
Phoenix	Flight market	0.9%	—	0.9%	$14,480	**$161,095**	**10×**
All programmatic					**$73,842**	**$10,124,365**	**137×**

Shares of all visitors, Jan 1 – Sep 13, 2026; ad results, Jan 1 – Sep 19, 2026. "—" = not among the top six markets. Visitors who saw our ads skew older and more affluent: 63% are 45+ and 45% have household incomes of $100K+.

Geolocation Data Collection

How we know who saw our ads and then came

1. **The ad is served to a phone.** Each programmatic ad goes to a device's anonymous advertising ID, never a name.
2. **The phone shows up here.** Datafy uses opt-in, anonymized location data from 150M+ phones a month (shared through apps users allow). When a phone that saw our ad later appears in Leavenworth's lodging areas or downtown, that is an ad-driven trip.
3. **Days and nights become dollars.** Visitor days and room nights are matched to spending data to estimate lodging and in-town spending.
4. **A control group proves the lift.** Similar phones that didn't see the ads visit 2.4× less often.

RETURN BY CAMPAIGN, 2026

Holy Schnitzel programmatic, Jan–Sep — **137×**
$73,842 in ads → $10.1M visitor spending

Spring 2026 — **$63 : $1**
Website traffic held flat on 10.7% less budget

Summer, May 1–Jul 31 — **$150 : $1**
$2.1M impact: $1.17M in town + $930K lodging. $84 : $1 town, $66.50 : $1 lodging

August, in the smoke — **$12 : $1**
$56,489 impact: $41,684 in town + $14,805 lodging

Maifest streaming TV (new) — **1,500+ visits**
186,995 Seattle households reached; 98.84% watched to the end

Give a Schnitzel (stewardship) — **reach**
618,931 impressions, 165,913 people; 0.61% click rate

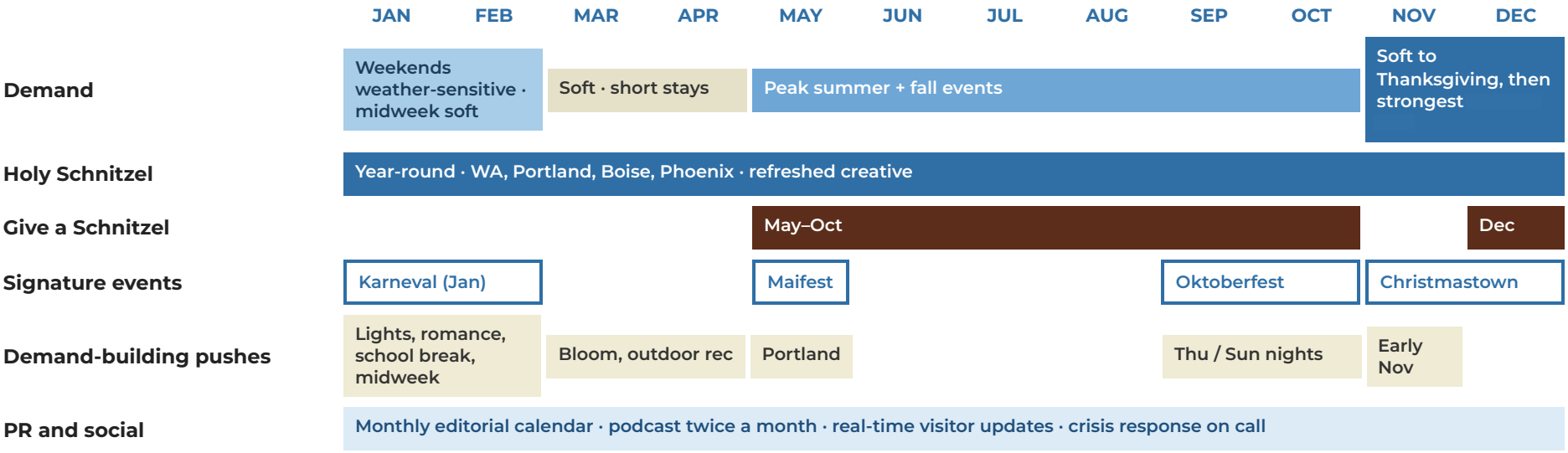
Returns use programmatic spend, the one channel tied to trips. Maifest CTV reports visits, not a dollar return. **[Oktoberfest and winter returns to come.]**

5.9 days

average stay for ad-driven Phoenix visitors this summer, more than double Seattle's 2.2 days. Our long-stay flight market.

SEASONAL CALENDAR

Christmastown weekends fill themselves; the rest of the year we build demand on purpose



Weather-proof winter. Make events, not the snow forecast, the reason to book. Keep the e-commerce Marketplace ready for Hwy 2 closures.

Lift May and June. Strengthen May's umbrella message across all its events; June shows strong room to grow.

Spread the peaks. Midweek and shoulder-night offers move visitors off the busiest weekends, which also eases parking and crowding.

HOW SIGNATURE EVENTS DRIVE TOURISM

Winter Karneval
JANUARY

18,974 visitor days in January, averaging 1.7 days. **[To come: lodging impact.]**

Maifest
MAY

Streaming TV ads reached 186,995 Seattle households; 1,500+ attributed visits.

Oktoberfest
OCTOBER

$16M direct economic impact over three weekends (hotel stays, food and drink, retail; excludes tickets).

Christmastown
DECEMBER

Our strongest stretch of the year. 33,316 Christmastown at the Festhalle visitors. **[To come: lodging impact.]**

Our 2026 ads drove 22,864 trips and $5.93M in lodging impact

$5.93M
lodging impact. Ad-driven overnight guests stayed 2.8 days on average.

22,864
ad-driven trips, up 12% on 2025, and 56,818 visitor days (+48%), with $5.3M in destination spending.

2.4×
more likely to visit when people saw our ads, measured against a control group.

$3M
incremental impact: 13,094 trips that would not have happened without the ads.

New this year: spending data. Until 2026 we could count clicks and visits. Datafy now adds spending data, so we can calculate what ad-driven visitors actually spent on lodging and in town, and the return on each campaign (page 12).

CHANNEL, 2026	IMPRESSIONS	CLICKS	CTR	CPC	INDUSTRY BENCHMARK AND NOTES
Google Search	390,260	59,020	15.12%	$0.39	CTR 7–10%, CPC $1.00–2.50. CPC down to $0.18 by September
Meta (Facebook, Instagram)	9,205,000	154,317	1.68%	$0.35	CTR 1.0–1.8%, CPC $0.45–0.80
Datafy programmatic	3,821,256	12,087	0.36%	—	Display 0.12–0.18%; native 0.23% vs 0.15–0.25%
Give a Schnitzel (Datafy)	618,931	3,772	0.61%	—	Display 0.12–0.18%; 165,913 people reached
Bing Search	1,324,013	23,965	1.81%	$0.34	CTR 4–6%, CPC $0.75–1.50. Paused in Sept; budget moved to Google
CTV · Maifest (new)	506,640	—	98.84% VCR	—	186,995 Seattle households reached; 1,500+ attributed visits

Jan 1 – Sep 30, 2026; Bing and CTV through Oct 31. VCR = video completion rate.

WHAT WORKED

- Every channel beat its industry benchmark; Google's click rate was double the top of its range.
- Fewer markets, more depth: Spring returned $63 per $1 on 10.7% less budget.
- Longer stays: ad-driven room nights rose 18% even as overnight trips fell 14%.
- Maifest streaming TV: 98.84% watched to the end, 1,500+ visits.
- Website traffic held flat (−1.2%): paid search +346%, direct +29% and Datafy +74% offset the organic drop.

WHAT DIDN'T

- Organic search fell 16%, a loss of 68,728 users, as AI answers replaced clicks.
- Bing's cost per click kept climbing as engagement fell; we paused it in September.
- Paid Facebook views fell 12% because Meta raised its prices: the cost per thousand views climbed, so the same budget bought fewer views. Cost per click doubled ($0.20 to $0.39 in August).
- Book Direct clicks from organic and direct traffic fell 26.5%; the booking tool needs review.

OUR 2026 CREATIVE

Holy Schnitzel draws people in; Give a Schnitzel asks them to visit with care





META · HOLY SCHNITZEL

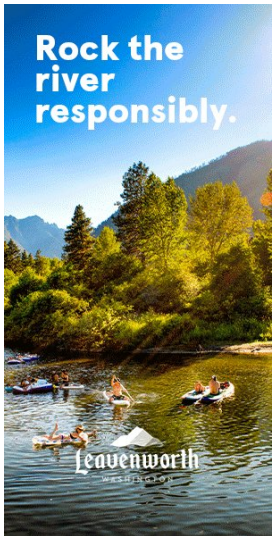
9.2M impressions and 154,317 clicks, Jan–Sep 2026. Cost per click of $0.35 beat the $0.45–0.80 benchmark. Also carried the online Marketplace during flooding and closures.

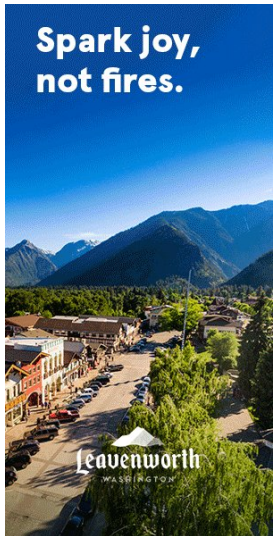




DATAFY DISPLAY · HOLY SCHNITZEL

3.8M impressions, Jan–Sep 2026. Display click rate of 0.36% is double the top of the 0.12–0.18% benchmark.





GIVE A SCHNITZEL · STEWARDSHIP

618,931 impressions reaching 165,913 people. A 0.61% click rate on water safety, fire safety and trail etiquette.

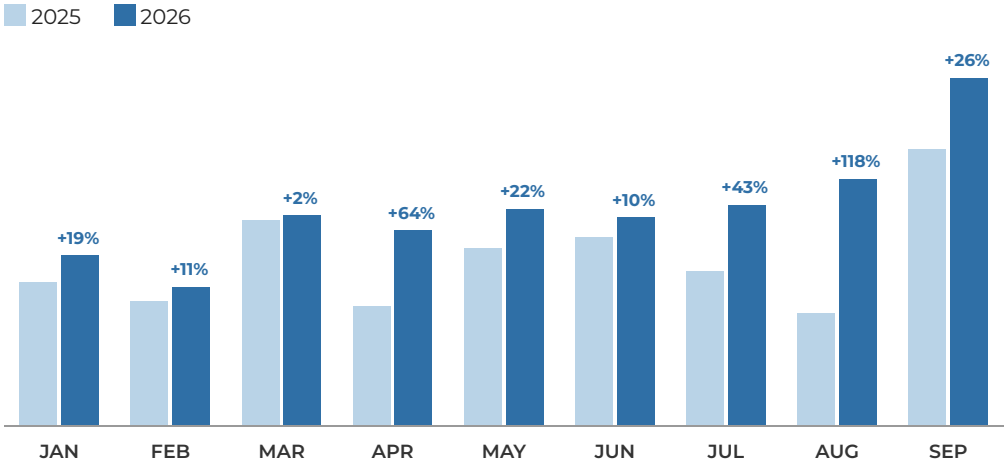


NEW IN 2026 · MAIFEST CONNECTED TV

Streaming TV ads ran across the Seattle market before and during Maifest. They reached 186,995 households, 98.84% of viewers watched to the end, and more than 1,500 visits to Leavenworth were attributed to the campaign.

Press coverage is worth $5.05M so far in 2026, up 30%

Earned media value by month, 2025 vs 2026 ($K)



Every month beat 2025: $5.05M vs $3.89M, Jan–Sep. August more than doubled (+118%) despite the smoke. Coverage sentiment, Jan–Sep: 77.5% positive, 13.2% neutral, 9.1% negative across 864 stories. Values count only neutral or positive coverage. Storm and smoke coverage: page 09.

NOTABLE 2026 COVERAGE

Washington Post · 10 European-inspired U.S. cities

Travel + Leisure · 10 best U.S. mountain towns to live in

USA Today · 5 U.S. destinations that feel like Europe

Forbes · Best "European dupes" for a fall getaway

Fox Sports · World Cup homecoming for Germany

KING-5 · Hallmark "Merriest Christmas Town" nominee

WorldAtlas · The friendliest small town in the U.S.

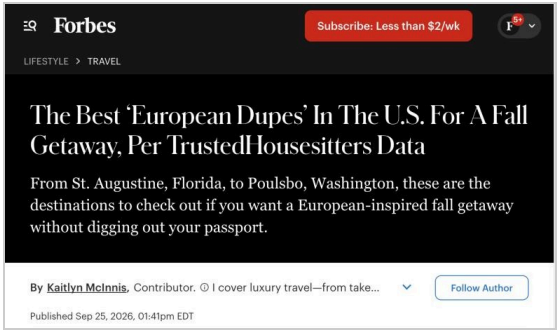
Country Living · Hallmark's 25 "Merriest Christmas Town" finalists

NCW News · Tops national list of trending Thanksgiving destinations

Condé Nast Traveler · Holiday towns that channel a European Christmas



TRAVEL + LEISURE · JUL 27, 2026



FORBES · SEP 25, 2026



FOX SPORTS · JUN 14, 2026

PAID AND UNPAID MEDIA COVERAGE

UNPAID MEDIA

$5.05M

total value, Jan–Sep 2026, across 864 stories (Muck Rack)

PAID MEDIA

$40,289

value confirmed so far from hosted press and influencer visits, Sept–Oct 2026

PAID MEDIA RETURN

- **Cost:** under $7,800 in collaboration fees and travel, plus gift cards and in-kind.
- **About 50:1** confirmed on one hosted press trip: $40,289 in value (911K and 86M audiences) for under $800 in travel.
- **189,000 reel views** so far from influencer partners. Final reports due Nov.–Dec., with ROI expected at 10:1 to 15:1+.
- One more travel story is due in early 2027.

26.7 million organic views, with fast growth on short video

PLATFORM	FOLLOWERS	ORGANIC VIEWS	PAID VIEWS	HIGHLIGHT
Facebook	192.6K	17.1M	9.8M	Organic views +26%
Instagram	69K	3.8M	2.4M	Link clicks +32%; 15.1K new followers
YouTube	66,758	5.6M	—	487K watch hours; Shorts launched
TikTok	2,256	156.8K	—	Followers doubled
Total	**~331K**	**~26.7M**	**12.2M**	

TOP MOMENT OF 2026

June 14

The FOX Sports World Cup broadcast from Leavenworth was our top post on Instagram (96,154 views, 2,980 shares) and TikTok, and drew 233,760 views on Facebook.

FACEBOOK ENGAGEMENT

Link clicks 231.5K (+36%)
Page visits 223.1K (+36%)
Interactions 283.9K (+23%)
New follows 18.1K (+56%)

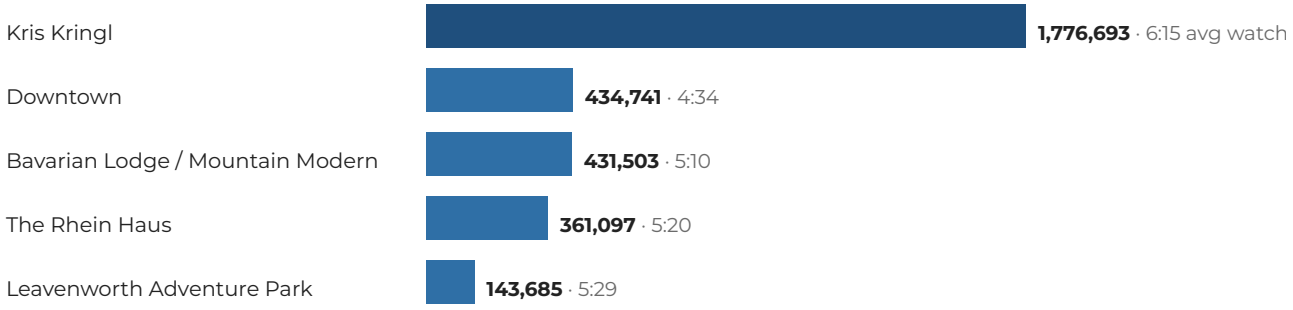
WHAT PEOPLE WATCHED

Autumn Leaf Festival post: 521K views. Plain and Lake Wenatchee: 372K. The World Cup broadcast topped Instagram and TikTok.

WATCH IN 2027

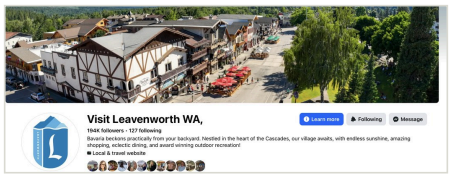
Organic Facebook views dipped in July and August, though still up 26% for the year. Instagram profile visits fell 24%. Paid Facebook ad views fell 12% as Meta prices rose. Reels and Shorts are where reach is growing.

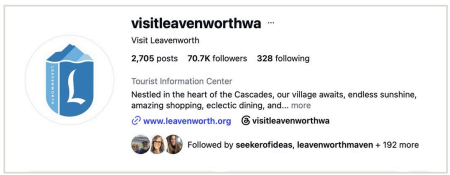
LIVE WEBCAM VIEWS ON YOUTUBE, 2026

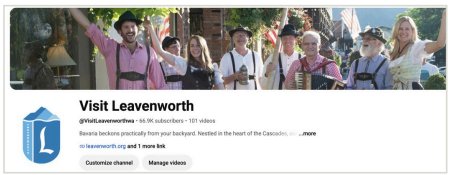


3.15M

webcam views, Jan 1 – Oct 8, 2026. Kris Kringl's cam alone drew 1.8M. In smoke and storms, webcams are our proof of blue skies and open streets.









NEW FOR 2026



The official podcast of Visit Leavenworth, hosted by Ann Peavy. Each episode digs into an event, a season, outdoor recreation or local history, giving future visitors a reason to plan and stay longer.

6
episodes since June 29

4,767
YouTube views, released twice a month

On the Visit Leavenworth YouTube channel and the major podcast apps.

Talkin' Schnitzel turns our stories into trip plans

RELEASED	EPISODE	LENGTH	YOUTUBE VIEWS	AVG. VIEW
Jun 29	Oktoberfest in Leavenworth 2026, Part 1	21 min	**1,924**	2:28
Jun 30	Oktoberfest in Leavenworth 2026, Part 2	14 min	**932**	1:55
Jul 21	The Bavarian Transformation	22 min	**571**	3:12
Aug 11	Leavenworth for Families	21 min	**210**	2:24
Sep 22	The Autumn Leaf Festival	18 min	**300**	1:40
Sep 30	Oktoberfest with Ernest Palmer	12 min	**830**	1:51
	Total		**4,767**	

OUR YOUTUBE CHANNEL

66,758 subscribers
5.6M views and 487K watch hours in the past year
Shorts launched in June: 42.4K views

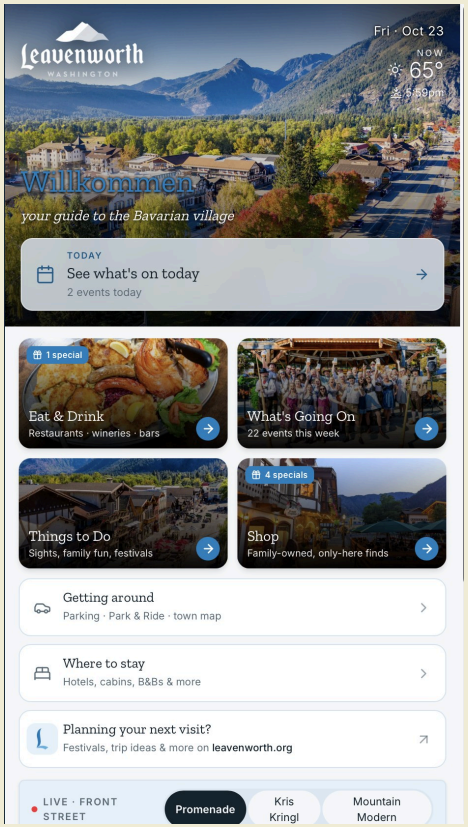
LIVE WEBCAMS

3.15M webcam views in 2026 keep viewers coming back to the channel, where podcast episodes are one click away. Chart: page 17.

What we learned: Oktoberfest episodes drew the most views (3,686 of 4,767). History held viewers longest: Ep. 3 averaged 3:12.

2027 PLAN

Time episodes ahead of each signature event and soft season. Cut every episode into Shorts and Reels, which drive our reach. Track plays per episode and podcast-driven subscribers.



NEW · SEPT 2026
TODAY.LEAVENWORTH.ORG
The in-town guide for visitors already here

DESTINATION SMART IN ACTION · FIRST 30 DAYS

5,355 visitors used the in-town guide to find their way during Oktoberfest

Our marketing brings people here; the in-town guide takes care of them once they arrive. It puts maps, schedules, webcams, what's on and where to eat in one place on their phone, so crowds spread out and visitors have a better day.

10,136
visits, 31,339 pages viewed

69%
of visits were engaged, not a bounce

22%
came back on another day

96%
used it on a phone

VISITOR FLOW MANAGEMENT

The six Oktoberfest Fridays and Saturdays brought 54% of page views. On the busiest day, Oct 10, 878 people checked it 1,513 times. 248 enlarged festival maps, 169 asked for directions and 740 checked the live webcams.

VALUE TO LOCAL BUSINESSES

The guide sent visitors to 210 businesses. 667 people opened a listing; they opened 378 menus and tapped 316 times to business websites. Top: München Haus, Adventure Park, Bären Haus, Reindeer Farm.

HOW PEOPLE FOUND IT

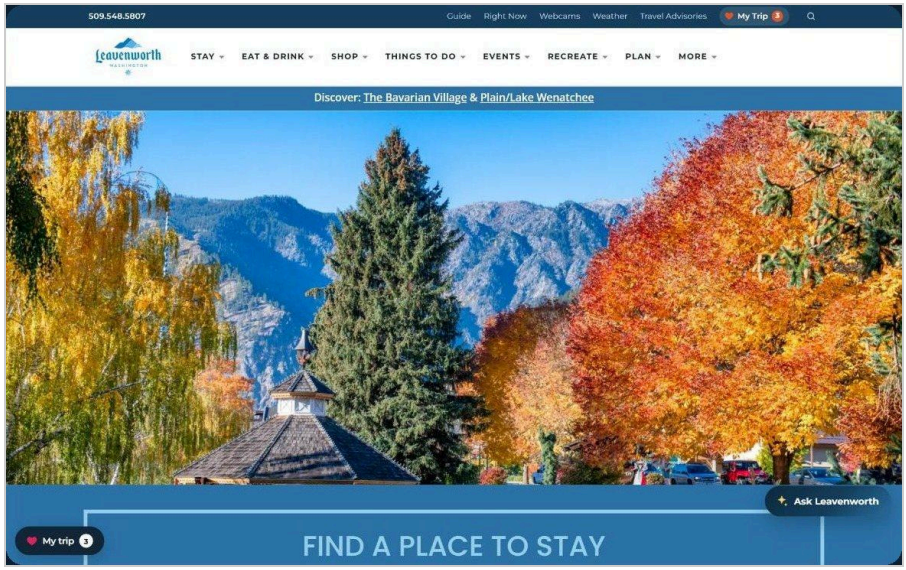
Oktoberfest page on leavenworth.org	**41%**
Direct: saved, bookmarked, QR, typed	**34%**
"In-town" switch on leavenworth.org	**23%**
Search, social and other sites	**<1%**

2027: PUT IT IN EVERY VISITOR'S POCKET

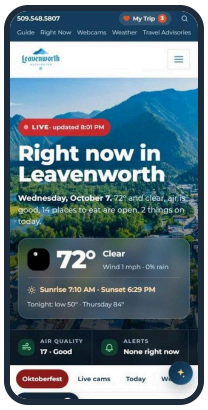
Link the guide from every event press release and real-time social post, put the code on printed maps and guides, and push it on busy days, closures and bad weather.

A new website that works harder for every goal in this plan

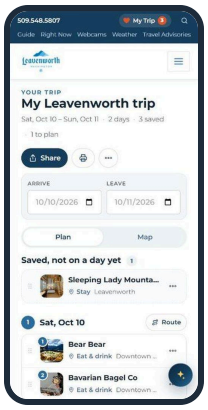
leavenworth.org is where our ads, press and social send people. The redesign is built for the phone in a visitor's hand: find it, save it, go.



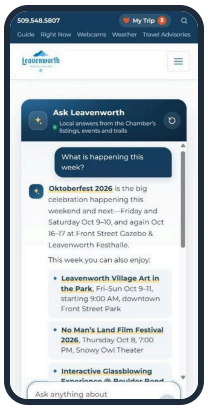
NEW HOME PAGE · DESKTOP



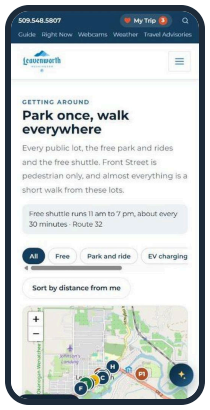
RIGHT NOW



MY TRIP



ASK LEAVENWORTH



GETTING AROUND

Launch Date: TBD

HOW IT HELPS US MEET OUR 2027 GOALS

01 **Show up in AI search**
Every hotel, restaurant, shop and festival is marked up for Google and AI assistants, and pages read cleanly without JavaScript. ChatGPT, Claude, Perplexity, Google and Bing are welcomed in.

02 **Grow shoulder nights**
An all-new calendar filters instantly (1.1 s down to 20 ms) with 292 venues mapped. My Trip turns saved events and places into a day-by-day plan, no account needed.

03 **Rebuild organic reach**
Already 2nd fastest of 20 leading U.S. destination sites; the speed work cuts load-blocking time on the new home page from 4.5 s to 0.45 s, which helps search ranking.

VF **Manage visitor flow**
Right Now puts weather, live cams, air quality, alerts, rivers, roads and what's open on one page. Getting Around shows 9 city lots, 2 park and rides and shuttle status.

$ **Send visitors to businesses**
199 photo-first places to stay, eat and shop, a booking button on every lodging page, member specials and a Marketplace of 199 products. 177,832 visitors sent to members in 2026 so far.

M **Measure what matters**
Every search is now tracked (the old site logged 3 in 90 days). Ask Leavenworth, a local guide that answers only from Chamber data, shows us what visitors want to know.

2026 LEARNINGS

What this year taught us

Organic search is fading, and bookings with it

AI answers pulled organic traffic down all year, and clicks to the Book Direct widget from organic and direct traffic fell 26.5%. A critical review of the booking tool is recommended, as Granicus isn't investing in it.

Google beat Bing

Bing costs rose month over month as engagement fell. Google Search became the more efficient driver of traffic.

Go deeper, not wider

With less budget, we focused on fewer markets. Extra dollars went into existing ones, Phoenix airport digital ads and the Seattle spring CTV buy, rather than new markets.

Bad news needs a fast, funded answer

Smoke headlines kept people away even on clear days. Paid creator collaborations and fast digital pivots proved valuable in crisis response and should be part of future recovery plans.

Digital is where we can prove it

With spending data, every digital campaign now reports a return. Print and out-of-home can't.

2027 RECOMMENDATIONS

Buy more of what works, and make Leavenworth the answer when travelers ask AI

+119%	90%+	84%
AI-driven visits to travel sites, year over year	of links cited in AI answers come from non-paid media	of travelers say AI improves trip planning

1 · Add digital buys where the return is proven

More search, social and programmatic in our drive markets: Seattle, Spokane and Yakima, our highest returns per dollar. Portland and Phoenix stay on long-stay travelers; no new markets. About $105,000 more in digital (page 22).

2 · Refresh Holy Schnitzel

New year-round creative, built largely from our library, cut for Reels and Shorts and tailored to Portland and Phoenix (page 23).

3 · Track and grow AI discoverability

Track how Leavenworth shows up in ChatGPT, Gemini and Google against competing destinations on key prompts, and adjust content to gain or hold ranking.

4 · Turn earned media into AI citations

AI tools cite press coverage, blogs and reviews. Work our earned media into site content so AI finds it.

5 · Test ChatGPT paid search

Ads offer the next step an AI answer can't. For "best Christmas lights in Washington": *Plan Your Christmas Weekend: itineraries, lighting schedule, parking tips and more.*

6 · Rebalance markets, don't add them

Balance Seattle, Portland and Phoenix for high-value travelers; keep Spokane, Yakima and Boise modest.

BUDGET REQUEST · 2027–2028

LAP requests $950,500 for 2027 and $991,500 for 2028

LINE ITEM	2026	2027	CHANGE	2028
Internet – web	$140,000	**$202,500**	+$62,500	$211,000
Internet – social media	$130,000	**$167,500**	+$37,500	$174,500
Media production – creative	$115,000	**$137,500**	+$22,500	$143,000
Website maintenance and upgrades	$60,000	**$97,500**	+$37,500	$75,000
Out of home	$40,000	**$47,500**	+$7,500	$49,500
Media administration	$60,000	**$60,000**	—	$62,500
Map production	$30,000	**$40,000**	+$10,000	$42,000
Promotions	$33,000	**$40,000**	+$7,000	$42,000
Travel guides	$50,000	**$45,000**	−$5,000	$47,000
Magazines	$20,000	**$17,500**	−$2,500	$18,500
Map distribution	$25,000	**$22,500**	−$2,500	$23,500
New projects	$70,000	**$25,000**	−$45,000	$52,500
Travel writer and FAM tours	$11,675	**$10,000**	−$1,675	$10,500
Video camera line	$11,000	**$5,000**	−$6,000	$5,500
Campaign refresh **(new)**	—	**$33,000**	+$33,000	$34,500
Total	**$795,675**	**$950,500**	**+$154,825**	**$991,500**

Blue rows are digital. Print, maps and New Projects are held flat or trimmed to make room for digital. Contests are removed for 2027. 2028 adds 4% media inflation to each 2027 line, rounded up to the nearest $500, except website maintenance, which drops to $75,000 once the new site is built; the $26,500 difference moves to New projects.

2027 REQUEST
$950,500
+$154,825 (19.5%) over 2026

2028 REQUEST
$991,500
4% media inflation; website savings moved to New projects

WHY WE NEED THE EXTRA $154,825

- **To stand still: new sales tax.** Washington's new 10% tax on advertising and web services. Without it, the same ads buy 10% less. **$58,621**
- **To grow: more digital.** About $105,000 more in search, social and web, partly funded by $62,675 in print and project trims. Our best return. **$42,598**
- **To stay fresh: Holy Schnitzel refresh.** New year-round creative, built largely from our existing library. **$33,000**
- **To keep pace: 4% media inflation.** Meta cost per click rose from $0.20 to $0.39 in August. **$20,606**

BUDGET CYCLE

Two-year request to City Council in November 2026; Council vote in December.

WHY MORE DIGITAL?

Full case: page 23 →

14× ad-driven visitor spending ($11.2M) vs. LAP's full 2026 budget

137× return on programmatic ads: $73,842 in, $10.1M visitor spending

Hours to redirect search and social after a storm or smoke; print takes months

Digital is the spending we can prove, and the spending we can redirect when trouble hits

Of the $154,825 increase, $58,621 (38%) is Washington's new sales tax on advertising and web services, the cost of standing still. The new media dollars, $42,598, go to the channels that return the most and the only ones we can redirect within days.

IT PAYS FOR ITSELF

14×
$11.2M in visitor spending driven by our ads in nine months of 2026, against LAP's full-year budget of $795,675.

$3M
incremental impact: 13,094 trips that would not have happened without the ads, 3.8× the full budget.

$63 : $1
Spring 2026 return on ad spend, with website traffic held flat on 10.7% less budget.

2.4×
more likely to visit after seeing our ads, measured against a control group.

IT BEATS THE INDUSTRY, AND WE CAN SEE IT

CHANNEL, 2026	OURS	BENCHMARK
Google Search, cost per click	**$0.39**	$1.00–2.50
Google Search, click rate	**15.12%**	7–10%
Meta, cost per click	**$0.35**	$0.45–0.80
Programmatic display, click rate	**0.36%**	0.12–0.18%

Datafy ties ad exposure to real trips and spending, so each market's and campaign's return is reported (page 12).

MARKET RECOMMENDATION · GO DEEPER IN OUR DRIVE MARKETS

The increase goes deeper, not wider: more search, social and programmatic in Seattle, Spokane and Yakima, our highest returns per dollar. Portland and Phoenix stay focused on high-value, long-stay travelers; Boise holds steady; San Francisco and Los Angeles are reached only through past-visitor audiences. No new markets.

HOLY SCHNITZEL, REFRESHED FOR 2027

Holy Schnitzel works, and our ad results show it. But the same ads seen again and again lose their pull, and we are seeing early signs: Instagram profile visits fell 24% this year.

- **New year-round creative** built largely from our photo and video library, so most of the $33,000 goes to new ads, not new shoots.
- **Made for Reels and Shorts**, where our reach is growing.
- **Market versions** for Portland and Phoenix, our long-stay targets.
- **Seasonal swaps** for Maifest, Oktoberfest and winter lights.

How it makes a difference: fresh ads lift click rates and lower cost per click, so every digital dollar buys more trips. We will measure it against 2026: click rate, cost per click and Datafy lift vs 2.4×.

BUILT FOR BAD DAYS

The storm and smoke cost us visits (page 08). Digital is how LAP responds. Without headroom, a crisis response has to be paid for by pausing a campaign that is already working.

Search and social ads	**Hours**
Programmatic display, email, website	**Days**
Streaming TV	**1–2 weeks**
Printed guides, maps, magazines, billboards	**Months**


Leavenworth
WASHINGTON

City of Leavenworth

CHAPTER 14.12
OFF-STREET LOADING AND PARKING[1]

§ 14.12.010. Purpose.

It is the purpose of this chapter to assure an adequate number of off-street parking and loading stalls are provided within the city, and to provide adequate vehicular and pedestrian/bicycle ingress, egress, and loading facilities that will reduce on-street parking, increase traffic safety, maintain smooth traffic flow, and reduce the visual impact of parking lots. Further, it is the intent of this chapter to ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect public safety and, where appropriate, protect surrounding land uses from adverse impacts. It is further the intent of this chapter to right-size parking supply to meet actual demand, reduce development costs, support housing affordability, minimize impervious surfaces, and advance the City's multimodal transportation and sustainability goals, consistent with the Comprehensive Plan and RCW 36.70A.622.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.020. Applicability.

This chapter shall apply to all developments, land use activities and permit applications undertaken in compliance with this title and LMC Titles 15, 16, 17 and 18, as well as any applicable activities governed by the city shoreline master program.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.030. Compliance required.

The provision and maintenance of off-street parking and loading stalls are continuing obligations of the property owner. No development, land use, and/or building permit shall be issued until compliance with the provisions contained herein is reviewed and approved by the community development director. The subsequent occupancy and/or use of buildings, structures, and property for which a permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading stalls required by this chapter. Use of property in violation hereof shall be a violation of this chapter, subject to the enforcement provisions found in LMC Title 21.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.040. Change of use – Effect.

A. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

B. The addition of housing units in existing buildings is exempt from the requirement of additional parking.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

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Commented [TRT1]: This is for compliance with RCW 35A.21.440(2)(b) (about reducing barriers conversion of existing buildings to housing). The RCW can be directly referenced in the code, or if the City is adding code sections on use conversions to add housing, that chapter could eventually be cross referenced here.

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§ 14.12.045. Expansion of existing use – Effect.

A. Prior to occupancy of an expanded (enlarged) floor area, off-street vehicle parking shall be provided in accordance with LMC § 14.12.150 based on the expanded square footage.

B. The addition of housing units in existing buildings is exempt from the requirement of additional parking.

(Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

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Commented [TRT2]: This is for compliance with RCW 35A.21.440(2)(b) (about reducing barriers conversion of existing buildings to housing). The RCW can be directly referenced in the code, or if the City is adding code sections on use conversions to add housing, that chapter could eventually be cross referenced here.

§ 14.12.050. Requirements for other uses – Authority.

Off-street parking and loading requirements for types of buildings and uses not specifically listed in this chapter shall be determined by the community development director in consultation with the public works director, based upon the requirements of comparable uses listed in this chapter or may be adjusted based upon a professional traffic impact study supplied to and accepted by the city.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.060. Requirements – Where more than one use.

In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the various land uses computed separately. Off-street parking and loading facilities for one use shall not be considered as providing required facilities for any other use.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.070. ~~Joint use permitted when~~Shared parking reductions.

~~Owners of two or more uses, structures or parcels of land may agree to use jointly the same parking and loading stalls where the hours of operation do not overlap, provided substantial proof is presented to the city in the form of a written agreement pertaining to the cooperative use of the parking facilities for the life of the related uses.~~

A. Purpose. This section enables parking reductions for mixed-use developments, recognizing that different uses peak at different times.

B. Standard Reduction. Owners of two or more land uses, structures, or parcels of land and/or any development with two (2) or more land uses may reduce total required parking by up to twenty-five percent (25%) without further study, provided:

1. Uses have demonstrably different peak parking periods;

2. A shared parking agreement is recorded;

3. The shared area is within three hundred (300) feet of residential uses and 500 feet of commercial uses served;

4. The Community Development Director, working in coordination with the Public Works Director, approves the arrangement.

C. Shared Parking Study. A reduction greater than twenty-five percent (25%) may be approved upon submittal of a Shared Parking Study by a qualified professional using ULI Shared Parking

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Manual methodology. The study shall identify peak demands, apply time-of-day and seasonal adjustment factors, and demonstrate no spillover to adjacent properties.

D. Shared Parking Agreement. Any approved reduction requires a recorded agreement in a form approved by the City Attorney. If the arrangement terminates, parking shall be brought into compliance prior to termination.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.080. Plan required.

A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany a request for a building or other parking permit(s). Such plan shall be compliant with applicable development standards within this title.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.090. Off-street loading berths.

A. For each use for which a building is to be erected or structurally altered to the extent of increasing the floor area to equal the minimum floor area required to provide loading stalls, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, there shall be provided off-street loading stalls on the basis of minimum requirements in the table that follows. Uses with an average of one delivery truck a day or more (not including UPS, FedEx or similar delivery trucks) shall provide a berth area in compliance with other requirements of this chapter.

Industrial, manufacturing wholesale, warehouse, similar uses	
	1 berth for each 50,000 square feet or part thereof, after the first 100,000 square feet
Restaurants	
	1 berth for each 50,000 square feet or part thereof, after the first 100,000 square feet
Hospitals, convalescent/nursing homes and similar institutions	
	1 berth for each 50,000 square feet or part thereof, after the first 100,000 square feet
Department stores, retail and other commercial uses	
10,000 – 20,000 square feet	1 berth
20,001 – 50,000 square feet	2 berths, and 1 additional berth for each additional 50,000 square feet

B. Size. A loading berth shall contain space at least 10 feet wide, 50 feet long and have a height clearance of at least 14 feet.

C. Location.

1. Within the central commercial zoning district, where a structure and/or use 30,000 square feet or less in size is required to provide off-street loading and is adjacent to an existing alley, said alley may be used to fulfill the off-street loading berth.

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2. Berth areas, whether physically designated or not, shall meet the requirements/ intent of the fire code, shall not block parking, shall not impact traffic circulation in a negative manner, shall not impact adjacent properties in a negative manner, and shall not intrude into street rights-of-way.

3. The berth area is not required to be physically demarcated as a loading/ unloading only area and may be used for multiple purposes so long as the functionality of the berth as a loading/unloading area is maintained.

D. Modification. If a loading berth has been provided in connection with an existing use, the loading berth shall not be eliminated if elimination would result in less berth area than is required to adequately handle the needs of the particular use.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.100. Stacked parking.

Stacked parking areas must comply with all of the development standards in this chapter, except as superseded by this section.

A. Dimensions. Minimum stall width shall be eight and one-half feet and depth shall be 16 feet.

B. Enclosed. Stacked parking areas shall be located below ground level or enclosed within a structure. Additionally, stacked parking facilities may be located within a parking garage.

C. Layout. Parking layout requirements may be modified when the stacked parking area is fully automated or accessed only by attendants (employees). Stacked parking accessed without an attendant shall meet the layout requirements of LMC§ 14.12.170(D) and (E). All layouts shall be reviewed and approved for adequate fire access.

D. Striping. Stacked parking areas are not required to be striped.

E. Landscaping. Stacked parking areas located below ground level or enclosed within a structure are exempt from landscaping requirements. Stacked parking within a parking garage shall meet the landscaping requirements of LMC § 14.12.190(G).

(Formerly 14.12.115; Ord. 1590 § 1 (Exh. A), 2019; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.105. Off-street loading berth location.

Repealed by Ord. 1672.

(Ord. 1268 (Exh. D), 2005; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012)

§ 14.12.110. Off-street loading elimination prohibited when.

Repealed by Ord. 1672.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012)

§ 14.12.120. Off-street parking ~~required when~~Requirements.

~~In all districts, except the central commercial district, for each new structure or change of use which increases the structure or use in area 50 percent or more, there shall be provided and maintained off-street parking facilities in conformance with the provisions of this chapter; provided, however, that in the central commercial district, hotels, motels, bed and breakfasts, apartments and condominiums shall provide off-street parking on a ratio of one parking stall per guest room, suite or dwelling unit, as the case may be. Off-street parking requirements,~~

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~~as contained in this chapter, shall also be mandatory for any new development in the central commercial district that is greater than 10,000 square feet in size.~~

A. General requirement: In all zoning districts, off-street parking shall be provided and maintained in accordance with this chapter for the following:

1. Any new structure; and

2. Any change of use or occupancy that increases the number of required parking stalls; and

3. All new residential units and transient accommodations (e.g. hotels, motels, short-term rentals).

B. Fee-in-lieu options

1. Instead of providing ~~constructing~~ parking onsite, a developer of property located within the ~~Central~~ Commercial zoning districts may pay a fee-in-lieu of providing onsite parking.

2. Fee Amount. The City Council shall establish the fee-in-lieu amount, based on the City's cost estimate to construct one public parking space. The fee shall be published in the City's adopted rate and fee schedule and updated ~~-~~to reflect current market rate and construction costs.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

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§ 14.12.130. Off-street parking elimination prohibited ~~when~~.

If a parking stall(s) has been provided in connection with an existing use or is added to an existing use, the parking stall(s) shall not be eliminated if elimination would result in less stalls than required by this chapter.
(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.140. Off-street parking area measurements.

Repealed by Ord. 1672.
(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012)

§ 14.12.150. Off-street parking ~~number of~~ stalls required.

~~Standards for off-street parking shall be as follows:~~

A. Off-street parking, where required, shall comply with the following minimum standards. Where square feet are specified, area measured is gross floor area (GFA) unless otherwise noted. Fractional spaces shall be rounded up to the nearest whole number.

~~When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitation of the shell permit. Where square feet are specified, the area measured shall be the gross floor area. Where fractional spaces result, the parking spaces required shall be rounded up to the nearest whole number.~~

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Land Use Categories[1]	Off-Street Parking Required
Residential	
General Residential	1 per du
Co-Living	0.25 per sleeping unit
Assisted Living	0.5 per bed
Institutional	
Religious Institution	3 per 1,000 sf
Library	2.5 per 1,000 sf
Museum	1 per 1,000 sf
Day Care Center	1 per employee, 1 loading zone per 25 students
Elementary or Middle School	0.1 per student
High School or College	0.25 per student
Auditorium or Theater	0.25 per seat
Recreational	
Family Entertainment Center	2.75 per 1,000 sf
Athletic Club	3.25 per 1,000 sf
Health/Fitness Club	5.25 per 1,000 sf
Public Park	0.75 per acre
RV Park	1 per site
Commercial	
General Commercial/Office	2 per 1,000 sf
Medical/Dental Office	2.5 per 1,000 sf
Restaurant/Food & Beverage Service	9 per 1,000 sf
Restaurant/Food & Beverage Service with Drive Through	5 per 1,000 sf
Transient Accommodation (hotel, motel, short-term rental)	1 per guest room
Industrial	
General Industrial	0.75 per 1,000 sf
Warehousing	0.5 per 1,000 sf
Mini-Warehouse/Vehicle Storage	1.25 per 100 units or storage spaces

Notes: du = dwelling units, sf = square feet of gross floor area

1. Land uses listed in LMC 18.25.030 not included in this list require Director review or study to determine parking requirements

~~Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided at 50 percent of the total required ADA spaces.~~

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B. When the city has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitation of the shell permit.

(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

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§ 14.12.155. Access standards.

A. Access Preference. The following priority rating is intended to encourage alley use, when feasible. Subdivisions and new access requests should consider how to use alleys for access rather than adding traffic through neighborhoods.

1. Access from the alley is preferred, with ~~an~~ a recorded notice to title/indemnity ~~waiver~~agreement.

2. Access from a shared driveway or easement to a rear parking area, or optionally to a side or front parking area.

3. Access from a single driveway to a rear parking area, or optionally to a side or front parking area.

B. Access. When access is from more than one street, the lesser classified street shall be used; if they have the same classification, the property owner may choose the access street.

(Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.157. Driveway standards.

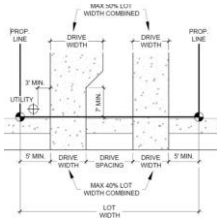
A. Driveways shall be located a minimum five feet from the property line, except for shared driveways. All driveways shall be located a minimum of three feet from aboveground utilities (such as hydrants, power poles and water boxes).

B. Second Driveways. For ~~accessory dwellings, duplexes or multifamily~~residential development, an additional driveway may be placed when all of the following can be met:

1. Access is not provided from a collector street (such as Ski Hill Drive and Pine Street); and

2. No more than 40 percent of the property lot line, if used for combined driveways, is used for the driveway; and

3. The driveway width (combined for more than one driveway) shall be between 10 and 24 feet for the first 10 feet (minimum) of the property, where it may widen to a maximum of 50 percent of the lot width.



C. Driveways shall be designed and constructed consistent with the adopted construction standards, except driveways from an alley may be graveled. Pervious paving may be used, after the first seven feet from the access point, when meeting the stormwater requirements. If there is a through driveway connecting to both a public street and an unpaved alley, the driveway and associated parking shall be impervious surfaces.

D. Changes to existing driveways, including but not limited to, material changes, new approaches, and increases in dimension shall require administrative review and approval prior to modification.

~~C.~~E. Driveways shall be designed to meet stormwater requirements.

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(Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.160. Residential parking standards.

In addition to the access standards of LMC § 14.12.155 and driveway standards of LMC § 14.12.157, all residential parking shall meet the following:

A. ~~For single- and two-family dwellings,~~Residential parking ~~(any parking of~~requiring four or fewer parking spaces) shall be located on the same lot as the dwelling~~(s)~~ units it serves and may be part of the driveway so long as all required setbacks are met.

B. Where the dwelling has approval as a bed and breakfast, parking may be accessed either from the alley or a street.

~~C. For rooming houses, lodging houses or boardinghouses, parking shall be located within 200 feet from the dwelling, measured in a straight line from the dwelling.~~

~~D.~~C. Multifamily dwellings shall follow ~~the~~ parking lot requirements when ~~five~~ six or more parking spaces are required.

~~E.~~D. Parking may be located after the first seven feet from the property line abutting a street, alley or public access easement.

E. Tandem parking is permitted and may count toward minimum off-street parking requirements at a rate of one space for every 18 linear feet, with provisions for turning radius, if necessary.

F. Parking area shall be paved with a minimum width of 10 feet or the width of the garage, parking stalls, and/or carport, and a maximum of 50 percent of the lot width. On 30-foot-wide lots, the paved area shall be a maximum of 10 feet in width and parking shall be at right angles to the street.

G. Parking areas shall follow ~~the~~ adopted construction standards, with the following exceptions:

1. ~~except single-family, accessory and duplex~~ Residential parking off a ~~city~~ platted alley may be graveled;~~.~~

2. Residential parking spaces may use grass block pavers, when located outside of the required driveway approach area;

~~1.~~ Legal nonconforming gravel surfacing within existing designated parking areas may be utilized to satisfy minimum off-street parking requirements for residential uses, up to a maximum of six parking spaces.

~~G.~~H. Each parking space shall be a minimum of eight ~~and one-half~~ feet by 18 feet.

(Ord. 1146 (Exh. A), 2000; Ord. 1268 (Exh. D), 2005; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1398 § 1 (Exh. A), 2011; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023; Ord. 1694 § 1 (Att. A-1), 2024)

§ 14.12.162. Commercial and industrial parking standards.

In addition to the access standards of LMC § 14.12.155 and driveway standards of LMC § 14.12.157, all commercial and industrial parking shall meet the following:

A. Required off-street parking shall be located in the same zoning district.

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~~H.~~B. Off-street parking stalls for all uses and buildings except as otherwise provided in this chapter shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building or use.

~~I.~~C. Off-street parking required for uses in the central commercial district may be located not farther than 900 feet from the building or use it is intended to serve.

~~J.~~D. When all or part of the required parking for a use is to be provided on a lot other than the lot on which the use requiring parking is located, a covenant must be recorded to establish off-site parking. The covenant must be submitted to the city by or on behalf of the owner of the off-site parking lot along with written consent of the owner of the lot on which the use requiring parking is located, or such owner's authorized representative. The covenant must be recorded only after the applicant has demonstrated that the off-site parking complies with all applicable requirements of this title and applicable zoning requirements within LMC Title 18.

~~K.~~E. Parking for city-owned and/or managed projects where employees will not be working on site on a daily basis may be located anywhere within the commercial zone districts of the city. If employees work on site, parking for the employees and visitors shall be provided in accordance with the provisions of this chapter.

~~L.~~F. Parking designs shall be consistent with LMC § 14.12.170.
(Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.165. Off-street parking electric vehicle charging station stalls.

A. ~~Purpose~~Applicability. This section applies to all electric vehicle charging stations located in off-street parking facilities or parking garages within the City~~For all parking lots or garages,~~ except those that include restricted electric vehicle charging stations.

B. All electric vehicle charging stations shall follow the specified requirements in the International Building Code (IBC) for occupancy type, applicable electrical codes, guidelines provided by the energy provider, and the equipment and service provided.~~Number. No minimum number of charging station stalls is required.~~

~~C.~~ Minimum Parking Requirements. An electric vehicle parking space may be included in the calculation for minimum required parking spaces as required by this code; provided that the installation meets the electrical system standards in the International Building Code (IBC) for electric vehicle charging stations and associated supply equipment. ~~An electric vehicle charging station stall may be included in the calculation for minimum required parking stalls that are required pursuant to other provisions of this code.~~

~~D.~~C. Location and Design Criteria. The following required and additional design criteria are provided in recognition of the various parking lot layout options:

1. Where provided, parking for electric vehicle charging purposes is required to include the following:

   a. Signage. Each charging station stall shall be posted with signage indicating the stall is only for electric vehicle charging purposes.

   b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. To allow for maintenance and notification, the owner of any private new electric vehicle charging station that will be publicly available shall be required to provide information on the parking space's geographic location, date of installation, equipment type and model, and owner contact information. ~~A phone number~~

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~~or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.~~

c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

d. Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

2. Parking for electric vehicles should also consider the following:

a. Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

b. Signage. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station stall(s).

~~E. Data Collection. To allow for maintenance and notification, the city will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition of "electric vehicle charging station — public," LMC § 21.90.030) to provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.~~

(Ord. 1398 § 1 (Exh. A), 2011; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

§ 14.12.170. Off-street parking lot – Design requirements.

Parking lots shall meet the following standards:

A. All parking, maneuvering and loading areas shall be paved.

B. No parking stalls shall be located within 15 feet of an ingress point of a parking lot or designed in a manner which permits backing movements or other maneuvering within a street, other than an alley.

C. Snow storage areas shall not cover catch basins nor eliminate any required parking stalls. If snow storage is not on site, a suitable agreement for off-site snow storage must be approved by the city.

D. The following table shall be the required parking dimensional requirements. Alternatives may be approved by the city engineer when meeting standard design principles.

Angle (in degrees)	Stall Width[a]	Stall Depth[b]	One-Way Aisle Width[c]	Parking Module Width[d]	Vehicle Overhang[e]
0 – Parallel Parking	8 ft. 6 in.	17 ft. 6 in.	10 ft. 0 in.	27 ft. 6 in.	2 ft. 6 in.
45	8 ft. 6 in.	17 ft. 6 in.	12 ft. 6 in.	47 ft. 6 in.	2 ft. 0 in.
60	8 ft. 6 in.	19 ft. 0 in.	14 ft. 6 in.	52 ft. 6 in.	2 ft. 3 in.
75	8 ft. 6 in.	19 ft. 0 in.	17 ft. 6 in.	55 ft. 6 in.	2 ft. 6 in.
90	8 ft. 6 in.	18 ft. 0 in.	20 ft. 0 in.	59 ft. 0 in.	2 ft. 7 in.

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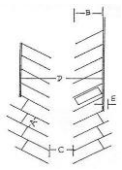
a. Stall width.

b. Stall depth.

c. Aisle width.

d. Parking module width.

e. Vehicle overhang.



E. Measurements.

a. Aisle Width (Item "c" in Graphic). The minimum aisle width for two-way traffic is 23 feet zero inches for all parking angles. The minimum aisle width for one-way traffic, service drives, or any other vehicle access is 10 feet. However, if the parking aisle also serves as a fire lane, the minimum unobstructed width shall be 20 feet.

b. Parking Stall Depth and Overhangs (Items "b" and "e" in Graphic). If the parking stall has a curb stop, the vehicle overhang dimension that corresponds to the parking angle shall count towards the parking stall depth dimension.

c. Curb Cuts. Curb cuts to all off-street parking lots shall be a minimum of five feet from the aisle edge and not exceed a maximum of 33 feet in total width for two-way traffic. Curb cut width shall be measured from the top of the curb slope. Curb cuts shall be separated a minimum of 10 feet.

d. Curb cuts to all off-street parking facilities for one-way traffic shall be a minimum of 10 feet wider than the access aisle serving the off-street parking facility. The additional 10 feet in width shall be divided so as to ensure the access aisle lane is centered between the curb cuts.

F. Barrier-Free Parking. Parking stalls shall meet the standards set forth in Chapter 51-40 WAC, as it now reads or is hereafter amended.

G. A stormwater drainage plan, including a maintenance plan, utilizing best management practices shall be submitted for approval by the city public works director. Stormwater drainage systems shall be maintained by the property owner.

H. All parking facilities shall be permanently maintained in such a way that dust is not emitted from the parking area/lot, and shall be free of weeds, litter, debris and graffiti. Parking areas/lots shall be striped biannually. Minimum surface requirements of the parking areas/lot shall follow the adopted construction standards.

I. Lighting shall be in conformance with Chapter 14.28 LMC, Lighting Standards.

(Ord. 1146 (Exh. A), 2000; Ord. 1268 (Exh. C), 2005; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

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§ 14.12.180. Off-street parking underground parking – Design requirements.

Repealed by Ord. 1672.
(Ord. 1146 (Exh. A), 2000; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012)

§ 14.12.185. Off-street parking underground parking facility in the multifamily zone district to provide parking for a commercial zone district.

Repealed by Ord. 1672.
(Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012)

§ 14.12.190. Landscaping requirements for parking lots.

The following provisions shall be required for all parking facilities except those serving residential uses with six spaces or less.~~except single-family, duplex, or accessory dwelling units. Multifamily developments shall meet the requirements of subsection (H) of this section.~~

A. Compliance with the provisions contained in this section shall be demonstrated during the permit review process by submittal of a scaled landscape plan prepared by the applicant. The plan shall include a legend showing botanical and common names, mature plant sizes according to the species and the variety and/or cultivar selected (armor and fruit-litter-free where possible), quantities, locations, dimensions of planted area and percentage of parking lot landscaping. Additionally, if an irrigation system is proposed, the applicant shall submit a separate irrigation plan showing the ~~required permanent, underground automatic~~ irrigation system with the required backflow prevention device. Both plans shall be reviewed and approved by the city prior to any permit approvals.

B. It is the responsibility of the property owner to ensure all landscaped areas shall be continuously maintained in a healthy growing condition, which shall be a pest-free condition (free of harmful insects, diseases, and weed infestations). If living tree, shrub and/or other plant materials are damaged or destroyed by any means, they shall be replaced with suitable materials in suitable quantities. An alternative replacement plan that maintains the continuity of the overall landscape program may be reviewed and approved by the city at the property owner's request.

C. If existing, well-established trees that have a trunk diameter of six inches or greater, as measured four feet above ground level, and/or vegetation (excluding noxious weeds and grasses) can realistically be utilized, they shall be preserved and incorporated into the overall landscape program.

~~C.~~D. Landscaping shall comply with the minimum landscaping recommendations identified in the adopted Wildland-Urban Interface Code, LMC Chapter 15.06.

~~D.~~E. A combination and variety of trees and/or shrubs, as well as living ground cover (can be in conjunction with natural ornamental landscaping materials such as bark), shall be provided in each landscaped area. The plant materials that are chosen shall be those best suited to the climate within the Leavenworth area, and shall be capable of providing shade to the parking facility within 15 years of planting.

~~E.~~F. ~~A permanent, underground, and automatic irrigation system shall be installed and permanently maintained in all landscaped areas.~~ Installation of the landscaping shall include preventative measures intended to reduce the necessary maintenance activities, particularly the incidence of weed growth.

~~F.~~G. The following minimum provisions shall be required for all nonresidential parking facilities:

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1. A minimum of 15 percent of the net asphalt area of all surface parking lots shall be landscaped. Projects with 3,000 square feet or less of gross area (pre-landscaping) may qualify for a reduction down to 10 percent (rather than 15 percent) required landscaping if designed with the assistance of a city-approved licensed landscape architect or designer. The city shall have the authority to approve, approve with conditions, or disapprove of the design and has the discretion to determine the required percentage anywhere between 10 and 15 percent. There are no administrative appeals to the decision of the city; however, the applicant may reapply with a revised or new proposal. "Parking lots" does not include walkways, pedestrian corridors and/or paths.

2. Where parking facilities adjoin a public right-of-way, except where located adjoining an alley, a landscaped planting strip at least six feet wide shall be established and continuously maintained between the back side of the public sidewalk and the parking lot. Where there exists area between the back side of the sidewalk and the property line, the entire distance between the sidewalk and the property line shall be landscaped. Any planting within 15 feet of a driveway shall not exceed 30 inches in height above street grade.

3. Where parking lots adjoin a residential or recreational zoning district, a landscaped planting strip at least 15 feet wide shall be established and continuously maintained between the parking lot and adjacent properties. If either a fence or wall is incorporated into this landscaping strip, the width may be reduced by 50 percent; provided, that any fencing shall be constructed of wood and be sight-obscuring; and any walls shall be constructed with masonry, blocks or textured concrete, with climbing plants and vines used to add texture and soften the appearance of both sides of the wall. Such wall or fence shall be a minimum of four feet in height, and not exceed the maximum allowed for fencing within the zoning district and, if no standard is specified, no fence or wall shall exceed eight feet in height. No fence within 15 feet of a driveway may exceed three feet in height. The community development director or designee, working in consultation with a landscape specialist, may allow an administrative deviation from the 15-foot-wide landscaping buffer, when demonstrated that the intent of screening, separation, stormwater control, plant health, snow storage and/or other aspects of buffer function and use are not adversely affected. For the purposes of this section, "landscape specialist" may include, but is not limited to, landscape architect, landscape designer, and/or person with knowledge of horticulture, design and biological science to create and maintain outdoor environmental space.

4. Provisions shall be made to ensure that five-foot pedestrian paths connecting the parking lot with the public right-of-way are provided throughout the landscaped areas.

5. At least one tree for every six parking stalls (if less than six, then no tree is required) shall be included in the development of the overall landscape program. The first priority in meeting this provision is to preserve existing, well-established trees that do not interfere with the safety, operation and functioning of the parking lot. Trees shall be dispersed throughout the parking lot, particularly adjacent to public rights-of-way; however, appropriate clustering of trees may be permitted, as approved by the city, particularly when existing trees are preserved within the parking lot.

6. All areas in a parking facility not used for driveways, maneuvering areas, parking stalls or walks shall be permanently landscaped with suitable materials and shall be permanently maintained, pursuant to a maintenance program submitted by the applicant and approved by the city.

7. Landscape borders, such as landscape timbers or blocks, to retain the landscaping materials and also to protect them from intrusion by vehicles are required.

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8. To increase the parking lot landscaped area, a maximum of two feet (vehicle overhang area) of the parking stall depth may be landscaped in lieu of asphalt while maintaining the required parking dimensions.

~~G.~~H. The following minimum provisions shall be required for all structured parking:

1. For the purposes of this provision, "structured parking" means a multi-story car park (also called a parking garage, parking structure, parking ramp, or parking deck) which is a structure designed specifically to be for automobile parking and where there are a number of floors or levels on which parking takes place.

2. The structured parking shall have a continuous five-foot minimum perimeter landscaping strip except on the side property lines of interior lots where adjoining or common-wall construction is approved with an adjacent building. In addition to the applicable requirements of this section, the perimeter landscaping strip for a parking structure shall incorporate some vertical elements, such as trees, at least every 20 feet.

3. Landscaping materials shall be provided in planters and/or pots for five percent of the total surface deck areas. The planters and/or pots shall be distributed throughout the top deck areas and along the perimeter of intermediate decks.

4. For parking incorporated into a building, only the portions outside of the primary structure serving nonparking uses shall be landscaped to the above standards.

~~H.~~I. The following minimum landscaping standards shall be required for all ~~Multifamily Parking Facility. All~~ multifamily parking facilities~~ shall meet the following minimum landscaping standards:~~

1. Planting Area. A minimum five-foot-wide planting strip shall be provided adjacent to all street frontages and along all property lines which front upon a residential district. The total landscaped planting area, exclusive of lawns, shall not be less than eight percent of the gross project area.

2. Trees. One tree shall be required for each 250 square feet of required planting area. Trees of two-inch caliper (measured three feet above ground level) are required. At least one out of every four of the required trees shall be planted within the interior (20 feet from any lot line, unless prevented by the structures). Nuisance trees, which are susceptible to breakage, disease, or insect infestation, or which have undesirable growth habits (roots which invade sewer lines, trees which produce messy blooms and/or fruit) should be avoided.

3. Shrubs. The planting area must be 50 percent covered with shrubs which are two feet or higher at maturity.

4. Ground Cover. Ground cover is required to complete the landscaping of the planting areas.

5. Other Areas. All areas not covered by structures, paving or landscaped planting areas shall be maintained with native ground cover or grasses when adjacent to a residential zoning district.

6. ~~Irrigation and~~ Maintenance. ~~A permanent, underground irrigation system shall be provided for all planting areas and lawns.~~ All plantings shall be the owner's responsibility to maintain and replace as needed.

(Ord. 1146 (Exh. A), 2000; Ord. 1268 (Exh. D), 2005; Ord. 1373 § 1 (Exh. A), 2010; Ord. 1432 § 1 (Att. A), 2012; Ord. 1672 § 1 (Att. A), 2023)

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CHAPTER 14.28
LIGHTING STANDARDS

§ 14.28.010. Purpose.

A. It is the purpose of this chapter to encourage lighting practices and systems which will minimize light trespass and glare while maintaining night-time safety, utility, security and productivity.

B. ~~It is recognized that the residents who live in and near the city of Leavenworth value the natural environment and desire to protect it as a resource which adds to the rural character, quality of life, and economic well being of the city and its surrounding environment and that prevention of overlighting, light trespass, and glare plays an important role in maintaining this character~~.Direct light so it falls only where it is needed.

C. Keep light levels low; use the lowest light level necessary.

D. Use light only when it is needed; minimize light levels at times when it will not be used.

E. Use warmer light colors whenever possible.

F. Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.

G. Reduce light pollution and skyglow; improve the nighttime environment for astronomy.

H. Help protect the natural environment from the adverse effects of night lighting.

I. Conserve energy and resources to the greatest extent possible.

J. Maintain nighttime safety, utility, security, and productivity.

K. Allow for holiday lighting.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.020. Scope.

The standards included in this chapter are intended primarily for outdoor lighting~~ related to subdivisions, development, and redevelopment~~; however, indoor lighting which has the capacity to create light trespass and glare, such as that within partially enclosed spaces, is also regulated by this chapter.
(Ord. 1268 (Exh. C), 2005)

§ 14.28.030. Conformance with other regulations.

In the event of conflict between the regulations set forth in this chapter and any other regulations, the more stringent limitation(s) and requirement(s) ~~shall~~ govern unless otherwise interpreted by the community development director.
(Ord. 1268 (Exh. C), 2005)

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§ 14.28.040. Definitions.

All definitions relevant to this chapter ~~shall~~ will be included in Chapter 21.90 LMC. Unless specifically defined, words or phrases used ~~shall~~ will be interpreted ~~so as~~ to give them the meaning they have in common usage and to give this chapter its most reasonable application.
(Ord. 1268 (Exh. C), 2005; Ord. 1544 § 1 (Att. A), 2017)

§ 14.28.050. Permits required.

A. Residential lighting permits ~~shall~~ will be reviewed concurrently with the application for a building permit or other related approval.

B. Inspections for compliance with this chapter are required.

C. Building, Subdivision, Landscaping, Parking, and Other Similar Lighting Permits (Does Not Include Single-Family Residential Building Permits). When a person seeks a permit for one of the above-listed project types, a lighting permit ~~shall~~ must be applied for. The applicant ~~shall~~must, as a part of said application, submit sufficient information as delineated by the community development director to determine if the proposed lighting ~~shall~~ must comply with this chapter.

D. Single-Family Residential Lighting Permits – Not Required. Lighting on single- family residential sites (primarily substantial remodels, and new construction) will be reviewed on-site, and compliance with applicable portions of this chapter verified before issuance of the certificate of occupancy. A lighting permit separate from the building permit is not required.
(Ord. 1268 (Exh. C), 2005)

§ 14.28.060. Permit applications.

Persons seeking permits or approval under this chapter ~~shall~~must:

A. Complete and submit an application for a lighting permit.

B. Be issued ~~A~~all permits ~~which shall be issued~~ pursuant to administrative processes outlined under "Limited administrative review" in LMC § 21.09.030.

C. Be have ~~L~~lighting permits~~,~~ within Zone 1 (see LMC § 14.28.080(A)(1)), ~~shall be~~ reviewed and approved by the design review board in addition to the community development director, except projects located in the multifamily zoning district which only require limited administrative review.
(Ord. 1268 (Exh. C), 2005; Ord. 1694 § 1 (Att. A-1), 2024)

§ 14.28.070. Approval process.

A. Person seeking permits or approval under this chapter ~~shall be~~are subject to the level of review required for the associated building permit pursuant to LMC Title 21. If there is no associated level of review, the application ~~shall~~ will be processed pursuant to "Limited administrative review."

B. Temporary Lighting Permits.

1. The community development director may grant a permit for temporary lighting which is not compliant with the requirements of this chapter if he/she finds the following:

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a. The proposed lighting is designed in such a manner as to minimize lighting impacts as much as is feasible;

b. The proposed lighting will comply with the general intent of this chapter; and

c. The permit will be for a limited duration of time.

2. The community development director may grant a renewal of the permit if he/ she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.075. Lighting Zones.

A. Different areas, with different developed and natural conditions, have differing levels of appropriate light usage~~,~~ and different sensitivities to ~~the various obtrusive aspects of~~ light usage. ~~Because of this, f~~Four lighting zones are ~~hereby~~ defined ~~and established. These zones are described as follows and~~ to correspond with the zoned districts of the city's official zone map. Their geographic extent and purpose are described in Table 14.28.075.A – Leavenworth Lighting Zones.~~:~~

Table 14.28.075.A - Leavenworth Lighting Zones

Lighting Zone	Leavenworth Zoning Districts	Lighting Intent
Lighting Zone 1	~~commercial and multifamily~~Recreation: • Recreation District • Recreation Public District	**Low ambient lighting**: Areas where lighting might adversely affect flora and fauna or disturb the character of the area. Areas for low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous. After dark hours, most lighting should be extinguished or reduced as activity levels decline.
Lighting Zone 2	~~industrial~~Residential: • Residential 3 District • Residential 6 District • Residential 8 District • Multifamily	**Moderate ambient lighting**: Areas of moderate light levels. Lighting may typically be used for safety and convenience but is not necessarily uniform or continuous. After dark hours, lighting may be extinguished or reduced as activity levels decline.
Lighting Zone 3	~~residentia~~Commercial: • General Commercial District • Central Commercial District • Tourist Commercial District	**Moderately high ambient lighting**: Areas of moderately high light levels. Lighting is generally desired for safety, security, convenience, tourism, and holiday light displays and is often uniform or continuous. After dark hours, lighting may be extinguished or reduced in most areas as activity levels decline.

Commented [TRT1]: Organizing these in ascending order of light allowance will makes organizing the standards a little clearer and aligns Leavenworth's code to other Dark Sky ordinances. This could be helpful if the City decides to add more technical requirements in the future.

Crosswalk of shifts:
LZ 1: (comm & mf) --> (rec & public)
LZ 2: (indust) --> (res)
LZ 3: (res) --> (comm & mf)
LZ 4: (rec & public) --> (indust)

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Lighting Zone 4	~~recreation and recreation-public~~Industrial: • Light Industrial District	**High ambient lighting**: Areas of high light levels. Lighting is generally considered necessary for safety, security, conveniency, and productivity and is mostly uniform and continuous. After dark hours, lighting may be extinguished or reduced in some areas as activity levels decline.

~~1. Zone 1: All areas within the city of Leavenworth and its UGA which are zoned commercial and multifamily;~~

~~2. Zone 2: All areas within the city of Leavenworth and its UGA which are zoned industrial;~~

~~3. Zone 3: All areas within the city of Leavenworth and its UGA which are zoned residential; and~~

~~4.~~1. ~~Zone 4: All areas within the city of Leavenworth and its UGA which are zoned recreation and recreation-public.~~

§ 14.28.080. General standards, applicable to all lighting zones.

A. All light fixtures must be fully shielded. See example in Figure 14.28.080.A – Shielded, Directional, and Unshielded Lighting Examples.

B. Shielded directional ~~Lighting fixtures shall must be aimed, shielded, diffused, and/or have a limited height so that the direct illumination shall beis confined to the property boundaries of the source as much as is feasible and light spilled into the night sky or adjacent properties is minimized. All zones.~~Shielded directional lighting is allowed only if aimed below a horizontal plane and confined to the property boundaries of the lighting source.

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Figure 14.28.080.A – Shielded, Shielded Directional, and Unshielded Lighting Examples



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B. Compliance with the energy conservation standards of the Washington State Energy Code is required. (See the Washington State Energy Code, 2001 Edition.) ~~All zones.~~

C. On new construction and substantial remodels, exterior lighting installations ~~shall~~ must be designed to avoid harsh contrasts in lighting levels for the purpose of reducing glare. ~~Zones 1, 2, and 4.~~

D. Fixtures and lighting systems used for safety and security ~~shall~~ must be in good working order and ~~shall~~ must be maintained in a manner that serves original permit requirements. All zones.

E. Vegetation and landscaping ~~shall~~ must be maintained in a manner that does not obstruct security lighting and minimizes possible entrapment spaces pursuant to original permit requirements. ~~All zones.~~

F. Dark sky hours. Between 11 p.m. and dawn, lighting in all zones should be reduced, extinguished, or installed with motion sensors to the use the lowest possible light level needed for safety, in accordance with the lighting zone intent statements in Table 17.28.075.A – Leavenworth Lighting Zones.

G. Light temperature. Lighting must use warm-toned bulbs under 2300 K.

~~E.~~H. Dark sky season. During peak bird migratory seasons, mid September through early October, and mid April through early May, all lighting in all zones shall be extinguished or reduced to lowest possible levels from an hour after sunset until an hour prior to sunrise.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.090. Specific standards.

In addition to those standards required under LMC § 14.28.080, General standards, the following prescriptive standards will apply within specific areas and for specific uses as delineated below.

A. Service Station Canopies.

1. Shielding. All ~~luminaires~~ lighting mounted on or recessed into the lower surface of service station canopies ~~shall~~ must be fully shielded and utilize flat lenses.

2. Total Under-Canopy Output. The total light output used for illumination under a service station canopy ~~shall~~ must be limited to the following:

   a. The sum of all under-canopy initial bare-lamp outputs in lumens, ~~shall~~ must not exceed 60 lumens per square foot of canopy.

   b. All lighting mounted under the canopy, including but not limited to ~~luminaires~~ lighting mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

B. Outdoor Recreation Facilities.

~~1. Fixtures shall be fully shielded.~~

~~2.~~1. Fixtures ~~shall~~ must remain extinguished outside of normal operating hours.

~~3.~~2. Fixtures are exempt from mounting height restrictions but ~~shall~~ must only be elevated to the height necessary to serve the immediate purpose for which they are being used.

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C. Open-Air Parking Lots.

~~1. Fixtures shall be fully shielded;~~

~~2.~~1. For multilevel parking facilities, the roof level ~~shall be~~is considered an open-air parking lot;

~~3.~~2. Fixtures ~~shall~~ must be designed, located, constructed and maintained so that, as much as is feasible, they will not cause direct illumination on adjacent and nearby properties or streets; and

~~4.~~3. The mounting height of fixtures ~~shall~~ must not exceed 15 feet above grade or pavement.

D. Parking Structures.

~~1. Fixtures shall be fully shielded.~~

~~2.~~1. Interior fixtures ~~shall~~ must be designed, located, constructed, and maintained so that as much as is feasible light and reflected light does not spill over or intrude onto adjacent and nearby properties or streets; and

~~3.~~2. The parking structure ~~shall~~ must be designed and constructed so that as much as is feasible, light and reflected light from cars within the structure does not spill over or intrude onto adjacent and nearby properties or streets.

E. Subdivision Lighting (Applies to Subdivisions for All Land Uses).

1. All lighting for public thoroughfares and pedestrian areas ~~shall~~ must be soft and diffused with the primary purpose of safety;

2. A street light ~~shall~~ must be installed at every corner which borders on a dedicated street;

3. Long blocks ~~shall~~ must contain intermittent lighting which breaks up the block;

4. Street light mounting heights ~~shall~~ must be limited to 20 feet;

5. Light ~~shall~~ must be directed onto sidewalks and streets but not onto adjacent properties; and

~~6. Fixtures shall be fully shielded.~~

F. Commercial/Industrial Lighting (~~Zones 1 and 2~~Zones 3 and 4). Owners of new construction and substantial remodels ~~shall be~~ are required to sign a waiver of protest to participation in a local improvement district which will pay for future lighting infrastructure.

G. Private Installations on City Property.

1. Property owners may install temporary lighting in the right-of-way subject to design approval by the design review board (commercial zones) and engineering approval by the public works director.

2. Street lights installed in the public right-of-way belong to the property owner and are subject to repair and maintenance by the property owner; and

3. The city may require removal of lights within the public right-of-way at any time.

(Ord. 1268 (Exh. C), 2005)

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§ 14.28.110. Exemptions.

The following uses are exempt in all zones from all requirements of this chapter. Only the provisions noted following that specific item ~~shall be~~are required.

A. Low-wattage holiday decorations and decorative lighting. All zones.

1. Holiday decorations and decorative lighting ~~shall~~ must conform with LMC § 14.28.120(A).

2. All such lighting and all associated wiring used outdoors ~~shall~~ must be certified for outdoor use by the National Electrical Code.

B. Construction lighting for emergency repairs of a temporary nature. All zones.

C. Diffused, muted lighting used for yards, driveways, landscaping, and/or applied to building faces. Lighting Zone ~~3~~2.

D. Radio, Communication, and Navigation Tower Lighting. For areas which are to be exempt, the applicant must demonstrate a verifiable legal or public safety need for exemption to the requirements of this chapter.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.120. Prohibitions.

The following are prohibited:

E. Unshielded lighting. See Figure 14.28.080.A – Shielded, Shielded Directional, and Unshielded Lighting Examples.

~~E.~~F. Blinking, flashing, moving, revolving, flickering, changing intensity or color, chase lighting, rope lights, and neon, except lighting which is required for public safety: ~~Lighting Zone 1~~Lighting Zone 3 (commercial districts only).

~~F.~~G. Any light fixture that may be confused with or construed as a traffic control device: All zones.

~~G.~~H. Any upward oriented lighting, including sign lighting, except as otherwise provided for in this chapter ~~shall only be~~is only allowed when upward-oriented lighting is completely contained by an overhanging architectural element: All zones.

~~H.~~I. Searchlights, beacons, and laser source light fixtures: All zones.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.130. Nonconforming uses.

A. Pre-Existing Nonconforming Lighting.

1. No outdoor lighting fixture which was lawfully installed prior to the enactment of this chapter ~~shall be~~will required to be removed or modified except as expressly provided herein; however, no modification or replacement ~~shall be~~will made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this chapter.

2. Where an existing legal nonconforming fixture can be adjusted to continue to serve its primary purpose, but provide for less light trespass onto adjacent properties, said fixture

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~~shall~~ must be adjusted to come into greater compliance with the requirements of this chapter.

B. Conformance After Abandonment/Damage. In the event that an outdoor lighting fixture is abandoned for more than one year or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture ~~shall~~ must comply with the provisions of this chapter.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.140. Variances.

A. Any person desiring a variance from the standards within this chapter may apply to the hearing examiner pursuant to the processes in LMC Title 21.

B. Alternative Materials and Methods of Construction or Installation/Operation. The provisions of this chapter are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved by the community development director.

1. The community development director may approve any such proposed alternate, provided he/she finds that it:

   a. Provides at least approximate equivalence to the applicable specific requirements of this chapter;

   b. Provides for greater compliance with the Old World Bavarian architectural theme and sign ordinances;

   c. Provides for greater public safety; and

   d. Is otherwise satisfactory and complies with the intent of this chapter.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.150. Administrative interpretations.

Administrative interpretations of this chapter ~~shall~~ will be made by the director of community development pursuant to the processes within LMC Title 21.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.160. Appeals.

Appeals of the decisions made under this chapter ~~shall be~~ are pursuant to the processes within LMC Title 21.

(Ord. 1268 (Exh. C), 2005)

§ 14.28.170. Compliance and enforcement.

Compliance and enforcement of this chapter ~~shall~~ will be conducted by the director of community development pursuant to the processes within LMC Title 21.

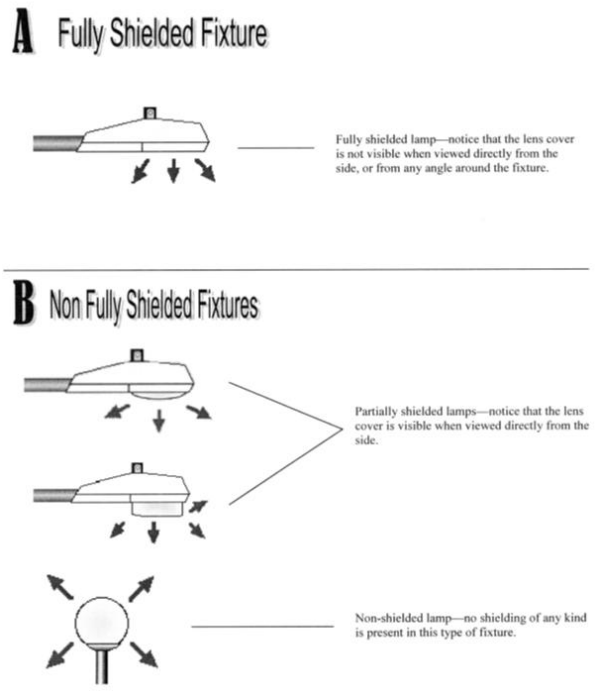
(Ord. 1268 (Exh. C), 2005)

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§ 14.28.180. Severability.

If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality ~~shall~~ does not affect the validity or constitutionality of the remaining portions of this chapter.

Attachments A & B



(Ord. 1268 (Exh. C), 2005)

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§ 14.08.010. Purpose.

A. The purpose of this chapter is to assist all involved in the design of new buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein or the alteration of existing buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein in order to develop and promote Leavenworth's Old World Bavarian Alpine theme.

(Ord. 1157 § 1, 2001; Ord. 1164 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.020. Applicability.

A. Within all of the commercial zone districts of the city and the city's urban growth area, the following shall conform in exterior design to the Old World Bavarian Alpine theme, to the greatest extent practicable:

1. New buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein;

2. Additions, substantial alterations and individual changes to structures and buildings; and

3. Modifications to walkways, plazas, lighting and other miscellaneous items identified herein.

~~3.~~

B. For purposes of subsection (A) of this section, the term "substantial alteration" shall be defined as any interior and/or exterior alteration of an existing building or structure, the total cost of which (including but not limited to electrical, mechanical, plumbing and structural changes) within any 18-month period equals or exceeds 75 percent of the value of that building or structure at the time that a permit is applied for. The value shall be determined by using a contractor's estimate for construction or the IBC construction estimates and either the most recent assessed value as stated in the Chelan County assessor's current year tax records or an appraisal submitted by a licensed real estate appraiser. The estimate and the appraisal shall be dated no later than six months prior to the date of permit submittal.

C. When a permit for new construction and/or an addition is applied for, the entire structure and/or addition shall comply with all of the requirements of this chapter except as follows:

1. For zero lot line buildings, at a minimum, partial-pitched roofs which comply with the requirements of LMC § 14.08.040(B) shall be incorporated on all sides of the structure which front on a street and/or alley. At a minimum, the partial-pitched roof shall span the entire length of the wall fronting on the public street and/or alley and shall extend 16 feet from the perimeter edge of the structure back toward the center of the structure, which measurement shall not include that portion overhanging the edge of the structure.

D. When a permit for a substantial alteration is applied for, the entire structure, including all existing components, shall comply with all of the requirements of this chapter, with the exception of roof and wall treatments, which at a minimum shall comply with the following:

1. If the substantial alteration is equal to or greater than 75 percent of the value of the structure (using the valuation methodologies and time frame in subsection (B) of this section), the following requirements shall apply:

a. If the existing roof is not in conformance with the requirements of this chapter, it shall be replaced on all sides of the structure which front on a

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street and/or alley with a partial-pitched roof which complies with the requirements of LMC § 14.08.040(B). The partial-pitched roof shall span the entire length of the wall fronting on the public street and/or alley and shall extend 16 feet from the perimeter edge of the structure back toward the center of the structure, which measurement shall not include that portion overhanging the edge of the structure.

b. If the existing wall treatment is not in conformance with the requirements of this chapter, the entire surface of those walls of the structure which front on a public street shall be resurfaced with wall treatment which complies with the requirements of LMC § 14.08.040(C). The remaining walls of the structure (which do not front on a public street) shall not be required to be resurfaced with a compliant wall treatment, but shall be painted in an identical or complementary color to the compliantly surfaced walls. This exception to wall treatment requirements applies only to the wall surfacing materials; all other requirements of this chapter, including, but not limited to, decorative windows, doors, and trims shall apply.

E. Every change to an exterior element of a structure, including, but not limited to, doors, windows, wall finishes, paint, roofing materials, and/or structural elements shall comply with the requirements of this chapter unless such change is routine maintenance and repair; in which case, it may be repaired with a material which is identical to that of the original materials or a material which is determined equally or more compliant by the community development director or designee, pursuant to LMC § 14.08.030(J). The painting of a new or existing building in a color different from the color originally approved shall require approval by the design review board.

F. Noncompliant Structures. A determination of the compliance or noncompliance of the structure shall be made by making application to the design review board, which shall render findings of fact in making this determination.

1. Moving Noncompliant Structures. An existing structure which is not compliant with the Old World Bavarian Alpine theme shall not be relocated to the commercial zone districts or be moved from one place to another within the commercial zone districts. Except, if a structure can be determined to be compliant with minor improvements which do not exceed 25 percent of the value, (using the valuation methodologies in subsection (B) of this section), the structure shall be allowed to be relocated subject to compliance with conditions placed on the permit by the design review board. To ensure that when a structure is placed it shall comply completely and in a timely manner with the permit requirements, the applicant shall be required to bond for all improvements at 150 percent of the total value (using valuation methodologies in subsection (B) of this section) and all improvements shall be completed within 120 days of the date of permit approval. Noncompliance will result in a requirement for the property owner to remove the structure.

~~G. Change in Use or Occupancy. A change of use or occupancy which results in physical changes to the structure shall be treated as either new construction, a substantial alteration or changes to individual elements in accordance with how the said change or changes meets the thresholds described in subsections (B) through (F) of this section and shall be held to the requirements as delineated therein with the following exceptions:~~

~~1. An existing single-family residential structure which converts to another use and undergoes a change of use or occupancy, pursuant to the building code, shall be treated as new construction and shall comply with the requirements of this chapter applicable to new construction; except the roof shall not be required to be brought into compliance;~~

Commented [TRT1]: The requirement here that a change in use or occupancy must undergo review board approval and a permit is not allowed by RCW 35A.21.440(2)(c) and (d). If an existing building is being converted to housing, cities are no longer allowed to require a change in use permit and are not allowed to impose additional design review.

Propose an exemption to be added.

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~~however, fascia shall be trimmed with materials which comply with the requirements of this chapter.~~

~~a. When roof materials and/or structural roof components are replaced in a manner which is not routine maintenance and repair (e.g., a patch job), the materials and structural components shall comply with the requirements of LMC § 14.08.040(B).~~

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.025. Exemptions.

A. Temporary structures used for festivals and events may include white or solid-colored tents with no signage (or lettering).

B. In conformance with RCW 35A.21.440 and 35.21.990, new housing units in existing buildings are exempt from:

1. a change in use permit;

2. new design standards beyond those applicable to all residential development within the zone;

3. design or architectural requirements on the residential use of the existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark.

For the purpose of this exemption, the term "existing building" means a building that has received a certificate of occupancy at least three years prior to the permit application to add housing units.
(Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.030. Design review board review.

A. No building or structure (regardless of the size), walkway, plaza, lighting or other miscellaneous items identified herein shall be placed, constructed, changed, altered, added to, and/or undergo a change in occupancy status pursuant to the building code in any commercial zone district without first obtaining design review board approval and a permit. All applications for permits for construction, changes, alterations, additions, and/or changes of use of buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein shall first be submitted to and be reviewed and approved by the design review board, who shall determine if the application is compliant with this chapter for the Old World Bavarian Alpine theme.

B. All applications for permits required by this chapter shall be accompanied by a complete set of plans and blueprints clearly defining the construction, changes, alterations, or remodeling and stating the proposed location, dimension, and types of construction and design. The plans and blueprints shall be drawn to scale and shall clearly define the roofing materials and siding materials to be used and also the finish, paint or other materials to be used or applied on all exterior walls, trims, and other details and shall state a contemplated date of commencement and completion of the project, and shall become the property of the city upon submission of the application. All applications submitted shall be accompanied by payment of a permit fee for the amount identified in the city's fee schedule.

C. The applicant shall submit an accurate colored rendering of the proposal. The colored rendering shall either be done in a form of paint, colored pencils, colored pens, or be computer-generated. Paint chips or paint samples shall be submitted with the colored rendering for all colors included in the rendering.

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D. In determining whether the proposed placement, construction, change, addition, or alteration conforms to exterior design of the Old World Bavarian Alpine theme, the design review board shall consider the compatibility of the proposed exterior design with the existing design review board approved Bavarian structures and designs in the commercial zone districts of the city and the city's urban growth area and may, in addition, consult the following publications which contain many examples of architecture, including some examples that are specific to the Old World Bavarian Alpine theme:

1. "Bayern in Bildern." Illustrations of Bavaria. Munchen, L. Muller (1971);"

2. "Häuser in den Alpen," by Viktor Proksch. Pinquin Verlag, Innsbruck, and Umschau Verlag, Frankfurt A.M. (1964) (this book is also available in an English/French version)

3. "Bemalte Fassaden," by Margarete Baur-Heinbold. Verlag Georg D.W. Callwey, Munchen (1975);"Bayern – Bavaria – La Baviere: e. Bildbd.," by Otto Siegner. Munchen- Pullach: Simon (1975);

4. "Wohnen im Alpenland," by S. Staffa. Verlag, Kitzbuhel;"

5. "Die Schönsten Bauernhofe Oberbayerns," by Ottmar Schuberth. Munchen (1999).

E. Copies of the above publications and similar related reference works shall be kept on hand by the city for review by applicants and by members of the design review board.

F. An applicant may submit a preliminary sketch prior to furnishing a complete application for review at a regularly scheduled design review board meeting. Following review by the board, the applicant shall complete the application as directed by the board in accordance with this chapter.

G. Design review applications shall be processed in accordance with the quasi-judicial review process, pursuant to Chapter 21.09 LMC. In order to schedule a design review board meeting, a complete application shall be received by the community development department at least 10 working days prior to the meeting.

H. Changes to a design review board approved design, which are subsequently proposed after the initial approval of the design review board permit, shall require submission of an application to the design review board for approval prior to construction of the change.

I. Supporting reference materials shall be supplied to the design review board by the applicant at the request of the board.

J. When design review is applicable under LMC § 14.08.020, the community development director or designee may administratively approve, conditionally approve or deny individual components of a project, listed below, when not associated with a larger project that would require design review board review. However, the community development director has the discretion to consult with the design review board or require the application or portions of the application to be presented to the design review board for review and approval.

1. Retaining walls, landscaping structures, landscaping planter sign bases, lighting, fences or fence-type walls, garbage enclosures, walkways, plazas, publicly owned equipment, or similar structures.

2. Changes to the individual exterior elements (LMC § 14.08.020) which collectively do not exceed five percent of the value of the structure (using the valuation methodologies and time frame in LMC § 14.08.020(B)). Approval shall be subject to the standards contained in this chapter.

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3. Moving approved signs which meet the design standards of LMC § 14.08.080.

4. Repair of structures with identical materials to the original materials or a material which is determined equally or more compliant by the community development director. For purposes of this chapter, routine maintenance and repair is defined as corrective and/or preventative actions which do not result in an alteration but which allow for a structure to perform its intended, original purpose.

5. Design elements for sidewalk use permits, streateries, and other similar components.

6. Other project or site components identified in and designated in the Old World Bavarian Alpine portfolio as administratively approvable.

The community development director or designee within the authority conferred by this subsection (J) shall grant, condition or deny approval using the same design elements, including the portfolio, as the design review board.

K. The applicant or a representative of the applicant shall be in attendance at the design review board meeting for an application to be reviewed by the design review board.

L. Chelan County has adopted the city's codes within the city's urban growth area, including this chapter, Old World Bavarian Alpine Theme. The city's design review board will perform reviews of applications for projects located in the urban growth area and relay its findings to the county for inclusion in the county decision-making process. The county is the decision-making authority within the geographic boundary of the city's urban growth area.

(Ord. 1157 § 1, 2001; Ord. 1164 § 2, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1485 § 1 (Att. A), 2014; Ord. 1609 § 1 (Att. A), 2020; Ord. 1659 § 1 (Att. A), 2022)

§ 14.08.035. Design review permit – Conditions and effect.

Architectural design review permits issued on the basis of plans and applications approved by the design review board or administrative official (as applicable) authorize only the arrangement and design set forth in such approved plans and applications, and no other use, arrangement, design or construction.

Use, arrangement, design or construction at variance with that authorized shall be deemed violation of this title and punishable as provided in Chapter 21.13 LMC.

(Ord. 1476 § 1 (Att. A), 2014; Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.040. Design elements.

The design review board, in granting or denying approval of a permit in accordance with this chapter, should consider the following criteria. This list is intended to serve as a guide for prospective developers of representative Old World Bavarian design features which have proven effective on commercial buildings in the city. The following design elements shall be incorporated, as applicable, in design proposals brought before the Leavenworth design review board to implement the Old World Bavarian Alpine theme in the city of Leavenworth. A minimum of three decorative design details (in addition to structural elements) shall be included on a building or structure. Decorative design details include, but are not limited to, painted trim, decorative fascia, window treatments, balconies, and murals.

A. Typical building shapes and streetscapes, see Portfolio Chapter A.

1. Buildings are square, rectangular, and/or combinations thereof.

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2. Projecting window bays, ecker or sections of balcony may be added.

3. Adjoining Structures. Consideration of where structures join or how rooflines meet or overhang should be considered.

4. Nontraditional buildings or market-type buildings pose special challenges to this design theme. They must, however, include traditional Bavarian design elements and materials.

B. Roofs, see Portfolio Chapter B.

1. Low-Pitched Roof. The single most defining shape of Bavarian Alpine architecture is the low-pitched roof with expansive overhangs, regardless of building size. An alpine roof is designed to hold snow for insulation and safety.

2. Expansive Overhangs. The overhangs deal with ice buildup and help keep the area right next to the structure free of snow.

3. Primary roofs have a pitch of 3:12 to 6:12. On occasion, there will be projects that warrant steeper or lower pitches; these will be reviewed on a case-by-case basis.

4. Roof overhangs are expansive on the front and sides and usually require rafter and lookout beams. Typical overhangs are 24 inches or more on the sides and 36 inches or more at the front with the back reflecting either the side or front. "Expansive" shall be determined by the design review board based on the building size and overall design to balance the building. For example, larger buildings will have larger overhangs. Large: four feet on sides, and six feet or more on front overhangs are encouraged and increase the appeal of a building's roof aesthetic.

5. Lookout or rafter beams shall be scrolled and/or have decorative faceplates (pfettenbretter). The scrolling shall be traditional Rococo, Baroque or folk designs. Lookout beams shall not extend beyond the fascia.

6. Face plates (pfettenbretter) shall be behind the fascia.

7. Pitched Roof Materials.

   a. Tile, simulated tile, standing seam metal, high-profile asphalt shingles, composite wood-appearance shake/shingles or heavy shakes (when approved by the fire district) are acceptable. Copper as a roof or as an accent roof is also typical. "High-profile" means the depth of the shingle overlay or the distance from the top of a shingle or layer to the top of the overlaying shingle or layer. For highly visible areas, high-profile asphalt roofing shall have a depth of at least one-quarter inch.

   b. Acceptable colors for standing seam metal are clay red (to mimic terra-cotta tile), brown, green (to mimic oxidized copper) or gray. Acceptable colors for tile or asphalt shingle are red, gray, or brown earth tones (to mimic wood shingles).

   c. Unacceptable materials include galvanized metal, overlap metal, plain shingles, and profileless (less than one-quarter-inch) asphalt shingles.

8. Fascia shall be scrolled or multiple profile. Other designs from Bavaria may be approved by the board. "Multiple profile" means a minimum of three layers of wood with each overlapping layer being shorter than the previous. Differing depth of each layer is also common. If a scrolled layer is incorporated, a minimum of three layers shall be used, not including the drip edge. Scrolling shall be traditional Rococo, Baroque or folk designs.

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9. When snow guards are used or intended to be used, they shall be included in the overall design review approval. Preferred styles are turned logs, tab style to match the roof or bar style but not bent ("v" shaped) metal.

10. If roof rafters are exposed (open soffit), the underside of the roof covering shall be one of the following materials to mimic traditional Bavarian exterior: resawn woods, tongue and groove boards (beveled or plain), plywood mimicking solid wood, solid wood, or exterior finish sheathing. Additional fire protection measures may be required by the fire and building codes.

C. Walls, see Portfolio Chapter C. Wall treatments shall consist of the following:

1. Stucco or stucco-like material. Stucco should have minimal or concealed expansion joints, which will be emphasized during project review;

2. Wood, typically the whole building or on the upper level of a first-level stucco base building;

3. A combination of stucco for the first floor and wood for additional floors;

4. Slate, stacked stone or other rectangular rock/stone (not river rock) is usually at the foundation;

5. Unacceptable materials or methods are (see Portfolio Chapter K):

a. Metal siding;

b. Stucco board, or panelized preapplied stucco, except that the use of cementitious panel may be allowed for adjoining buildings, and when the walls being covered with cementitious panel will not be generally visible;

c. Half timbering (generally defined as one-half round or timber frame with panel infill);

d. Concrete block (cracked or plain). If concrete block is used, it shall be stuccoed.

6. Retaining walls, landscaping structures, permanent or semi-permanent (because of size and/or weight) landscape planters, landscaping planter sign bases, and similar structures may be constructed of stucco, landscaping timbers, stacked stone, irregularly shaped rock, large boulders, poured concrete, split-faced concrete block landscaping stones, or other new materials as approved by the design review board. Cultured stone that has the appearance of stone, irregularly shaped rock or large boulders is acceptable.

a. Unacceptable material includes railroad ties and round river rock.

7. Fences or fence-type walls may be constructed of decorative metal, wrought iron, wood, stone, stucco, irregularly shaped rock, poured concrete, split-faced concrete block stones, or other new materials as approved by the design review board. Cultured stone that has the appearance of stone, irregularly shaped rock or large boulders is acceptable.

a. Unacceptable materials are round river rock and chain-link fencing, except chain-link may be approved as follows:

i. When required by state or federal law.

ii. When deemed necessary by a public safety official for public safety purposes.

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iii. When used for security purposes on property owned and/or leased by a public entity.

iv. When used as temporary construction fencing.

v. At the community development director's discretion, they may require that shielding components be incorporated into the fencing, apply time limits to the installation, and/or apply other conditions as determined necessary to mitigate impacts.

D. Balconies, see Portfolio Chapter D. Balconies are optional. Where architectural balconies not intended for actual use are proposed, they shall have an apparent means of access, i.e., a door or false door, or large window. If balconies are present, they shall contain traditional design elements, such as:

1. Heavy beam supports;

2. Scrolled slats;

3. Flower boxes (optional).

E. Doors and doorways, see Portfolio Chapter E. A handcrafted wood door is preferred.

1. Doors are constructed of wood or materials with a wood-like appearance; however, doors used for utility and/or service entrances (generally not visible from the right-of-way) can be constructed of other materials but shall be colored to blend with adjacent surfaces.

2. Where wood is utilized on the wall surface, the door trim shall be wood. Where stucco is utilized, the stucco shall be wrapped around the inset for the door.

3. Doors frames shall be recessed (not surfaced mounted), preferably three inches or more.

4. Doors, doorways and entryways like vestibules or porticos are often arched. The arched doorway or entryway should be constructed of wood or stucco.

F. Windows, see Portfolio Chapter F. Window treatment options are:

1. White or wood appearance is acceptable if harmonious with surrounding structure;

2. Recessed (preferably three inches), with or without painted decorative trim;

3. Where wood is utilized on the wall surface, the window trim shall be wood or wood appearance. Where stucco is utilized on the wall surface, the recessed window area shall be wrapped in stucco;

4. When shutters are used, they shall be proportional to the window and appear operable. Shutters are desirable when painted trim is not applied;

5. Painted decorative trim;

6. Gridded divisions in the glazing (also known as muntins, simulated grids or divided lites) may be required by the board in proportion to the window size and location. Such grids shall be on the exterior of the window glazing;

7. A minimum of one of the following treatment options, or a combination of options, shall be included:

a. Painted decorative treatments around windows located on stucco walls with Baroque, Rococo, Classical or Bavarian folk art in design;

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b. Shutters with or without painted trim;

c. Flower boxes, wood finish or painted;

d. Arched windows;

8. Flush-mounted windows are unacceptable;

9. On occasion, there may be a case for an unadorned window; this will be viewed on a case-by-case basis.

G. Trim, see Portfolio Chapter G. Trim is the least of the design elements, not the focus of the design.

1. Decorative scroll work shall be required on fascia board and/or other trim. In general, scrolling follows traditional or Rococo designs. Design details for scroll work shall be included with the application.

2. Stone can be used in rectangular linear forms for accents. River rock, concrete block (cracked or plain), and irregular stone slabs are unacceptable.

3. Wood shall not be used as trim over stucco.

H. Decorative painting, see Portfolio Chapter H. Designs for murals or art work on exterior walls or around windows and doors shall be presented for design review board approval before application to the building. All murals are subject to design approval by the design review board. Murals may incorporate a sign, or may stand alone. When a sign is incorporated into the mural, then a sign permit and compliance with Chapter 14.10 LMC, Signs, are required.

1. Corner walls may be painted to simulate rectangular stone quoins using a trompe l'oeil style.

2. Three-dimensional painting is encouraged around windows and doors when shutters are not present. Classical as well as Rococo designs should be used.

3. Murals may be of a traditional Bavarian theme. Scenic murals are also acceptable.

4. Mural placement shall be floating rather than framed by trim or other design elements.

5. Murals are accents. The intent is not to cover a complete wall with a mural.

I. Colors, see Portfolio Chapter I. Color selection shall incorporate the following:

1. The predominant stucco color is white or off-white. Pastels are acceptable with white or off- white accents, or stone accents, on stucco trim.

2. Unacceptable – any bold bright colors.

3. Wood trim (including beams, fascia and siding) may be stained with transparent wood-tone stain, or occasionally stained with opaque stain or painted.

4. A paint chip or paint sample shall be submitted with the colored rendering of a design for all colors incorporated in the rendering. This requirement applies to the sign and architectural theme sections of this code. The sign portion of the mural is not exempt from this requirement, although the rest of the mural is.

(Ord. 1157 § 1, 2001; Ord. 1164 § 3, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1442 § 1 (Att. A), 2013; Ord. 1609 § 1 (Att. A), 2020)

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§ 14.08.050. Supplemental regulations.

A. The design review board may require the following structures or items to comply to the maximum extent practical and feasible with the Old World Bavarian Alpine theme when they are located in any commercial zone district:

1. Street furnishings.
2. Walkways and/or plazas.
3. Garbage enclosures.
4. Kiosks.
5. Vehicle infrastructure, such as gas, pay and charging stations.
6. Display cabinets per LMC § 5.22.030.
7. Any type of display or permitted structure not enclosed within a building structure.

B. Meters, utility boxes, vents, louvers, conduit covers and other similar items shall be colored to blend with adjacent surfaces or colored black.

C. Serving windows to outdoor, privately owned staging areas shall be set back a minimum of eight feet from the sidewalk or public right-of-way.

D. The terms, provisions and requirements of this chapter shall be in addition to and not in lieu of the requirements set forth in the International Building Code and other uniform codes adopted by the city or in any other ordinance, state statute or regulation governing the construction, building, zoning or other similar regulations applicable to the city.

E. The painting of a new or existing building in a color different from the color originally approved shall require approval by the design review board.

F. Buildings shall not be occupied or opened for business until the approved exterior design features of that building are finished. A temporary certificate of occupancy/ exemption may be granted by the city with a surety to perform work for not more than the time period allowed by the surety to perform work; provided, that the reason for delayed completion is due to weather or other circumstances beyond the control of the owner.

G. Until all applicable fees, charges, and expenses have been paid in full, as required, no action shall be taken by the city on any application, appeal or request excepting that of design review board consultation.

H. Design review board approved architectural and sign permits shall expire in conformance with LMC § 15.04.030 and associated building permits (as necessary).

I. All mechanical equipment, e.g., heating and air conditioning equipment, air handling ducts, and compressors, shall be screened from view. False balconies, false chimneys, railings, and parapet walls may be utilized as long as they do not detract from the Bavarian Alpine theme. Screening plans/designs must be included in architectural elevations presented for board review and approval. Reduction of fire hazards should be considered in the material and design of screening.

J. Rain gutters, downspouts, and heat tapes shall be required for all eaves to eliminate the possibility of drainage onto sidewalks.

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1473 § 1 (Att. A), 2014; Ord. 1609 § 1 (Att. A), 2020; Ord. 1694 § 1 (Att. A-1), 2024)

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§ 14.08.060. Small commercial buildings.

Small commercial buildings less than 160 square feet, see Portfolio Chapter J, shall meet the following standards:

A. Follow the same low-angle Bavarian Alpine roof construction as larger buildings.

B. These buildings may have all wood outside wall construction. If all wood siding is used, the siding must be tongue and groove cedar, pine, or squared log construction. Usually the siding is applied horizontally. Plywood siding is unacceptable. Stucco may be used.

C. These buildings should have extensive overhangs front and back, with more modest overhangs on the sides.

D. Natural wood-tone stains predominate in Bavaria, with little or no painting of the trim.

E. Most of the ornate features are scrolled trim with window shutter cutouts.

F. Roofing materials are the same as for larger buildings.

G. The overall feeling should be rustic in nature.

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.070. Mechanical equipment.

Repealed by Ord. 1609.

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010)

§ 14.08.080. Signs.

H. All signs must conform with the city sign ordinance, Chapter 14.10 LMC.

I. Examples of approved signs are found in LMC § 14.08.100(M).

J. General locations for signing are to be indicated on the design review application drawings, with evidence that flowers and other features will not interfere.

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.090. Enforcement.

This chapter shall be enforced pursuant to Chapter 21.13 LMC.

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1609 § 1 (Att. A), 2020)

§ 14.08.100. Appendix: Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth.

The community development director shall make color copies of the "Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth" available to the public to view. The "Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth," dated January 23, 2001, is incorporated herein by this reference and is hereby adopted as part of this chapter. A monetary deposit according to the city's adopted fee schedule shall be required to check out the portfolio of photographs. The following are included in the portfolio:

A. Typical building shapes and streetscape;

B. Roofs;

C. Walls;

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D. Balconies;

E. Doorways;

F. Windows;

G. Trim;

H. Decorative painting;

I. Colors;

J. Small buildings;

K. Inappropriate design elements;

L. Local Bavarian Alpine buildings;

M. Signs;

N. Regional Bavarian Alpine building styles and map.

(Ord. 1157 § 1, 2001; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1609 § 1 (Att. A), 2020)

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§ 15.04.030. General requirements for all referenced codes.

A. Expiration of Permits. All permits shall expire by limitation and be declared void if work is not started within 180 days of obtaining a permit, or work is abandoned for 180 days or more after beginning work. The holder of a nonexpired permit may apply for an extension of time when work is unable to commence within 180 days after permit issuance due to circumstances beyond the control of the permit holder. The city may extend the time limitation for commencing work not more than 180 days. No permit shall be extended more than once. If a permit is expired for time,a new permit may be obtained for one-half the permit fee for the value of the remainder of the work to finish the original permit.

B. Location of Reference Documents. All referenced codes are available for review at City Hall.

C. Fees. All permit fees shall be established in the rate and fee schedule of the city of Leavenworth.

D. Fee Refunds. The building official may authorize the refund as established in the rate and fee schedule of the city of Leavenworth.

E. Appeals. All appeals of any decision, order or determination relative to the application and interpretation of this title shall be made in conformance with LMC Title 21 to the hearing examiner appointed by the city.

Design Requirements – Climate and Geographic Design Criteria											
Roof Snow Load	**Ground Snow Load**	**Wind Speed**	**Wind Topo Effects**	Weather-ing	**Frost Line Depth**	**Termites**	**Winter Design Temp.**	**Ice Barrier under-layment**	**Flood Hazard**	**Air Freeze Index**	**Mean Annual Temp**
85 PSF	115 PSF	85 MPH	Yes – "B"	Severe	24"	Moderate to Heavy	5 degrees F.	Yes	Yes	1050	51.5

(Ord. 1227 § 1, 2004; Ord. 1409 § 1 (Exh. A), 2012; Ord. 1478 § 1 (Att. A), 2014; Ord. 1506 § 1 (Att. A), 2015; Ord. 1694 § 1 (Att. A-2), 2024)

F. Conversion of existing buildings to housing. In conformance with RCW 35A.21.440 and 35.21.990, the City is not allowed to impose certain regulations on new housing units added to existing buildings. The City can not:

1. Require unchanged portions of an existing building that have been used for residential or previously permit-approved conditioned space purposes to meet the current energy code solely because of the addition of new dwelling units within the building. When any other existing building is converted to new dwelling units, changed portions of each of those new units must meet the requirements of the current energy code, except if:

a. The square footage of new dwelling units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;

b. The building owner submits documentation, in a form acceptable to the code city, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard in RCW 19.27A.210; or

c. In all areas zoned for residential housing, an additional housing unit is created within an existing home;

2. Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area

~~1.~~3. For the purpose of this exemption, the term "existing building" means a building that has received a certificate of occupancy at least three years prior to the permit application to add housing units.

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§ 16.08.220. Critical areas review process.

A. Preapplication Conference. All applicants are encouraged to meet with city staff prior to submitting an application subject to this chapter. The purpose of the meeting shall be to discuss the city's critical areas requirements, processes and procedures; to review any conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methodology; to identify potential impacts and mitigation measures and to schedule a site visit. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the city.

B. Preliminary Evaluation.

1. Submittal of a critical areas review checklist (city form) or a SEPA checklist (state form) shall be required prior to any development or other alteration in or within a known critical area.

2. On receipt of a critical areas review checklist or SEPA, the administrator shall conduct a preliminary evaluation, which may include visiting the site and reviewing the following information.

   a. Any pertinent information provided by the applicant;

   b. Relevant reference materials; and

   c. Any other pertinent information including but not limited to the information on the critical areas review checklist or SEPA checklist.

   Based on the preliminary evaluation, the administrator shall determine whether or not sufficient information is available to evaluate the proposal.

3. If the administrator determines that the information presented is not sufficient to adequately evaluate the impact on critical areas of a proposed alteration, he or she shall notify the applicant that a critical area study is required. In the event that multiple critical areas occur on a given site, each critical area shall be addressed independently and all critical areas shall be addressed collectively for the purpose of determining development standards and appropriate mitigating measures.

4. In the case of landslide or erosion hazard areas, should the applicant question the presence of such areas on the site, the applicant may submit a geological assessment prepared by a qualified professional for geological hazards, consistent with this chapter.

C. Critical Area Study. If the administrator determines that the site of a proposed development includes, is likely to include, or is adjacent to one or more critical areas, a critical area study may be required. When required, the expense of preparing the critical area study shall be borne by the applicant. The content, format and extent of the critical area study shall be approved by the administrator.

1. The requirement for a critical area study may be waived by the administrator if there is substantial evidence that:

   a. There will be no alteration of the critical area(s) and/or the required buffer(s); and

   b. The proposal will not impact the critical area(s) in a manner contrary to the purpose, intent and requirements of this chapter and the city's comprehensive plan; and

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~~b.~~c. The proposal adds new housing units to an existing building; and

~~c.~~d. The minimum standards of this chapter will be met.

2. No critical area study is required for proposals that are exempt from the provisions of this chapter as set forth under LMC § 16.08.140, Exemptions.

3. Every critical area study shall be completed by a qualified professional who is knowledgeable about the specific critical area(s) in question, and approved by the administrator.

4. At a minimum, a required critical area study shall contain the following information:

   a. Applicant's name and contact information; permits being sought; and description of the proposal;

   b. A copy of the site plan for the alteration proposal, drawn to scale and showing:

      i. Identified critical areas, buffers, and the proposed alteration with dimensions;

      ii. Limits of any areas to be cleared; and

      iii. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;

   c. The names and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

   d. Identification and characterization of all critical areas within, or within 250 feet of, the project area or within any proposed buffer;

   e. An assessment of the probable cumulative impacts to critical areas resulting from the proposed development of the site;

   f. An analysis of site development alternatives;

   g. A description of reasonable efforts made to apply mitigation sequencing, as defined in these regulations, to avoid, minimize, and otherwise mitigate impacts to critical areas;

   h. A mitigation plan as set forth in these regulations;

   i. A discussion of the performance standards proposed to ensure that ecological functions of critical areas are protected and health and safety hazards associated with critical areas are precluded;

   j. Financial guarantees proposed to ensure compliance with mitigation plan and performance standards; and

   k. Any additional information required for specific critical areas as listed in subsequent sections of these regulations.

5. The administrator may request any other information reasonably deemed necessary to understand impacts to critical areas.

6. Development Standards.

Commented [TRT1]: Requirements for environmental studies are not allowed by RCW 35A.21.440(2)(i). If an existing building is being converted to housing, cities are no longer allowed to require an environmental study.

Propose an addition to the list where critical area studies may be waived.

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a. Upon review of the critical area study, the administrator may require compliance with all or part of the development standards listed in this chapter. At a minimum, the administrator shall require that development mitigate any impacts that degrade the functions and values of critical areas in accordance with the mitigation provisions of this chapter.

b. The administrator shall waive all or part of the development standards required by this chapter if he or she determines that the potential impact of the proposal (including impact on critical areas and impact on the public health, safety, and welfare) and the protection measures proposed have been previously reviewed pursuant to this chapter under separate application and that an adequate degree of protection has been provided.

D. Mitigation Requirements for Fish and Wildlife Habitat, Geologically Hazardous Areas and Wetlands.

1. The applicant shall avoid all impacts that degrade the functions and values of critical areas. If alteration is unavoidable, adverse impacts to critical areas and buffers resulting from the proposal shall be mitigated in accordance with an approved critical areas study or SEPA documents/mitigation, with the exception that de minimis impacts may be allowed. The location of any mitigation site shall be consistent with best available science and may be on site or off site.

2. Mitigation Sequencing. Applicants shall use the least intrusive type of mitigation feasible, and shall demonstrate that less intrusive types of mitigation have been evaluated. The types of mitigation, from least to most intrusive, are:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps (such as project redesign, relocation, or timing) to avoid or reduce impacts;

c. In the case of frequently flooded areas and geologically hazardous areas, minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered methods or other methods designed by a qualified design professional;

d. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment to historic conditions or the conditions existing at the time the project was initiated;

e. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

f. In the case of critical aquifer recharge areas, frequently flooded areas, fish and wildlife habitat conservation areas, and wetlands, compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

g. Monitoring the impact using a planned evaluation process and taking appropriate corrective measures.

3. Mitigation Plan. When mitigation is required, the applicant shall submit for approval a mitigation plan as part of the critical area study. Approval of a mitigation plan shall be

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processed according to the provisions of LMC Title 21, Development Code Administration, governing a full administrative review. The mitigation plan shall include a written report identifying:

a. Mitigation objectives, including:

i. A description of the anticipated impacts to critical areas and their buffers, the type or types of mitigation proposed, and the purposes of the measures proposed, including site selection criteria; identification of compensation objectives; identification of critical area functions and values; and dates for beginning and completion of any on-site mitigation activities;

ii. The impacts of any proposed alteration of a critical area or buffer, including proposed mitigation activities, on the development site, other properties and the environment;

iii. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in critical areas mitigation; and

iv. An analysis of the likelihood of success of the proposed mitigation.

b. Measurable criteria for evaluating whether or not the objectives of the mitigation plan have been successfully attained and whether or not the requirements of these regulations have been met.

c. Descriptions and specifications for any on-the-ground mitigation activities, including, but not limited to:

i. Proposed construction sequence, timing, and duration;

ii. Grading and excavation details;

iii. Erosion and sediment control measures;

iv. A planting plan specifying plant species, quantities, locations, size, and spacing; and

v. Measures to protect and maintain plants until established.

d. Where on-the-ground mitigation activities are proposed, construction and post-construction monitoring programs.

i. The purpose of the construction monitoring program is to monitor adherence to the mitigation specifications and any other requirements of these regulations.

ii. The purpose of the post-construction monitoring program is to determine whether mitigation objectives are being achieved and, if not, prescribe corrective measures. The program shall include a schedule for monitoring the project over a period adequate to establish that mitigation objectives have been met, generally at least five years from completion of the mitigation project, and shall describe the methods to be used in monitoring.

e. A list of potential corrective measures to be taken if monitoring or evaluation indicates project objectives are not being achieved.

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4. Monitoring and Reporting. The mitigation project shall be monitored as specified in the mitigation plan. A monitoring report shall be submitted by the project proponent to the administrator according to the schedule specified in the mitigation plan, to document monitoring outcomes and any contingency actions.

(Ord. 1395 § 1 (Exh. A), 2011; Ord. 1597 § 1 (Att. A), 2019)

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§ 17.02.070. Concurrency for public facilities and utilities.

Those public facilities and utilities required to be provided as a condition of approval shall be fully operational or bonded, pursuant to Chapter 14.50 LMC, for concurrency with the use and occupancy of the development, except that concurrency for transportation facilities may be within six years of project approval at the discretion of the community development director and public works director; and, except highways of statewide significance which are exempt from concurrency requirements, pursuant to RCW 36.70A.070(6)(a)(iii)(C).

In conformance with RCW 35A.21.440 and 35.21.990, new housing units in existing buildings are exempt from requirements for transportation concurrency studies.

(Ord. 1223 § 1, 2004; Ord. 1596 § 1 (Att. A), 2019; Ord. 1694 § 1 (Att. A-1), 2024)

Commented [TRT1]: Requirement for transportation concurrency studies are not allowed by RCW 35A.21.440(2)(i). If an existing building is being converted to housing, cities are no longer allowed to transportation concurrency studies.

Propose an exemption to be added.

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§ 17.08.030. Application.

An applicant shall submit a complete short subdivision application to the community development director. A complete application for the purposes of this chapter shall consist of the following:

A. A fully completed and signed (by those individuals or corporations holding any ownership or security interest) short subdivision application form provided by the department of community development that contains the information as required by Chapter 21.05 LMC;

B. A~~Five copies of a~~ scaled drawing of at least one inch to 100 feet which provides the following information:

1. A legal description of the area being divided;

2. The boundaries of the section (or plat, or lots) within which the short plat lies;

3. The boundary lines, dimensions and area of the short plat and the lots within it;

4. Proposed short plat name and lot numbers;

5. The location and width of all roads, access easements and driveways;

6. The location and widths of all existing and proposed utility easements;

7. The boundaries, dimensions and area of all tracts or parcels to be dedicated or reserved for public or community uses;

8. The location of all existing and proposed water distribution systems, sewage disposal systems, stormwater systems, and irrigation systems;

9. Fire hydrant locations within or adjacent that will be connected to;

10. The location of the 100-year floodplain and floodway, if applicable;

11. The location of all water courses and the ordinary high water mark and approximate boundaries of all areas subject to inundation, if applicable;

12. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas, as presently contained in this code, or as amended. At the discretion of the city, final analysis and plans may be required at the time of preliminary approval if adequate review of the proposal can occur;

13. Location of all existing structures, wells, overhead and underground utilities, municipal boundaries, and other important physical features;

14. Zoning and comprehensive plan designations; and

15. North arrow;

C. ~~Three sets of~~ R~~r~~oad plans and profiles for all proposed roads and improvement specifications;

D. Assessor's parcel map of property and surrounding properties within 500 feet;

E. Contours at two-foot intervals for zero to five percent cross slope; five-foot intervals for five to 30 percent cross slope; 10-foot intervals for over 30 percent cross slope; and spot elevations to determine the general locations of high and low points thereof;

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F. SEPA checklist, if required;

G. Any other information deemed necessary by the city for the adequate review of the proposed short subdivision in conformance with the provisions of this title and all other applicable federal, state and local regulations; and

H. Payment of all applicable review fees.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014)

§ 17.08.050. Review criteria and required findings.

A. The proposed preliminary short subdivision shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Consistent with the provisions of this title and all other applicable titles contained in this code;

2. Conformity with all applicable zoning requirements;

3. Consistent with the provisions contained in the comprehensive plan;

4. Consistency with applicable design standards;

5. Compliance with the provisions of any applicable federal, state and local law;

6. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant factors, including safe walking conditions for students who only walk to and from school; and

7. The public interest will be served by the short subdivision and dedications.

B. Construction of compliant improvements will be required as a condition of approval. As necessary, deferred improvements shall be noted on the final plat.

C. As a condition of approval, the community development director may require dedication of land to any public body, provisions for public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through

D. 82.02.090. No dedication, provision for public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitute an unconstitutional taking of private property.

E. Preliminary short subdivision approval is valid for a period of seven ~~five~~ years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 14.50 LMC and filed for record with the Chelan County auditor. If the conditions attached to the preliminary short subdivision approval are not satisfied or appropriately bonded for, and the short plat is not filed for record within the required period, preliminary approval of the short subdivision shall become null and void.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014; Ord. 1694 § 1 (Att. A-1), 2024)

§ 17.08.060. Final approval and recording.

A. Following city approval of a preliminary short plat, completion, verification/ certification and acceptance of any required improvements, the applicant may cause the subdivision or any part thereof to be surveyed and a final plat map prepared within the time frame period provided in

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Chapter 58.17 RCW. An applicant shall submit a complete final short plat application to the community development director.

B. Upon receipt ~~of six blueline copies~~ of the final mylar, prepared by a surveyor in conformance with the provisions contained in this section; a plat certificate issued within the preceding 30 days including confirmation that the title to the lands as described and shown on said plat are vested in the owners whose names appear on the plat certificate or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the auditor's recording number; and applicable review fees, the community development director shall circulate the bluelines to agencies and individuals whose signatures are required on the final mylar for recording. Said corrected bluelines (redlines) shall be returned to the applicant's surveyor with notice to the applicant within 21 days of receipt.

C. The final short plat submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of 100 feet to the inch (or a scale approved by the community development director) under the supervision of a land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, Chapter 58.09 RCW, as it now exists or as amended. The final short plat mylar shall contain the following additional information:

1. A certificate bearing the names of all persons having an interest in the land, signed and acknowledged by them before a notary public which:

    a. States their consent to the division; and

    b. Grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;

2. A space for approval and official seals of the short plat administrator, public works director, city engineer, acknowledgment of taxes paid by the Chelan County treasurer, and recording by the Chelan County auditor;

3. Permanent control monuments shall be established at controlling corners on the boundaries of the subdivision, the intersections of the centerline tangents of roads within the subdivision or points of, the beginning and ends of curves on centerlines, and all block and lot corners. All other surrounding property shall be labeled in dotted lines;

4. Bearings of all lots, tracts, and centerlines of public and private roads within the project boundary;

5. For a short subdivision that contains or is subject to a dedication, a certificate shall be placed on the face of the final short plat mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;

6. Subdivision name and number as assigned by the city;

7. Legal description

8. North arrow, numeric and graphic scale, and lot numbers;

9. Assigned street addresses;

10. All utility easements;

11. All notes as required by the conditions of approval;

12. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number;

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13. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the land division; and

14. The delineation of the 100-year floodplain and floodway and any wetlands, when present.

15. Upon the completion of improvements, the community development director shall prepare a final decision reviewing the final plat and its conformance to the requirements of this title and all other applicable titles contained in this code, and the review criteria outlined in this title.

16. An approved short subdivision shall not be filed for record with the Chelan County auditor until the applicant has constructed or bonded for all improvements and satisfied all conditions as required by the city in the granting of preliminary approval.

17. A short subdivision shall not be considered final until recorded with the Chelan County auditor.

18. Any lots in a final short plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for a period of ~~five~~ seven years from the date of filing. A short subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of ~~five~~ seven years after final short plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014)

§ 17.08.070. Prohibition on resubdivision.

Land within a short subdivision, the short plat of which has been approved within ~~five~~ seven years immediately preceding, may not be further divided unless a final major subdivision has been approved and filed for record pursuant to Chapter 17.12 LMC; except, a short subdivision containing fewer than nine lots may apply to further divide within ~~five~~seven years, provided the total lots created do not exceed nine.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014; Ord. 1610 § 1 (Att. A), 2020)

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§ 17.10.030. Application.

An applicant shall submit a complete binding site plan application to the community development director. A complete application for the purposes of this chapter shall consist of the following:

A. A fully completed and signed (by those individuals or corporations holding any ownership or security interest) binding site plan application form provided by the department of community development that contains the information as required by Chapter 21.05 LMC;

B. A~~Ten copies of a~~ scaled drawing of at least one inch to 100 feet which provides the following information:

1. A legal description of the area being divided;

2. The boundaries of the section (or plat or lots) within which the binding site plan lies;

3. The boundary lines, dimensions and area of the binding site plan and the lots within it;

4. Proposed binding site plan name and lot numbers;

5. The location and width of all roads, access easements and driveways;

6. The location and width of all existing and proposed utility easements;

7. The boundaries, dimensions and area of all tracts or parcels to be dedicated or reserved for public or community uses;

8. The location of all existing and proposed water distribution systems, sewage disposal systems, stormwater systems, and irrigation systems;

9. Fire hydrant locations within or adjacent that will be connected to;

10. The location of the 100-year floodplain and floodway, if applicable;

11. The location of all water courses and the ordinary high water mark and approximate boundaries of all areas subject to inundation, if applicable;

12. Contours at two-foot intervals for zero to five percent cross slope; five-foot intervals for five to 30 percent cross slope; 10-foot intervals for over 30 percent cross slope; and spot elevations to determine the general locations of high and low points thereof;

13. Location of all existing structures, wells, overhead and underground utilities, municipal boundaries, and other important physical features;

14. Zoning and comprehensive plan designations; and

15. North arrow;

C. ~~Three sets of~~ Road plans and profiles for all proposed roads and improvement specifications;

D. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas as presently contained in this code, or as amended;

E. Assessor's parcel map of property and surrounding properties within 500 feet;

F. SEPA checklist, if required;

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G. Any other information deemed necessary by the director for the adequate review of the proposed binding site plan in conformance with the provisions of this title and all other applicable federal, state and local regulations; and

H. Payment of all applicable review fees.

(Ord. 1223 § 1, 2004)

§ 17.10.040. Preliminary binding site plan review.

A. Binding site plans shall be subject to the procedures established in Chapter 21.07 LMC.

B. Once the determination of a complete application is made, the director shall solicit comments on the proposal from the public works director, city engineer, fire chief or designee, building official, local utility purveyors, Cascade School District, Chelan County assessor, Chelan County treasurer, Washington State Department of Transportation (if the proposal abuts or could potentially adversely affect a state highway), irrigation district (if the proposal is within a district), Washington State Department of Ecology (if proposal involves a wetland or aquifer recharge area), LINK, and other appropriate agencies with jurisdiction or expertise. The referral agencies shall have 14 calendar days to return their written comments. Failure of the referral agencies to respond within the prescribed time will be interpreted as their having no comment on the proposal as submitted.

C. Pursuant to the timelines delineated within Chapter 21.09 LMC, or such other period as the applicant may authorize, the director shall approve, conditionally approve, or disapprove the proposed binding site plan in writing, subject to the review criteria and required findings as outlined in LMC § 17.10.050.

(Ord. 1223 § 1, 2004)

§ 17.10.050. Review criteria and required findings.

A. The proposed preliminary binding site plan shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Compliance with the provisions of this title and all other applicable titles contained in this code;

2. Conformity with all applicable zoning requirements; provided, that for a division under LMC § 17.10.010(C) or (D), no minimum lot size, setback requirements, or density restrictions in the underlying zoning designation shall apply;

    a. Conformance with the provisions contained in the comprehensive plan;

    b. Consistency with applicable design and building standards;

    c. Compliance with the provisions of any applicable federal, state and local law;

    d. Appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts, including safe walking conditions for students who only walk to and from school; and

    e. The public interest will be served by the binding site plan and dedications.

B. The director may disapprove a proposed binding site plan because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

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C. As a condition of approval, the director may require dedication of land to any public body, provisions for public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through82.02.090.

1. No dedication, provision for public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitute an unconstitutional taking of private property.

D. Preliminary binding site plan approvals are valid for a period of ~~five~~ seven years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 14.50 LMC and filed for record with the Chelan County auditor. If the conditions attached to the preliminary binding site plan approval are not satisfied or appropriately bonded for, and the binding site plan is not filed for record within the required period, preliminary approval of the binding site plan shall become null and void.

E. Pursuant to RCW 58.17.040(7), the binding site plan shall contain the following statement:

> All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city of Leavenworth having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

(Ord. 1223 § 1, 2004; Ord. 1694 § 1 (Att. A-1), 2024; Ord. 1695 § 1 (Att. A), 2024)

§ 17.10.060. Final approval and recording.

A. Upon receipt of a~~six~~ blueline copy~~ies~~ of the final mylar, prepared by a surveyor in conformance with the provisions contained in this section; a plat certificate issued within the preceding 30 days, including confirmation that the title to the lands as described and shown on said binding site plan is vested in the owners whose names appear on the plat certificate or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the auditor's recording number; and applicable review fees; the director shall circulate the bluelines to agencies and individuals whose signatures are required on the final mylar for recording. Said corrected bluelines (redlines) shall be returned to the applicant's surveyor with notice to the applicant within 21 days of receipt.

B. The final binding site plan submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of 100 feet to the inch (or a scale approved by the administrator) under the supervision of a land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, Chapter 58.09 LMC, as it now exists or as amended, and the following additional information:

1. A certificate bearing the names of all persons having an interest in the land, signed and acknowledged by them before a notary public which:

   a. States their consent to the division; and

   b. Grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;

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2. A space for approval and official seals of the binding site plan administrator, public works director, city engineer, acknowledgement of taxes paid by the Chelan County treasurer, and recording by the Chelan County auditor;

3. Permanent control monuments shall be established at controlling corners on the boundaries of the binding site plan, the intersections of the centerline tangents of roads or points of intersections within the binding site plan, the beginning and ends of curves on centerlines, and all block and lot corners. Adjacent property shall be labeled in dotted lines as they intersect with the subject property;

4. Bearings of all lots, tracts, and centerlines or public and private roads within the project boundary;

5. For a binding site plan that contains or is subject to a dedication, a certificate shall be placed on the face of the final binding site plan mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;

6. Binding site plan name and number as assigned by the director;

7. Legal description;

8. North arrow, numeric and graphic scale, and lot numbers;

9. Assigned street addresses;

10. All utility easements;

11. All notes as required by the conditions of approval;

12. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number;

13. Location, width, and name of all streets, alleys, and other public or private ways within and adjacent to the land division; and

14. The delineation of the 100-year floodplain and floodway and any wetlands, when present.

C. An approved binding site plan shall not be filed for record with the Chelan County auditor until the applicant has constructed or bonded for all improvements and satisfied all conditions as required by the director in the granting of preliminary approval.

D. A binding site plan shall not be considered final until recorded with the Chelan County auditor.

E. Any lots in a final binding site plan filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven~~five~~ years from the date of filing. A binding site plan shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of seven~~five~~ years after final binding site plan approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the binding site plan.

(Ord. 1223 § 1, 2004)

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§ 17.12.030. Application.

An applicant shall submit a complete major subdivision application to the community development director. A complete application for the purposes of this chapter shall consist of the following:

A. A fully completed and signed (by those individuals or corporations holding any ownership or security interest) major subdivision application form provided by the community development department that contains the information as required by Chapter 21.05 LMC;

B. ~~Five copies of~~ A scaled drawing of the preliminary plat ~~which shall be a legibly drawn map 24 by 36 inches in size at a scale~~ of one inch equals 50 feet or one inch equals 100 feet. If approved by the department, an alternative appropriate scale may be used;

~~C. One reduced (eight and one-half by 11 inches or 11 by 17 inches) copy of the preliminary plat or one digital copy of the preliminary plat on a format approved by the department;~~

~~D.~~C. The plat shall include the following information:

1. The purpose of the proposed subdivision;
2. A legal description of the area being divided;
3. The boundaries of the section (or plat) within which the major subdivision lies;
4. The boundary lines, dimensions and area of the major subdivision and the lots within it;
5. Proposed subdivision name, block and lot numbers. Block and lot numbers shall be laid out in a logical progression;
6. The location and widths of all existing and proposed roads, access easements, and driveways;
7. The location and dimensions of all existing buildings or structures and distances to proposed lot lines;
8. The location and widths of all existing and proposed utility easements;
9. The boundaries, dimensions, and area of all tracts or parcels to be dedicated or reserved for public or community uses;
10. The location of all existing and proposed water distribution systems, sewage disposal systems, stormwater systems, and irrigation systems;
11. Fire hydrant locations within or adjacent that will be connected to;
12. The location of the 100-year floodplain and floodway, if applicable;
13. The location of all water courses and the ordinary high water mark and approximate boundaries of all areas subject to inundation, if applicable;
14. Contours at two-foot intervals for zero to five percent cross slope; five-foot intervals for five to 30 percent cross slope; 10-foot intervals for over 30 percent cross slope; and spot elevations to determine the general locations of high and low points thereof;
15. Location of all existing structures, wells, septic tanks, drain-fields, overhead and underground utilities, municipal boundaries, and other important physical features;
16. Zoning and comprehensive plan designations; and

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17. North arrow;

~~E.~~D. ~~Three sets of~~ R~~r~~oad plans and profiles for all proposed roads;

~~F.~~E. The delineation, location, classification, and required analysis or mitigation plans as required for critical areas, including fish and wildlife habitat conservation areas, aquifer recharge areas, geologically hazardous areas, wetlands, and frequently flooded areas as presently contained in LMC Title 16;

~~G.~~F. Assessor's parcel map of property and surrounding properties within 500 feet;

~~H.~~G. SEPA checklist or other environmental information as required in Chapter 16.04 LMC;

~~I.~~H. Any other information deemed necessary by the city for the adequate review of the proposed subdivision in conformance with the provisions of this title and all other applicable federal, state and local regulations;

~~J.~~I. Payment of all applicable review fees; and

~~K.~~J. A plat certificate issued within the preceding 30 days, including confirmation that the title to the lands as described and shown on said plat is vested in the owners signing the application and whose names appear on the plat certificate or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the auditor's recording number.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014)

§ 17.12.040. Preliminary plat review procedures.

A. Preliminary plats shall be subject to the procedures established in Chapter 21.07 LMC.

B. Once the determination of a complete application is made, the community development director shall solicit comments on the proposed preliminary plat from the public works director, city engineer, fire chief or designee, building official, local utility purveyors, Cascade School District, Chelan County assessor, Chelan County public works (if the proposal abuts or could potentially adversely affect a county road), Chelan County treasurer, Washington State Department of Transportation (if the proposal abuts or could potentially adversely affect a state highway), irrigation district (if the proposal is within a district), Washington State Department of Ecology (if the proposal involves a critical area), LINK, and other appropriate agencies with jurisdiction or expertise. The referral agencies shall have 14 calendar days to return their written comments. Failure of the referral agencies to respond within the prescribed time will be interpreted as their having no comment on the proposal as submitted.

C. Upon the completion of the public comment period and the comment period required for SEPA, a public hearing shall be held for review of the proposed preliminary plat in conformance with the provisions contained in LMC § 21.09.050. The community development director shall submit a report with recommendations to the hearing examiner reviewing the proposed preliminary plat and its conformance to the requirements of this title and all other applicable titles contained in this code, and the review criteria outlined in LMC § 17.12.050.

D. Pursuant to the timelines delineated within Chapter 21.09 LMC, or such other period as the applicant may authorize, the hearing examiner shall approve, conditionally approve, or disapprove the proposed preliminary plat in writing subject to the review criteria and required findings as outlined in LMC § 17.12.050.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014)

§ 17.12.050. Preliminary plat review criteria and required findings.

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A. The proposed preliminary plat shall be reviewed and approved only when the following criteria and findings are satisfied:

1. Consistency with the provisions of this title and all other applicable titles contained in this code;

2. Conformity with all applicable zoning requirements;

3. Consistency with the provisions contained in the comprehensive plan;

4. Consistency with applicable design standards;

5. Compliance with the provisions of any applicable federal, state and local law;

6. Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that appropriate provisions are made for the following:

a. The public health, safety, and general welfare;

b. Open spaces;

c. Drainage ways;

d. Streets or roads, alleys, other public ways;

e. Transit stops;

f. Potable water supplies;

g. Sanitary waste;

h. Parks and recreation;

i. Playgrounds, schools and school grounds;

j. Sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

7. Prior to approving any preliminary subdivision, the hearing examiner shall determine and make written findings of fact that:

a. The public interest will be served by the establishment of the subdivision and dedication(s);

b. The proposed subdivision is consistent with all applicable development code provisions; and

c. Other requirements found to be necessary and appropriate and for which written standards and policies have been adopted.

B. As a condition of approval, the hearing examiner may require dedication of land to any public body, provisions for public improvements to serve the subdivision, and/ or impact fees imposed under RCW 82.02.050 through 82.02.090. No dedication, provision for public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitute an unconstitutional taking of private property.

C. Preliminary subdivision approval is valid for a period of seven ~~five~~ years, or as delineated by state law. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 14.50 LMC, and a final plat shall be filed for record with the Chelan County auditor. If the conditions attached to the preliminary subdivision approval are not satisfied or appropriately bonded

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for, and the final plat is not filed for record within the required period, preliminary approval of the subdivision shall become null and void.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014; Ord. 1694 § 1 (Att. A-1), 2024)

§ 17.12.060. Preliminary plat approval – Continued development.

The plat map must delineate the separate divisions or phases that are to be developed. The preliminary plat approval is conditional upon the completion of the proposed phases in the stated sequence. Final plat approval is required for each separate phase or combined phases of the preliminary plat. All phases of said preliminary plat shall be completed and filed for record within the time period as outlined in LMC § 17.12.040(D).

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014)

§ 17.12.070. Final approval and recording.

A. Following city approval of a preliminary plat, completion, verification/certification and acceptance of any required improvements, the applicant may cause the subdivision or any part thereof to be surveyed and a final plat map prepared within the time frame period provided in Chapter 58.17 RCW. An applicant shall submit a complete final major subdivision application to the community development director. A complete application for the purposes of this chapter shall consist of the following:

1. ~~Six copies of t~~The final mylar, prepared by a surveyor in conformance with the provisions contained in this section;

2. A plat certificate issued within the preceding 30 days, including confirmation that the title to the lands as described and shown on said plat is vested in the owners signing the application and whose names appear on the plat certificate or instrument of dedication, and any easements or restrictions affecting the property, with a description of the purpose and referenced by the auditor's recording number; and

3. Applicable review fees.

B. The community development director shall circulate the copies to agencies and individuals whose signatures are required on the final mylar for recording. Final plats shall be approved or returned with corrections to the applicant within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period. Upon return with corrections, said corrected copies (redlines) shall be processed in accordance with the time established pursuant to Chapter 21.07 LMC, as applicable. Said corrections shall be made and conformance to conditions imposed on the approved preliminary plat satisfied prior to submission of the final plat for recording.

1. No permit for the construction of improvements within an approved subdivision shall be issued by the city until all construction drawings, proposed performance guarantees, and other submittals in conformance with engineering design standards have been received and approved by the public works director or city engineer. All construction of improvements shall be inspected and approved in conformance with engineering design standards.

2. The final plat submitted for recording shall consist of one or more pages clearly and legibly drawn on a stable mylar or equivalent approved material at a scale of 100 feet to the inch (or a scale approved by the city) under the supervision of a land surveyor registered in the state of Washington who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. All survey work shall conform to the requirements of the Survey Recording Act, Chapter 58.09 RCW, as it now exists or as amended, and the final plat mylar shall contain the following additional information:

   a. A certificate bearing the names of all persons having an interest in the land, signed and acknowledged by them before a notary public, which:

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i. States their consent to the division; and

ii. Grants a waiver by them of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of public roads;

b. A space for approval and official seals of the community development director, and public works director or city engineer, acknowledgment of taxes paid by the Chelan County treasurer, and recording by the Chelan County auditor;

c. Permanent control monuments shall be established at controlling corners on the boundaries of the subdivision, the intersections of the centerline tangents of roads within the subdivision or points of intersections, the beginning and ends of curves on centerlines, and all block and lot corners. All other surrounding property shall be labeled in dotted lines;

d. Bearings of all lots, tracts, and centerlines or public and private roads within the project boundary;

e. For a subdivision that contains or is subject to a dedication, a certificate shall be placed on the face of the final plat mylar that contains the dedication of all streets and other areas to the public, and a waiver of claims;

f. Subdivision name and number as assigned by the city;

g. Legal description;

h. North arrow, numeric and graphic scale, and lot numbers;

i. Assigned street addresses;

j. All utility easements;

k. All notes as required by the conditions of approval;

l. Any restrictions or covenants affecting the property, with a description of the purpose and referenced by the auditor's recording number;

m. Location, width, and name of all streets, alleys, and other public and private ways within and adjacent to the land division; and

n. The delineation of the 100-year floodplain and floodway and any wetlands, when present.

3. An approved subdivision shall not be filed for record with the Chelan County auditor until the applicant has constructed or bonded for all improvements, and satisfied all conditions as required by the granting of preliminary subdivision approval.

4. A subdivision shall not be considered final until recorded with the Chelan County auditor.

5. Any lots in a final plat filed for record shall be a valid land use, notwithstanding any change in zoning laws for the period provided for within Chapter 58.17 RCW from the date of filing. A major subdivision shall be governed by the terms of approval of the final plat and the statutes, ordinances, and regulations in effect at the time of approval for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

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6. Any failure to record the final plat within the time limit specified in Chapter

7. 58.17 RCW shall render the plat null and void.

(Ord. 1223 § 1, 2004; Ord. 1447 § 1 (Att. A), 2013; Ord. 1463 § 1 (Att. A), 2014)

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§ 17.14.040. Lot standards.

All lots shall be designed to be suitable for the general uses as allowed in their applicable zoning designation and shall have the minimum width and depth sufficient to meet the requirements of LMC Title 18 and the following standards:

A. Lot shapes shall be designed to avoid awkward configurations or appendages.

B. Each lot shall have a depth that can meet minimum yard setback requirements, provide a satisfactory building envelope, and provide areas for standards required in this code such as off-street parking, landscaping, etc.

C. Side lot lines shall generally run at right angles to the street upon which the lot faces, but may be within 20 degrees of perpendicular, and on curved streets shall be radial to the curve, except where topography, the shape of the parent parcel, or natural features prohibit. Side lot lines may deviate (jog) at right angles to accommodate topography, the shape of the parent parcel, buildings, nonconforming corrections (minimum necessary to create a greater conformity), or natural features which prohibit a continuous straight line from the street to the rear of the lot.

D. All proposed lots exceeding a 20 percent slope must demonstrate adequate areas to locate a level building area, including cuts and fills upon the request of the city. Cross-sections of driveways shall be required to ensure proposed grades are appropriate for access and emergency response.

E. For the purposes of this section, "flag lot" means a lot which has a narrow frontage along the right-of-way created for the sole purpose of providing such lot with frontage on a public street and in order to accommodate the driveway (access strip/"pole") which accesses the wider, buildable portion of the lot ("flag").

F. Flag lots are allowed to create lots for infill purposes, or when other options are not achievable as determined by the city:

1. Flag lots shall comply with the requirements of the underlying zone. A land division or boundary line adjustment creating a flag lot shall also comply with any specific design criteria contained within this title.

2. The lot depth shall be measured at the midpoint of the front and rear property lines of the "flag."

3. Lot width shall be measured by a line connecting two points on opposite side yard property lines of the "flag" that will result in a line parallel to the street. Lot width shall be maintained for the entire lot depth of the "flag."

4. The minimum lot width at the building setback line shall be consistent with that specified in the zoning district.

5. All lots shall ~~front onto a city street,~~ meet dimensional standards of this title, applicable zoning standards, and infrastructure standards and specifications.

6. The portion of the lot containing the access strip ("pole") connected to a city street shall be a minimum width required for fire access, and may be widened to accommodate snow storage, mail receptacles, garbage collection sites, and/ or other needs, as determined by the city.

7. All buildings accessed from flag lots must post an address adjacent to the public street within the access strip ("pole").

8. Joint access for flag lots and adjacent lots under common ownership at the time of division of property shall be required. An access easement shall be recorded on the face of the plat.

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(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014; Ord. 1672 § 1 (Att. A), 2023)

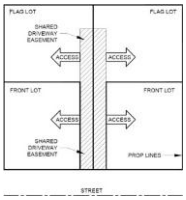
§ 17.14.100. Access standards.

All lots shall be provided with ~~direct~~ access ~~to an improved public street~~ , meeting the specifications contained in LMC Title 14 and as designated in the city of Leavenworth comprehensive plan. ~~Streets shall be improved to the standards as outlined in this code and as~~ As a condition of final plat approval, streets shall be improved to the standards outlined in this code. All streets shall be dedicated to the city except as otherwise provided for, and the following:

A. When access can be achieved by two streets, the access will be provided on the lower classified road, or as determined by the city consistent with the comprehensive plan.

B. Alley access for residential lots shall be provided, when feasible.

C. Private driveway easements over flag lots shall serve no more than a total of four lots, when meeting the fire district requirements.



D. Private or shared driveways shall comply with the following:

1. Lots accessed via a private or shared driveway easement shall be created from legal lots of record.

2. Private or shared driveway ~~easement~~ access ~~es~~ easements shall be developed to the standards contained in LMC Title 14.

3. For all lots with access via a private or shared driveway easement, a road maintenance and upgrading agreement shall be recorded with the Chelan County auditor. The city shall review the agreement prior to recording to ensure compliance with city standards.

1. Private or shared driveway easements ~~or flag lots~~ cannot be used for access where the development standards for streets outlined in LMC Title 14 could be accommodated, or for properties that can be further subdivided, unless topography, wetlands, or other natural features necessitate this type of access.

2. Multiple private driveway easements shall not be allowed in place of a city street adequate to serve the area or development built to the standards outlined in LMC Title 14.

E. Street rights-of-way along the boundary of, or within, a subdivision shall conform to the provisions set forth in LMC Title 14, and as identified in the Leavenworth comprehensive plan.

(Ord. 1223 § 1, 2004; Ord. 1463 § 1 (Att. A), 2014; Ord. 1672 § 1 (Att. A), 2023)

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CHAPTER 17.15 LOT SPLITS

§ 17.15.010 Applicability.

A. This chapter applies to lot splits, where one residential lot is divided into two lots through an administrative process, resulting in a parent lot and a newly created lot.

B. This chapter does not apply in the following situations:

1. If a lot was created by a lot split, then the lot is ineligible for an additional lot split.
2. A lot split is not permitted if either the parent or newly created lot is large enough to be divided again.
3. If a lot is not buildable under adopted regulations including, but not limited to, critical areas, shorelines, stormwater, setbacks, impervious surface areas, and building coverage standards, then the lot is ineligible for a lot split.

§ 17.15.020 Application process.

A. A lot split must be reviewed and processed as a limited administrative review per LMC 21.09.030.

B. If the lot split requires demolition or alteration of an existing dwelling unit that would displace a renter, the applicant must provide a displacement mitigation strategy that may include, but is not limited to, relocation assistance.

C. Recording. The approved parent lot and newly created lot must file a record of the lot split survey with the county auditor. The lot split survey must include a note that future lot splits are not allowed on either the parent or newly created lot.

§ 17.15030 General standards and review criteria.

A. The following approval criteria apply to lot splits.

1. No more than one additional lot may be created from a lot split.
2. Each resulting lot from a lot split must meet the minimum lot size requirements of the underlying zone.
3. Both the parent lot and the newly created lot must each meet all applicable dimensional, density, and development standards.
4. The proposed lot split must be within a zone that allows residential use.
5. Access and utility rights are granted or conveyed as necessary on or before recording of the lot split survey. Access and utility rights must provide sufficient service for the maximum number of dwelling units that could be developed on the newly created lot.

B. A lot split may be conditioned upon dedication of right-of-way on the parent lot to the extent such dedication is required under applicable codes, regulations, and design standards for the development or subdivision of the parent lot absent an administrative lot split.

C. Development of dwelling units on the newly created lot may be conditioned upon construction of frontage improvements to a right-of-way adjacent to either the parent lot or the newly created lot to the extent required under applicable codes, regulations, and design standards. Such improvements may be deferred until issuance of a building permit with either lot.

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~~**§ 18.50.100. Recreational areas.**~~

~~**§ 18.50.110. Signs.**~~

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~~**§ 18.50.130. Street system.**~~

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RECREATIONAL VEHICLE PARKS

§ 18.51.010. Purpose.

§ 18.51.020. General requirements.

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§ 18.51.040. Conditional use permit required.

§ 18.51.050. Health district approval required.

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§ 18.51.080. Design standards.

§ 18.51.090. Permitted and accessory uses.

§ 18.51.100. Park administration.

§ 18.51.110. Additional requirements.

~~Chapter 18.52~~

~~**CONDITIONAL USES**~~

~~**§ 18.52.010. Application – Requirements.**~~

~~**§ 18.52.030. Hearing – Recess – Decision – Final action notice.**~~

~~**§ 18.52.040. Application – Postponement or withdrawal.**~~

~~**§ 18.52.050. Approval or denial – Authority.**~~

~~**§ 18.52.060. Additional requirements and conditions.**~~

~~**§ 18.52.070. Use change – Conformance required.**~~

~~**§ 18.52.080. Bond – Authority to require.**~~

~~**§ 18.52.090. Approval – Term – Permanent.**~~

~~**§ 18.52.100. Notice of violation – Hearing.**~~

~~**§ 18.52.110. Conditional use permit – Mini-day care or day care center.**~~

~~**§ 18.52.120. Conditional use permit – Bed and breakfast.**~~

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

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

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CONDITIONAL USES

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§ 18.53.020 Authorization to grant or deny a conditional use permit

§ 18.53.030 Conditions imposed

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~~§ 18.54.010. Definitions.~~

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~~Chapter 18.60~~

~~**BUILDING PERMIT**~~

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

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§ 18.68.020. Establishment.

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§ 18.74.010. Purpose.

§ 18.74.020. Governing standards.

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§ 18.74.040. Applicability – Exemptions.

§ 18.74.050. Permits required.

§ 18.74.060. Application requirements.

§ 18.74.070. Location standards.

§ 18.74.080. Development standards.

§ 18.74.090. Design standards.

§ 18.74.100. Federal requirements.

§ 18.74.110. Removal of wireless telecommunications facilities.

§ 18.74.120. Third party review.

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 discretional 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)

Zoning compliance required. No building permit, or other permit or license for the use of land or structures, shall be issued unless the proposal complies with this title or with a variance, conditional use permit, or other approval granted under it. Structures and uses exempt from building permit requirements must still comply with all applicable provisions of this title. Building permit application, review, issuance, and expiration are governed by the building codes adopted in LMC Title 15.

§ 18.04.030. Interpretation.

It is the intent of this title that all questions of interpretation and enforcement shall be first 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 MAP[11]

§ 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 ~~and preserve~~ 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 ~~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.~~

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~~

[1] Prior ordinance history: Ord. 979

~~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 housingaffordability~~ 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~~.

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 ~~motels~~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.

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 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 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~~Official Zoning Map.

The official zoning map is adopted by reference and maintained in electronic form by the Community Development Director. The Director shall update the map to reflect amendments adopted by ordinance and may correct clerical or cartographic errors that do not change the zoning designation of any property. The ordinance adopting each amendment shall control in the event of conflict. Changes to zoning designations require adoption by ordinance pursuant to Chapter 21.35 LMC. The official zoning map shall be available for public inspection at City Hall and on the city's website.

~~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

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Land Uses	R-3	RL6	R-8	MF		CDMU	GC	CC	TC	LI	REC	RP	PB
Residential (Specified Use Below)													
Accessory Dwelling Unit	AU	AU	AU	AU									
Boardinghouse, Lodging House, Rooming HouseCo-living housing				P			P	P	P				
Dwelling, Above Ground Floor						P	AU	AU	AU				
Dwelling, Cottage Housing	P	P	P	P									
Dwelling, Duplex	P	P	P	P		AU							
Dwelling, Multifamily				P		P	P	P	P				
Dwelling, Single-Family	P	P	P	P		AU							
Dwelling, Tiny Home	P	P	P	P									
Dwelling, Triplex	P	P	P	P		AU							
Emergency Housing	P	P	P	P			P	P	P				
Emergency Shelter	P	P	P	P			P	P	P		P	P	

Permanent Supportive Housing	P	P	P	P			P	P	P				
Transitional Housing	P	P	P	P			P	P	P				
Manufactured Home~~, Designated~~	P	P	P	P									
~~Manufactured Home/Mobile Home~~													
~~Vacation (~~Short Term~~)~~ Rental							P	P	P				
Accessory Structures and Uses													
Accessory Structure	AU	AU	AU	AU			AU	AU	AU	AU	AU	AU	AU
Adult Family Home	P	P	P	P		~~P~~	P	P	P				
Bed and Breakfast	C	C	C	C									
~~Child~~ Family Day Care Provider	AU	AU	AU	AU		~~P~~	P	P	P				
~~Day~~ Child Care Center	C	C	C	C		~~C~~	P	P	P				
Foster Home	P	P	P	P			P	P	P				
Group A Home Occupation	AU1	AU1	AU1	AU1									
Group B Home Occupation	AU1	AU1	AU1	AU1									

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

Land Uses	**R~~-3~~**	**R~~L~~6**	**R~~-8~~**	**MF**		**~~CDM1~~**	**GC**	**CC**	**TC**	**LI**	**REC**	**RP**	**~~P~~B**
Nursing/Convalescent Home, Congregate Care Facility	C	C	C	C			C						
Stacked Parking	AU	AU	AU	AU			AU	AU	AU				
Swimming Pools	AU	AU	AU	AU			P	P	P		P	P	P
Public/Semi-Public (Specified Use Below)													
Bus or Taxicab Stop	P	P~~C~~	P~~C~~	P~~C~~		~~P~~	P	P	P	P	P	P	P
Clinic							P	P	P	P			P
Community Center	C	C	C	C			C				C	C	C
Composting Collection Center						~~P~~	P		P	P	P	P	P

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~~Educational Centers~~		~~C~~	~~C~~			~~C~~	~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	
Educational Facilities	C	C	C			~~C~~							P
Golf Courses											P	P	P
Hospital							C	C	C		C		C
Place of Worship	C	C	C			~~C~~							C
~~Preschool~~		~~C~~	~~C~~			~~C~~	~~C~~						
Public Facility, High Impact						~~P~~	P	P	P	P	C	C	C
Public Facility, Low Impact		C	C			~~P~~	P	P	P	P	C	C	P
Public Utility		C	C	C		~~C~~	C	C	C	P	C	C	C
Recreation, Outdoor Use		C	C	C			C	C	C		P	P	P
Recreation, Passive		P	P	P		~~P~~	P	P	P	P	P	P	P
Recycling Center										C			C
Wireless Telecommunications Facility		C		C		~~C~~	C	C	C	P	C	C	C
Development Options													
~~Commercial District Mixed Use Incentives~~							~~P~~	~~P~~	~~P~~				
Condominiums (With Binding Site Plan or Plat)		P	P	P		~~P~~	P	P	P				P
Incubator Planned Site Development							C			P			C
~~Manufactured Home Park~~	~~C~~	~~C~~	~~C~~	~~P~~									
~~Temporary Subdivision Tract Offices~~		~~C~~	~~C~~										

Land Uses	R3	~~R~~L6	R-~~8~~	MF		~~CDMU~~	GC	CC	TC	LI	REC	RP	
~~Tiny Home Park~~	~~C~~	~~C~~	~~C~~	~~P~~									
Commercial/Retail													
Adult Entertainment Facilities							P	P	P				

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~~Bakery~~						~~P~~	~~P~~	~~P~~	~~P~~				
Banks						~~P~~	P	P	P				
Battery Exchange Stations/ Rapid Charging Stations						~~P~~	P		P	P			
Car Wash							P			P			
~~Club, Lodge or Fraternal Organization~~				~~C~~			~~P~~	~~P~~	~~P~~				
Coffee Roasting						~~C~~	C	C	C	P			
Commercial Amusement Enterprise, High Impact													
Commercial Amusement Enterprise, Low Impact							C	C	C				
~~Copy/Printing Establishment~~						~~C~~	~~P~~	~~P~~	~~P~~	~~P~~			
Eating and Drinking Establishment						~~P~~	P	P	P				
~~Exercise~~ Athletic/Fitness Facilities						~~P~~	P	P	P				
Family Entertainment Enterprise							P	P	P				
~~Food/~~Grocery Store						~~P~~	P	P	P				
Gasoline Service Station							C		C	C			
Hostels							P	P	P				
Hotel or Motels						~~P~~	P	P	P				
Indoor Events/Auditoriums						~~P~~	P	P	P		P	P	P
~~Laundry or Dry-Cleaning Establishment~~						~~P~~	~~P~~	~~P~~	~~P~~	~~P~~			
Micro Brewery, Distillery or Winery						~~C~~	C	C	C	P			
Brewery										P			
Mobile Food Vendor											P1	P1	P1
Parking Structure/Lots				AU			P	P	P	AU			~~P~~
Personal Service						~~P~~	P	P	P	P			

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Pet Care Centers/Kennels						~~C~~	C	C	C	P			

Land Uses	R3	R~~L~~6	R-8	MF		CDMU	GC	CC	TC	LI	REC	RP	PB
Professional Offices ~~(Business and Professional)~~						~~P~~	P	P	P	P			P
Recreational Vehicle Parks/ Campground							C		C		C		C
Retail Stores and Services						~~P~~	P	P	P				
~~Vehicle Repair Services~~							~~P~~	~~P~~		~~P~~			
Vehicle Sales or Rental							P		P	P			
Veterinarian/Animal Hospital						~~C~~	C			P			
Industrial (Specified Use Below)													
Bulk Fuel Storage										C			
Construction Yards										P			
Cryptocurrency Mining										P			
Data Centers													
Essential Public Facilities							C			P			C
Feed Lots, Livestock, Rendering or Meat Packing Plants													
Hazardous Waste Facilities													
Heliports and Aviation Activities										C			
High Tech Industry, Computer Assembly and Similar Type Uses						~~C~~				P			
Junk/Wrecking Yards													
Landfills													
Light Industry						~~C~~	C	C	C	P			
Lumberyards							P			P			

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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			

[1] ~~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 (R6), residential ~~low density~~ 6,000 (R~~L~~6), residential 8,000 (R~~-~~8), and multifamily (MF) zoning districts. Exceptions and calculations standards are provided within this chapter:

Standard	R3	R~~L~~6	R~~-~~8	MF
Minimum Lot Size (square feet)	3,000	6,000	8,000	6,000[+]

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Minimum Lot Width/ ~~(Corner Lots~~ feet)	30	60~~/70~~	70~~/80~~	60~~/70~~
Maximum Building ~~Height~~[2] Height[1] (feet)	30[2]	~~30~~[2]30[2]	~~30~~[2]30[2]	35
Maximum Lot Coverage (percent)	35	35	35	~~40~~50
Minimum Setbacks (feet)				
Front Yard	20	25	25	25
Street Side Yard, for lots 6,000 square feet or greater	10	10	15	10
Street Side Yard, for lots less than 6,000 square feet	5	5	15	10
Rear Yard, without alley	10	15	15	15
Rear Yard, with alley	8	8	8	8
Side Yard	5	5	8	5

~~[1] 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.~~

~~[2]~~[1] Height calculations and exemptions are provided in LMC § 18.30.050.

~~[3]~~[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.~~

A. Existing (historical) lots ~~less than 6,000 square feet~~that do ~~no~~not meet the required dimensional standards of this section are governed under LMC § 18.68.030 for nonconforming lots.

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 r~~Recreation and public development chart.

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

Standard	RD	RP	PB
Minimum Lot Size (square feet)	0	0	0
Minimum Lot Width/Corner Lots (feet)	0	0	0
Maximum Building Height (feet)	35	35	35[2]
Maximum Lot Coverage (percent)	35	35	50[2]
Minimum Setbacks (feet)			
Front Yard	25	25	25
Rear Yard	20	20	20
Side Yard	5	5	5

[1]Height 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.

[2]Lot 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~~N/A	~~No minimum~~N/A	~~No minimum~~N/A	N/A~~No minimum~~
Maximum Building Height (feet)	50[1] ~~feet~~[1]	50 ~~feet~~	~~35~~ 50[1] feet	50 feet
Maximum Lot Coverage (percent)	75~~%~~	100%~~N/A~~	~~50~~75~~%~~	100%~~N/A~~
Minimum Setbacks (feet)				
Front Yard[2, 4]	0 ~~feet~~	0 ~~feet~~	25 ~~feet~~	25 ~~feet~~

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 ~~D~~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.

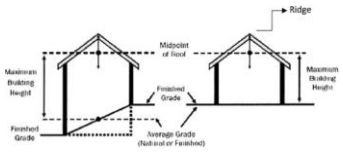
   b. ~~At grade~~Uncovered patios and decks, built such that no part of the deck (excluding railings) is greater than 12 inches above grade, do not need to meet yard setback requirements and do not count toward building lot coverage.

2. Other items to consider which may impact lot coverage but are not included in lot coverage calculation may include parking, landscaping, and stormwater.

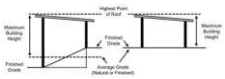
(Ord. 1589 § 1 (Att. A), 2022)

§ 18.30.050. Height calculations and exceptions.

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.



1. Average~~d~~ 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 (nonresidentialnon 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:

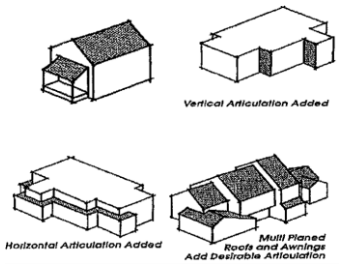
1. Structures shall be constructed to share a single common side or rear yard property line with a zero-foot setback.

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)

~~**CHAPTER 18.35**~~

~~**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.

A. 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));

1. 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.

~~B. Uses permitted in the CDMUI zoning district shall meet all applicable regulations pursuant to the LMC.~~

~~C. Off-street parking shall be provided in the amount prescribed in Chapter 14.12 LMC, except as allowed by administrative modification.~~

~~D. Landscaping shall be provided pursuant to LMC § 14.12.190.~~

~~E. Signs are permitted in accordance with Chapter 14.10 LMC, Signs.~~

~~F. All sites and building shall be compliant with Chapter 14.08 LMC, Old World Bavarian Architectural Theme.~~

~~G. 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.~~

~~H. 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.~~

~~I. All multifamily developments shall meet the multifamily development standards.~~

~~J. 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.~~

~~K. 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 REGULATIONS[33]

§ 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.

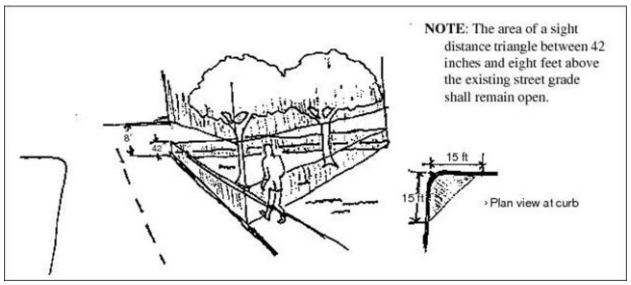
(Formerly 18.24.005; Ord. 1089 § 4 (Exh. D), 1998; Ord. 1628 § 1 (Att. A), 2021)

§ 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:

[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.

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

B. Side Yards. Six feet maximum height~~; , side yard fencing shall be~~ limited to ~~three and one half~~four 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 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)

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

Commented [TRT4]: The revisions below roll in the applicable state requirements.

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

§ 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, 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 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;

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)

§ 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;

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.~~I. ~~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 ~~nonresidentially~~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.~~E. 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 ~~19~~ 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.

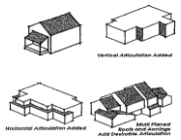
~~A.~~B. New construction shall comply with LMC 18.36.025, Residential Design Standards.

~~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)

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

§ 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,

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.

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 statue: 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.

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:

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.

~~CHAPTER 18.50~~

~~**MANUFACTURED HOME PARKS**~~

Commented [MB11]: This entire chapter is to be repealed and recodified to comply with state law. In process now - draft ready in October.

Commented [TRT12]: 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, iff you think you would like to have standards for creating a tiny home village as a use, we can discuss that.

~~**§ 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.~~

A. Adequate Plans. The city shall reserve the right to refuse to examine any incomplete, unintelligible or indefinite drawings.

B. 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.

A. Manufactured home parks may be permitted in residentially zoned areas only, subject to approval of a manufactured home park conditional use permit.

B. 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.

A. 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.

B. 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.

C. 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.

D. 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.

A. 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.

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

B. 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.

A. 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.

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

B. 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.

A. 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.

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

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

D. 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.

A. 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.

B. 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.

C. 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.

A. 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.

A. 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.

B. 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.

C. 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.

D. 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**~~

~~**§ 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;

A. Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;

B. Controlling the location and number of vehicular access points to the property;

C. Increasing the street width;

D. Increasing the number of off-street parking or loading spaces required;

E. Limiting the number, location and size of signs;

F. Requiring suitable landscaping where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;

G. Specifying a specific time limit for construction, alteration or enlargement to begin for a structure to house a conditional use;

H. 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;

A. 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;~~

~~A. 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;~~

~~B. One hundred fifty square feet of fenced outdoor play space per child, exclusive of garage area, located in the rear yard;~~

~~C. Fifty square feet of interior floor space per child;~~

~~D. Hours of operation shall be between 6:00 a.m. and 9:00 p.m.;~~

~~E. Licensing shall be in accordance with Department of Social and Health Services regulations;~~

~~F. Confirmation by the building official that the facility meets the requirements of Chapters 8 and 33 of the International Building Code;~~

~~G. 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.~~

~~A. 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 cityas 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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 nonconforming 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;

A. An effective afterburner shall be used;

B. 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;

C. The building size shall be no larger than 3,500 square feet;

D. 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;

E. 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

§ 18.53.010 Purpose.

The purpose of a conditional use permit is to:

A. Maintain compatibility between proposed uses and the intent of this code and the Comprehensive Plan; and

B. 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. Adequate public facilities and services, including but not limited to water, sewer, stormwater, transportation, police, and fire protection, are available to serve the proposed use, or will be made available through improvements constructed by the applicant or secured with a financial guarantee acceptable to the city prior to occupancy;

6. The proposed use must meet the 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. ~~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~~

~~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.

Commented [MB13]: This has been drafted and added to this code section based on feedback from the city council.

Commented [CB14]: Planning Commission strongly disagrees with the CC on this. They want it removed for the PC public hearing.

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.

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.

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.

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.

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 365-196-550.

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 Chapter 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.**~~

Commented [CB15]: Located in Title 21 Definitions. Redundant.

~~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~~

~~1. 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~~

~~1. Offers a sleeping room for rent for a rental fee period of time that is less than 10 hours; or~~

~~2. 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~~

1. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

2. 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

1. 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 PROVISIONS[4]

§ 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.

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 additional 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 with 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)

Title 21 DEVELOPMENT CODE ADMINISTRATION

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CHAPTER 21.01 INTRODUCTION

§ 21.01.010. Purpose and applicability.

A. The purpose of this title is to prescribe the manner in which permits for development and construction are classified and processed, and the general procedures and practices for development permit administration.

B. The purpose of Chapters 21.01, 21.03, 21.05, 21.07 and 21.09 LMC is to enact the processes and time lines for local land development permitting. The objectives of these chapters are to encourage the preparation of appropriate information early in the permitting process, to process permit applications in a timely manner, to provide the general public with an adequate opportunity for review and comment, to integrate environmental review with development project review, and to provide the development community with a standardized process and predictability.

C. This title shall apply to permit applications for land development under the following titles of the Leavenworth Municipal Code:

1. LMC Title 14;
2. LMC Title 15;
3. LMC Title 16;
4. LMC Title 17;
5. LMC Title 18.

D. Other laws, ordinances, regulations and plans have a direct impact on the development of land. These include, but are not limited to, the city of Leavenworth Comprehensive Land Use Plan, the Leavenworth Shoreline Master Program, the city's Wastewater Facilities Plan and Comprehensive Water System Plan, the Six-Year Transportation Improvement Program, the Leavenworth Municipal Code (LMC), particularly LMC Titles 12, 13, 14, 15, 16, 17 and 18, the International Building Code, and the laws, ordinances, regulations and plans of federal, state and local agencies.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.01.020. LMC Title 21 supersedes where conflict exists.

This title shall supersede other titles, chapters and sections of the LMC where conflict exists.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.01.030. Rules of interpretation.

For the purposes of the development code, all words used in the code shall have their normal and customary meaning, unless specifically defined otherwise in this code.

A. Words used in the present tense include the future.

B. The plural includes the singular and vice-versa.

C. The words "will" and "shall" are mandatory.

D. The word "may" indicates that discretion is allowed.

E. The word "used" includes designed, intended or arranged to be used.

F. The masculine gender includes the feminine and vice-versa.

G. Distances shall be measured horizontally unless otherwise specified.

H. The word "building" includes a portion of a building or a portion of the lot on which it stands.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.01.040. 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. 1088 § 2 (Exh. A), 1998; Ord. 1544 § 1 (Att. A), 2017)

CHAPTER 21.03 ADMINISTRATION

§ 21.03.010. Roles and responsibilities.

A. The regulation of land development is a cooperative activity including many different elected and appointed boards and city staff. The specific responsibilities of these bodies are set forth in this chapter.

B. A developer is expected to read and understand the city development code and be prepared to fulfill the obligations placed on the developer by the LMC.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.03.020. Director of community development.

The director shall review and act on the following:

A. Authority. The director is responsible for the administration of LMC Titles 14, 15, 16, 17, 18 and 21 and associated RCWs and WACs.

B. Administrative Interpretation. Upon request or as determined necessary, the director shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation within 30 days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

C. Administrative Decisions. Administrative decisions are set forth in LMC § 21.09.030 and § 21.09.040.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.03.030. City council.

The city council shall review and act on the following subjects:

A. Recommendations of the planning commission;

B. Hearing examiner decisions for zoning map amendments, which are not of general applicability, consistent with LMC § 21.35.030.

C. Appeals of the hearing examiner, consistent with LMC § 21.11.020.
(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1596 § 1 (Att. A), 2019)

§ 21.03.040. Planning commission.

The planning commission shall review and make recommendations to the city council on the following issues:

A. Amendments to the comprehensive plan;

B. Amendments to the subdivision code, LMC Title 17;

C. Amendments to the zoning code, LMC Title 18, including changes to the official zoning map, which are of general applicability;

D. Amendments to the environment code, LMC Title 16, except to the SEPA procedures code, Chapter 16.04 LMC;

E. Other actions as requested or remanded by the city council.
(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.03.050. Design review board.

The design review board shall review and make decisions on the following applications:

A. Applications for sign permits pursuant to Chapter 14.10 LMC;

B. Applications for compliance with the "Old World Bavarian" architectural theme pursuant to Chapter 14.08 LMC;

C. Other actions as requested or remanded by the city council; and

D. Applications for design permits for wireless telecommunications facilities (WF), pursuant to Chapters 18.74 and 14.08 LMC, as amended.
(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1205 § 4, 2003; Ord. 1694 § 1 (Att. A-1), 2024)

§ 21.03.060. Hearing examiner.

The hearing examiner shall review and make decisions on the following applications:

A. Preliminary plats;

B. Planned developments;

C. Rezones which are not of general applicability;

D. Applications for shoreline variances, conditional use permits and nonconforming use permits pursuant to the Shoreline Management Act and the Leavenworth shoreline master program;

E. Applications for variances and conditional use permits;

F. Amendments and/or alterations to plats;

G. Petitions for plat vacations;

H. Appeals alleging an error in a decision of a city official in the interpretation or the enforcement of the zoning code or any other development regulation;

I. Appeals alleging an error in a decision of a city official in taking an action on a short plat or binding site plan;

J. Appeals alleging an error in administrative decisions or determinations pursuant to Chapter

K. 43.21C RCW;

L. Appeals alleging an error in a decision of the Leavenworth design review board;

M. Any other matters as specifically assigned to the hearing examiner by the city council or as prescribed by the city code.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1423 § 1 (Att. A), 2012; Ord. 1475 § 1 (Att. A), 2014)

CHAPTER 21.05 APPLICATION FORMS

§ 21.05.010. Application forms.

A. An application shall be made using the appropriate form provided by the department of community development.

B. Each application form shall, at a minimum, include the following:

1. The application form shall be submitted electronically, using the current permit tracking software, with required attachments. ~~filled out legibly, in blue or black ink, either hand printed or typewritten~~;

2. The name, mailing address, email address, and telephone number of each applicant;

3. The name, mailing address~~–~~, email address, and telephone number of the applicant's representative, if any;

4. The name, mailing address, email address, ~~-~~and telephone number of each owner of the subject property, if different than the applicant(s);

5. The name, mailing address, ~~,-~~email address, telephone number and contractor registration number of the applicant's prime contractor, if any;

6. The parcel number, legal description and ~~assessor's parcel map~~ current deed for each parcel which is the subject of the proposed development;

7. The signatures (electronic or physical) of each applicant or the applicant's representative, and each property owner if different than the applicant(s);

8. Any other information, documents or materials, as determined by the director, which may be required in the body of the form or by an attachment to the form, e.g., a narrative description of the project.

C. Each application form shall require designation of a single person or entity to receive determinations and notices required under this code or by Chapter 36.70B RCW. Where a determination or notice to the "applicant" is required by this code or Chapter 36.70B RCW, "applicant" shall mean the person or entity so designated.

~~D. Each application shall contain the following statement:~~

> ~~This application shall be subject to all additions to and changes in the laws, regulations and ordinances applicable to the proposed development until a determination of completeness has been made pursuant to Chapter 21.07.~~

(Ord. 1088 § 2 (Exh. A), 1998)

CHAPTER 21.07 APPLICATION PROCESS

§ 21.07.010. Application process.

The application process shall consist of the following components:

A. Preapplication meeting when necessary;

B. Plan review;

C. Determination of completeness;

D. Technical review committee;

E. Notice of application;

F. Application review;

G. Notice of final decision.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1426 § 1 (Att. A), 2012; Ord. 1504 § 1 (Att. A), 2015; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.015. Right of entry.

Anyone submitting an application for a pre-application meeting or an administrative, quasi-judicial or legislative action which is located on a specific site(s) is authorizing city staff or agent to enter the property for the purposes of verification of site conditions and evaluation of proposed use or development. Whenever practicable, city staff will attempt to inform the property owner or applicant of the site visit at least 24 hours prior to the site visit.

(Ord. 1613 § 1 (Att. A), 2020; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.020. Preapplication meeting.

A. Preapplication meetings are optional; however, prospective applicants are encouraged to participate in a preapplication meeting for permit applications subject to full administrative or quasi-judicial review.

B. 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.

C. The preapplication meeting provides an opportunity for the applicant, staff and other agencies to informally discuss and review the proposed development, the application and permit

requirements, fees, the review process and schedule, and applicable development standards, plans, policies and laws.

D. The preapplication meeting shall take place at the city's offices, unless another location is agreed upon by the city and the applicant. The length of the preapplication meeting shall be determined by the complexity of the development proposed by the applicant.

~~E. After the preapplication meeting, written summary of the meeting shall be transmitted to the applicant by each department, agency, or the city. The written summary may include a list of any specific documents, information, reports/studies, legal descriptions or other requirements that must be submitted with the application. Such list shall be in addition to the requirements set forth in the appropriate application form.~~

~~F.~~E. An applicant may request one or more additional preapplication meetings if the proposed development changes based on information received at the previous meeting. The additional meetings shall be subject to the same procedures as the initial preapplication meeting.

~~G. Application forms shall be made available to the applicant following a preapplication meeting.~~

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1426 § 1 (Att. A), 2012; Ord. 1504 § 1 (Att. A), 2015; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.030. Consolidated application process.

A. When more than one application for a proposed development is required, the applicant may elect to have all applications submitted for review at one time.

B. Applications for proposed development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed concurrently and in accordance with the state and local laws, regulations and ordinances.

C. When more than one application is submitted under a consolidated review and the applications are subject to different types of review procedures, all of the applications for the proposed development shall be subject to the highest level of review procedure which applies to any of the applications.

D. If an applicant elects a consolidated application process, the determination of completeness, the notice of application, and the notice of final decision must include all applications being reviewed.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.040. Plan review.

A. A plan review shall be conducted by the city to determine if the application is complete. The plan review shall determine if adequate information is provided in or with the application in order to begin processing the application, and that all required information and materials have been supplied in sufficient detail to begin the application review process. All information and materials required by the application form or from the preapplication meeting must be submitted. All studies supporting the application or addressing projected impacts of the proposed development must be submitted.

B. The purpose of the plan review is to ensure adequate information is contained in the application materials to demonstrate consistency with applicable comprehensive plans, development

regulations and other applicable city codes. City staff will coordinate the involvement of agencies responsible for the review of setbacks, landscaping, parking, drainage, access, roads, traffic, signs, utilities and any other applicable requirements.

C. Written code interpretations may be requested, in accordance with LMC § 21.03.020(B).

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.050. Determination of completeness.

A. Within 28 days after receiving an application, the city shall complete the plan review of the application and provide the applicant a written determination that the application is complete or incomplete.

B. An application shall be determined complete only when it contains all of the following information and materials:

1. A fully completed and signed application;
2. Applicable review fees;
3. All information and materials required by the application form;
4. A fully completed and signed environmental checklist for projects subject to review under the State Environmental Policy Act;
5. The information specified for the desired project in the appropriate title of the LMC;
6. A ~~plot~~ site plan disclosing all existing and proposed structures and features applicable to the desired development; for example, parking, landscaping, preliminary drainage plans with supporting calculations, signs, setbacks, etc.;
7. Any additional information and materials identified at the preapplication meeting or required by applicable development standards, plans, policies or any other federal, state or local laws.

C. When the procedural submission requirements for an application have been provided by an applicant, a determination of completeness shall be issued even if additional information or studies are needed.

D. For applications determined to be incomplete, the city shall identify, in writing, the specific requirements, information or materials necessary to constitute a complete application. Within 14 days after its receipt of the additional requirements, information or materials, the city shall issue a determination of completeness or identify the additional requirements, information, or materials still necessary for completeness. Failure to submit the requirements, information or materials within 60 days will result in a null and void application, with no refund of the filing fees. Prior to the end of 60 days, the applicant may provide a written request for a one-time extension not to exceed 60 days which shall be granted by the city administrator or ~~his/her~~their designee.

E. A determination of completeness shall identify, to the extent known, other local, state or federal agencies that may have jurisdiction over some aspect of the application.

F. A determination of completeness shall not preclude the city from requesting additional information or studies if new information is required or a change in the proposed development occurs.

G. Upon issuing a determination of completeness, the application materials, including the applicable SEPA review information, will be referred to appropriate agencies for review and comment.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1423 § 1 (Att. C), 2012; Ord.1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.060. Application vesting.

An application shall become vested on the date of "filing" a complete application under this title.

After a determination of completeness is made, the application shall be reviewed under the codes, regulations and other laws in effect on the date of vesting; provided, in the event an applicant substantially changes his/her proposed development after a determination of completeness, as determined by the director, the application shall not be considered vested until a new determination of completeness on the changes is made under this title.

(Formerly 21.07.070; Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.070. Notice of application.

A. Within 14 days after issuing a determination of completeness, the city shall issue a notice of application. The notice shall include, but not be limited to, the following:

1. The date of application, the date of the determination of completeness, and the date of the notice of application;

2. A description of the proposed project action, a list of permits required for the application, and, if applicable, a list of any studies requested;

3. The identification of other required permits not included in the application, to the extent known by the city;

4. The identification of existing environmental documents which evaluate the proposed development and the location where the application and any studies can be reviewed;

5. A statement of the public comment period, which shall be 14 days following the date of the notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any appeal rights;

6. The date, time, location and type of hearing, if applicable and scheduled at the date of the notice of application;

7. A statement of the preliminary determination, if one has been made at the time of notice of application, of those development regulations that will be used for project mitigation and of consistency with the type of land use of the proposed site, the density and intensity of proposed development, infrastructure necessary to serve the development, and the character of the development;

8. Any other information determined by the city to be appropriate.

B. Informing the Public. The notice of application shall be posted in the following manner:

1. It shall be posted on the subject property for the duration of the public comment period. The applicant shall be responsible for posting and maintaining the notice throughout the entire public comment period. The location and manner of posting shall be determined by the community development ~~department and shown on the applicant's site plan~~. The applicant shall obtain the notice of application sign(s) and post(s) from the city upon payment of all applicable fees. The sign location and condition shall be the responsibility of the applicant until the sign(s) and post(s) are returned to the city. After the public comment period, the applicant shall sign an affidavit of posting before a notary public, using the form adopted by the city, and file the affidavit of posting with the city~~, together with a photograph of the notice of application sign(s) posted at the site~~. Any necessary replacement of the notice of application sign(s) and post(s) shall be the sole responsibility of the applicant.

2. It shall be posted at City Hall in three different locations.

C. The notice of application is not a substitute for any required notice of a public hearing.

D. A notice of application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:

~~1. An application for a single family residence, accessory uses or other minor construction building permits~~building permit~~;~~

~~2. Application for a lot line adjustment;~~

~~3.~~1. Applications subject to review by the design review board (Chapters 14.08 and 14.10 LMC); and

~~4.~~2. Any application for which limited administrative review is determined applicable.

(Formerly 21.07.080; Ord. 1088 § 2 (Exh. A), 1998; Ord. 1358 § 1 (Att. A), 2010; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.1), 2024)

§ 21.07.080. Miscellaneous processes – Development agreements.

Recodified as LMC § 14.50.040 by Ord. 1694.

CHAPTER 21.09 APPLICATION REVIEW

§ 21.09.010. Application review criteria.

Review of an application and proposed development shall be governed by and be consistent with the fundamental land use planning policies and choices which have been made in adopted comprehensive plans and development regulations. The review process shall consider the type of land use permitted at the proposed site, the density and intensity of the proposed development, the infrastructure available and needed to serve the development, the character of the development and its consistency with development regulations. In the absence of applicable development regulations, the applicable development criteria in the comprehensive plan or sub-area plan adopted under Chapter 36.70A RCW shall be determinative.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1426 § 1 (Att. A), 2012; Ord. 1526 § 1 (Att. A), 2016; Ord. 1705 § 1 (Att. A.2), 2024)

§ 21.09.020. Application review classification.

A. Following the issuance of a determination of completeness and a notice of application, an application shall be reviewed at one of four levels:

1. Limited administrative review;

2. Full administrative review;

3. Quasi-judicial review;

4. Legislative review.

B. If this title or the LMC provides that a proposed development is subject to a specific type of review, or a different review procedure is required by law, then the application for such development shall be processed and reviewed accordingly. If this title does not provide for a specific type of review, or if a different review procedure is not required by law, then the city shall determine the type of review to be used for the type and intensity of the proposed development.

C. Any public meeting or required open hearing may be combined by the city with any public meeting or open record hearing that may be held on the proposed development by another local, state, federal or other agency. Hearings shall be combined if requested by the applicant. However, joint hearings must be held within the city and within the time limits of this title and Chapter 36.70B RCW.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1426 § 1 (Att. A), 2012; Ord. 1526 § 1 (Att. A), 2016; Ord. 1705 § 1 (Att. A.2), 2024)

§ 21.09.030. Limited administrative review of applications.

Limited administrative review shall be used when the proposed development is subject to clear and objective standards that require the exercise of professional judgment about technical issues and the proposed development is exempt from the State Environmental Policy Act (SEPA). Permits reviewed through this process are not subject to the requirements of Chapter 21.07 LMC. The city may approve, approve with conditions, or deny the application after the date the application is accepted as complete. The decision of the city is final unless an administrative appeal process is provided for in this or any other title within the LMC. This type of review includes but is not limited to the following:

A. Interpretation of codes and ordinances;

B. ~~Single-family and other minor b~~Building permits that are SEPA exempt~~;~~

C. Fence permits;

D. Boundary line adjustments;

E. Fill and grade permits;

F. Encroachment permits to work within a right-of-way;

G. Flood development permits;

H. Minor amendments or modifications to approved developments or permits which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect the overall project character, increase the number of lots, dwelling units or density, or decrease the quality or amount of open space;

~~I. Multifamily, commercial, industrial, and/or office building permits that have been subject to a public review process or for which environmental review has been completed in connection with other project permits;~~

~~J.~~I. Applications subject to administrative approvals found within Chapters 14.08 and 14.10 LMC;

~~K.~~J. Group A home occupations; and

~~L.~~K. Site development permit ~~intent and purpose. Site development permits are issued~~ for work such as limited clearing, grading, landscaping, drainage, ~~private streets~~utilities, streets, and groundwork related to site preparation, where no building or structure is altered, moved or constructed, in association with an approved binding site plan, major subdivision, or short ~~plat~~subdivision. ~~permitted activity~~

~~1. Site development permits are not a prerequisite to permitting for footings and foundation permit, right-of-way permit, grade and excavation permit, master application and/or other higher level permits.~~

~~2.~~1. Site development permits ~~will be~~are subject to compliance with the ~~zoning, building, and other applicable land use~~ applicable codes and regulations existing at the time of ~~permit~~ application submittal.

~~3.~~2. As necessary, plans are required for site development permits.

~~4.~~3. Site development permits do not vest a future development to the codes at the time of site preparation.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1158 § 2, 2001; Ord. 1162 § 1, 2001; Ord. 1165 § 1, 2001; Ord. 1426 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014; Ord. 1526 § 1 (Att. A), 2016; Ord. 1705 § 1 (Att. A.2), 2024)

§ 21.09.040. Full administrative review of applications.

A. Full administrative review shall be used when the proposed development is subject to the objective and subjective standards that require the exercise of limited discretion about nontechnical issues and about which there may be limited public interest. The proposed development may or may not be subject to SEPA review. This type of review includes, but is not limited to, the following:

1. Short subdivisions;

2. Binding site plans;

3. Shoreline substantial development permits;

4. Group B home occupations; and

5. ~~Multifamily, commercial, industrial, and/or office b~~Building permits that ~~have not been subject to a public review process or for which~~require SEPA environmental review. ~~has not been completed in connection with other project permits.~~

Commented [MB1]: Relocate this to Quasi-Judicial if council gives direction

B. The review procedure under full administrative review shall be as follows:

1. If the proposed development is subject to the State Environmental Policy Act (SEPA), the threshold determination may be made concurrent with the public comment period required in the notice of application, pursuant to the provisions of WAC 197-11-355, "Optional DNS process," and Chapter 16.04 LMC.

2. The city may approve, approve with conditions, or deny the application after the date the application is accepted as complete, and upon the completion of the public comment period and the comment period required by SEPA, if applicable. The decision of the city is final unless an administrative appeal process is provided for in this or any other title within the LMC. The city shall mail the notice of decision to the applicant and all parties of record. The decision shall include:

a. A statement of the applicable criteria and standards in the development codes and other applicable law;

b. A statement of the findings of the review authority, stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with the applicable standards;

c. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws;

d. A statement that the decision is final unless appealed as provided in Chapter

e. 21.11 LMC, Appeals. The statement shall state the appeal closing date and describe how a party may appeal the decision, including applicable fees and the elements of notice of appeal;

f. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection. The notice shall list the place, days and times when the case file is available for inspection and the name and telephone number of the city's representative to contact to arrange inspection.

Commented [MB2]: How is this addressed for building permits that require SEPA or other permits that do not typically include a formal NOD?

(Ord. 1088 § 2 (Exh. A), 1988; Ord. 1162 § 2, 2001; Ord. 1426 § 1 (Att. A), 2012; Ord. 1467 § 1 (Att. A), 2014; Ord. 1475 § 1 (Att. A), 2014; Ord. 1705 § 1 (Att. A.2), 2024)

§ 21.09.050. Quasi-judicial review of applications.

A. Quasi-judicial review shall be used when the development or use proposed under the application requires a public hearing before a hearing body. This type of review includes, but is not limited to, the following:

1. Administrative appeals, including those relating to Chapter 43.21C RCW;

2. Subdivisions;

3. Conditional use permits;

4. Planned developments;

5. Variances;

6. Shoreline permits issued pursuant to Chapter 90.58 RCW (except for shoreline substantial development permits and written exemptions);

7. Applications submitted to the design review board for review and approval (Chapter 14.08 LMC – Design, and Chapter 14.10 LMC – Signs);

8. Rezones which are not of general applicability; and

9. Other similar development permit applications.

B. The review procedure under quasi-judicial review shall be as follows:

1. A quasi-judicial review process requires an open record public hearing before the appropriate hearing body which is generally the hearing examiner except for applications governed by Chapters 14.08 and 14.10 LMC, which is generally the design review board.

2. The public hearing shall be held after the completion of the public comment period and the comment period required by SEPA, if applicable. For sign applications, a hearing shall occur not later than 28 days after the date of determination of completeness.

3. At least 10 days before the date of a public hearing, the city shall issue public notice of the date, time, location and purpose of the hearing as follows:

a. Publication at least 10 days before the date of a public meeting or hearing in the official newspaper if one has been designated, or a newspaper of general circulation in the city, except for applications subject to Chapters 14.08 and 14.10 LMC;

b. Mailing at least 10 days before the date of a public meeting or hearing to all property owners as shown on the records of the county assessor within 350 feet of the boundaries of the property which is the subject of the meeting or hearing, except for applications subject to Chapters 14.08 and 14.10 LMC;

c. Posting at least 10 days before the meeting or hearing in three different locations at City Hall.

4. At least seven days before the date of the public hearing, the city shall issue a written staff report, integrating the SEPA review and threshold determination (as applicable) and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail or email a copy of the staff report and recommendation to the applicant or the applicant's designated representative. The city shall make available a copy of the staff report, subject to payment of a reasonable charge, to other parties who request it.

5. Public hearings shall be conducted in accordance with the rules of procedure adopted by the hearing body which shall conform with the Appearance of Fairness Doctrine in Washington State. A public hearing shall be recorded. If, for any reason, the hearing cannot be completed on the date set in the public notice, it may be continued during the public hearing to a specified date, time and location, without further public notice required.

6. Within 10 working days after the date the public record closes, the hearing examiner or design review board, as applicable, shall issue a written decision regarding the application(s).

7. The hearing examiner or design review board, as applicable, may approve, approve with conditions or deny the application and shall mail or email the notice of its decision to the city, applicant, the applicant's designated representative, the property owner(s), and any other parties of record. The decision shall include:

   a. A statement of the applicable criteria and standards in the development codes and other applicable law;

   b. A statement of the findings of the review authority, a statement of the conclusions of the review authority stating the application's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;

   c. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws;

   d. A statement that the decision is final unless appealed as provided in Chapter

   e. 21.11 LMC, Appeals. ~~The statement shall state the appeal closing date and describe how a party may appeal the decision, including applicable fees and the elements of a notice of appeal for decisions appealable to the hearing examiner;~~

   f. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection~~. The notice shall list~~, including the ~~place~~location, days and times when the case file is available for inspection and the ~~name and telephone number of the city's~~city's contact information.~~ representative to contact to arrange inspection.~~

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.2), 2024)

§ 21.09.060. Legislative review of applications.

A. Legislative review shall be used when the proposed development involves the creation, implementation or amendment of city policy or law as it relates to the city's development codes and related comprehensive planning activities. Projects reviewed through this process are not subject to the requirements of Chapter 21.07 LMC. This type of review includes, but is not limited to, the following:

   1. Comprehensive plan, sub-area plan, zoning and/or development code amendments and updates.

B. Legislative review shall be conducted as follows:

   1. Legislative review generally requires at least one public hearing before the planning commission and one public meeting before the city council.

2. When an application by a private individual is part of the proposed legislative action, the application shall contain all information and material requirements, including the appropriate fee(s), required by the appropriate application form and any preapplication meeting.

3. At least 10 days before the date of the first planning commission hearing, the city shall issue public notice of the date, time, location and purpose of the hearing. The notice shall include notice of the SEPA threshold determination issued by the city.

4. At least seven days prior to the hearing, the city shall issue a written staff report, integrating the SEPA review and threshold determination and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail or email a copy of the staff report and recommendation to the applicant or the applicant's designated representative, and planning commission members. The city shall make available a copy of the staff report, subject to a reasonable charge, to other persons who request it.

5. Following the public hearing and in accordance with Chapter 35A.63 RCW, the recommendation of the planning commission shall be forwarded to the city council. Upon receiving the recommendation from the planning commission, the city council shall set a public meeting to consider the proposal, at which the council may either accept or reject the recommendation.

6. The council must hold a public hearing to consider any changes to the recommendation of the planning commission. The council may approve, modify, deny or remand the proposal back to the planning commission for further review after such public hearing. The final decision of the council shall be adopted by ordinance.

7. The final decision of the council shall be in writing and include:

    a. A statement of the applicable criteria, standards and other applicable law;

    b. A statement of the findings of the city council, stating the application or project's compliance or noncompliance with each applicable criterion, and assurance of compliance with applicable standards;

    c. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with all applicable laws;

    d. A statement that the decision is final unless appealed as provided in Chapter

    e. 21.11 LMC, Appeals. The appeal shall meet the requirements of the Growth Management Hearing Board process and procedures;

    f. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection~~. The notice shall list the place~~, including the location, days and times when the case file is available for inspection and the ~~name and telephone number of the city's representative to contact to arrange inspection.~~city's contact information.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1268 (Exh. D), 2005; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.2), 2024)

§ 21.09.070. Notice of final decision.

A. Unless otherwise specified, the time periods to issue a final decision for each type of complete project permit application or project type subject to this chapter shall not exceed the following time periods:

1. For project permits reviewed pursuant to a limited administrative review process, a final decision shall be issued within 65 days after the date of determination of completeness.

2. For project permits reviewed pursuant to a full administrative review process, a final decision shall be issued within 100 days after the date of determination of completeness.

3. For project permits reviewed pursuant to a quasi-judicial or judicial review process, a final decision shall be issued within 170 days of the determination of completeness.

B. The number of days an application is in review with the city shall be calculated from the day completeness is determined to the date a final decision is issued on the project application. The number of days shall be calculated by counting every calendar day and excluding the following time periods:

1. Any period between the day that the city has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant.

2. Any period after an applicant informs the city, in writing, that they would like to temporarily suspend review of the project permit application until the time that the applicant notifies the city, in writing, that they would like to resume the application.

a. A request for temporary suspension shall not exceed 180 days.

3. Any period after an administrative appeal is filed until the administrative appeal is being considered.

4. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.

5. Any extension of time mutually agreed upon by the applicant and the city.

C. The time limit by which the city must issue a notice of final decision does not apply if an application:

1. Requires an amendment to a comprehensive plan or development regulation;

2. Requires the siting of an essential public facility, as provided in Chapter 36.70A RCW and as may be hereafter amended;

3. Is substantially revised by the applicant proposing a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use.

D. If, at any time, an applicant informs the city, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the city has notified the applicant, in writing,

that additional information is required to further process the application, an additional 30 days may be added to the time period to issue a final decision.

1. Any notice to the applicant that additional information is required to further process the application must include a notice that nonresponsiveness for 60 consecutive days may result in 30 days being added to the time for review.

2. "Nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information, or there is no ongoing communication from the applicant to the city on the applicant's ability or willingness to provide the additional information.

E. If the city is unable to issue its final decision within the time limits provided for in this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

F. In accordance with state law, the city is not liable for damages which may result from the failure to issue a timely notice of final decision, except as authorized by SB 5290.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1426 § 1 (Att. A), 2012; Ord. 1705 § 1 (Att. A.2), 2024)

CHAPTER 21.11 APPEALS

§ 21.11.010. Appeal of administrative interpretations and decisions.

Administrative interpretations and administrative decisions pursuant to LMC § 21.09.030(A) and (I) and 21.09.040, including appeals of administrative decision or determinations made pursuant to Chapter 43.21C RCW, may be appealed, by applicants or parties of record, to the hearing examiner as provided for in LMC § 21.11.030. There are no appeals of administrative decisions issued pursuant to LMC § 21.09.030(B) through (H).

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1354 § 2 (Exh. B), 2010)

§ 21.11.020. Appeal of hearing examiner decisions.

A. Appeals of a rezone not of general applicability (site specific) shall be made to the city council for review at a closed record appeal as provided for in LMC § 21.11.030. All other decisions of the hearing examiner may be appealed, by applicants or parties of record from the hearing examiner public hearing, to the Chelan County superior court as provided for in LMC § 21.11.040; provided, however, that no final decision of the hearing examiner may be appealed to Chelan County superior court unless such party has first brought a timely motion for reconsideration of the hearing examiner's decision pursuant to LMC § 21.15.120, and has paid the additional fee for the motion for reconsideration at the time of filing.

B. All decisions issued by the hearing examiner except appeals of a rezone not of general applicability (site specific) shall contain the following notice of appeal rights:

> Applicants or parties of record may appeal this decision as provided for in LMC § 21.11.040; provided, however, that no such appeal may be filed unless such party has first brought a timely motion for reconsideration of this decision pursuant to LMC § 21.15.120.

C. Appeal fees for appeal to the hearing examiner or appeals of a hearing examiner's decision to superior court shall be paid at the time of filing of the appeal and such fees shall be established

and modified from time to time, by separate resolution of the Leavenworth city council. Any such resolution may include, in addition to the appeal fee, the cost to the city of the hearing examiner's services related to the appeal and any motion for reconsideration thereof.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1354 § 2 (Exh. B), 2010)

§ 21.11.025. Appeal of design review board decisions.

A. Appeals of decisions of the design review board may be appealed, by applicants or parties of record from the design review board public hearing, to the hearing examiner.

B. An applicant or party of record to a design review board's public hearing may appeal pursuant to the requirements of this chapter.

C. Appeal fees for appeal to the hearing examiner or appeals of a hearing examiner's decision to superior court shall be paid at the time of filing of the appeal and such fees shall be established and modified from time to time, by separate resolution of the Leavenworth city council. Any such resolution may include, in addition to the appeal fee, the cost to the city of the hearing examiner's services related to the appeal and any motion for reconsideration thereof.

D. The notice of appeal shall contain a concise statement including the following information:

1. The decision being appealed;

2. The name and address of the appellant and his/her interest(s) in the matter;

3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;

4. The specific desired outcome or changes to the decision;

5. The applicable appeal fee;

6. The notice of appeal shall include a copy of the receipt evidencing payment of the applicable appeal fee.

E. Upon receipt of a notice of appeal, the city shall schedule with the hearing examiner a closed record appeal hearing.

F. Closed record appeals shall be conducted in accordance with the hearing examiner's rules of procedure and shall serve to provide argument and guidance for the decision. Closed record appeals shall be conducted generally as provided for public hearings, except that no new evidence or testimony shall be given or received except as provided in this section. The parties to the appeal may submit timely written statements or arguments.

G. A hearing examiner decision following a closed record appeal hearing shall include one of the following actions:

1. Grant the appeal in whole or in part;

2. Deny the appeal in whole or in part;

3. Remand for further proceedings and/or evidentiary hearing in accordance with this section.

H. In the event the hearing examiner determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the hearing examiner may remand the matter back to the design review board to correct the deficiencies. The hearing examiner may receive new evidence in addition to that contained in the record on appeal only if it relates to the validity of the underlying decision at the time the decision was made and is needed to decide disputed issues regarding:

1. The proper constitution of or disqualification grounds pertaining to the decision maker; and

2. The use of unlawful procedure.

(Ord. 1485 § 1 (Att. A), 2014)

§ 21.11.030. Administrative appeals.

A. Filing. Every appeal to the hearing examiner shall be filed with the director within 10 days after the date of the decision of the matter being appealed. If the 10-day period ends on a weekend or a holiday, the following working day shall be the tenth day. Every appeal to the hearing examiner shall be accompanied by the applicable appeal fee established by resolution of the Leavenworth city council. Failure to pay the appeal fee within said 10-day period shall subject the appeal to summary dismissal by the hearing examiner.

B. Contents. The notice of appeal shall contain a concise statement including the following information:

1. The decision being appealed;

2. The name and address of the appellant and his/her interest(s) in the matter;

3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;

4. The specific desired outcome or changes to the decision;

5. The applicable appeal fee;

6. The notice of appeal shall include a copy of the receipt evidencing payment of the applicable appeal fee.

C. Process. Upon receipt of a notice of appeal containing all information required in subsection (B) of this section, the department of community development shall schedule with the applicable hearing body either an open record hearing or a closed record appeal hearing if an open record hearing has already been held on an application.

D. Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings, except that no new evidence or testimony shall be given or received except as provided in subsection (D)(3) of this section. The parties to the appeal may submit timely written statements or arguments.

1. A council/hearing examiner decision following a closed record appeal hearing shall include one of the following actions:

a. Grant the appeal in whole or in part;

b. Deny the appeal in whole or in part;

c. Remand for further proceedings and/or evidentiary hearing in accordance with subsections (D)(2) and (3) of this section.

2. In the event the city council/hearing examiner determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the council/hearing examiner may remand the matter back to the hearing body to correct the deficiencies. The council shall specify the items or issues to be considered and the time frame for completing the additional work.

3. The council/hearing examiner may receive new evidence in addition to that contained in the record on appeal only if it relates to the validity of the underlying decision at the time the decision was made and is needed to decide disputed issues regarding:

a. The proper constitution of or disqualification grounds pertaining to the decision maker;

b. The use of unlawful procedure.

E. SEPA Appeals. In addition to the items listed above, LMC § 16.04.230 shall be complied with when filing administrative appeals of SEPA decisions or determinations.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1354 § 2 (Exh. B), 2010)

§ 21.11.040. Judicial appeals.

A. Appeals from the final decision of the city council or hearing examiner involving LMC Titles 14, 15, 16, 17 or 18, and for which all other appeals specifically authorized have been timely exhausted, shall be made to Chelan County superior court and served on all necessary parties within 21 days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the city clerk-treasurer, director and city attorney within the applicable time period. This requirement is jurisdictional.

C. The cost of transcribing and preparing all records ordered certified by the court or required at the discretion of the city attorney for such appeal shall be borne by the appellant. The appellant shall post with the city clerk-treasurer prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk-treasurer. The city clerk-treasurer shall ascertain the approximate charge of the transcription. Any overage will be promptly returned to the appellant. Any undercharges shall be promptly paid by the appellant.

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1354 § 2 (Exh. B), 2010)

CHAPTER 21.13 ENFORCEMENT AND PENALTIES[1]

Commented [MB3]: This entire chapter needs a complete overhaul - maybe 2027?

[1] **Prior ordinance history: Ord. 1088**

§ 21.13.010. Purpose.

The purpose of this chapter is to provide an alternative process that ensures compliance and abate noncompliance with provisions in LMC Titles 12, Streets, Sidewalks and Public Property; 14, Development Standards; 15, Buildings and Construction; 16, Environment; 17, Subdivisions; 18, Zoning; and this title, Development Code Administration. This chapter shall apply as an alternate enforcement process to all regulations as set out in LMC Titles 12, Streets, Sidewalks and Public Property; 14, Development Standards; 15, Buildings and Construction; 16, Environment; 17, Subdivisions; 18, Zoning; and this title, Development Code Administration. If a particular provision in any of said titles provides for a civil infraction or criminal penalties in addition to or as an alternative to enforcement under this chapter, then, at the discretion of the city, a civil infraction may be issued or prosecution as a criminal violation may be undertaken. This chapter shall not apply to enforcement by the city of Chapter 15.10 LMC, Abatement of Dangerous Buildings. This chapter shall apply to all other codes, regulations, programs, permits, approvals and plans referenced in the said chapters, or submitted under or approved under the authority of the said chapters. The provisions contained in this chapter shall be applied and interpreted to accomplish these purposes.
(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.020. Compliance required.

A. No person, corporation, partnership, association or other legal entity shall fail or refuse to comply with, interfere with or resist the enforcement of the provisions of this code, LMC Titles 12, 14, 15, 16, 17 and 18 and this title, other laws, ordinances, regulations, plans, permits and approvals as outlined in LMC § 21.13.010, and/or any condition of approval imposed by the Leavenworth city council, planning commission, hearing examiner or enforcing official, or a land use order, directive or decision of any other city official. Any such act or failure to act shall constitute a violation under this chapter.

B. Actions under this chapter or other chapters may be taken in any order deemed necessary or desirable by the city to achieve the purpose of this chapter and the applicable development standards.

C. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.
(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.030. Enforcing official.

The city's code enforcement officers/officials; building officials; building inspectors; construction inspectors; the fire marshal, or his or her designee; fire inspectors; the Chelan County sheriff, or his or her designee; the community development director, or his or her designee; the director of the public works department, or his or her designee; or any other person or persons assigned or directed by the city administrator or his or her designee, to enforce the regulations subject to the enforcement provisions of this chapter shall be responsible for enforcing LMC Titles 12, 14, 15, 16, 17 and 18 and this title, and other pertinent laws, ordinances, and regulations as outlined in LMC § 21.13.010, and may adopt administrative rules to meet that responsibility.
(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.040. Enforcing official liability.

The enforcing official charged with the enforcement of this chapter, acting in good faith and without malice in the discharge of the duties required by this title or other applicable laws, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the enforcing official or designee because of such act or omission performed by the enforcing official or designee in the enforcement of any provision of such codes or other pertinent laws or regulations implemented through the enforcement of this chapter shall be defended by the city until final termination of such proceedings. Any judgment resulting therefrom shall be assumed by the city.
(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.050. Right of entry.

When the enforcing official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code and is an immediate threat to health and safety which makes the building or premises unsafe, dangerous or hazardous, the enforcing official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter; provided, that if such building or premises is occupied, credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the enforcing official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the enforcing official shall have recourse to the remedies provided by law to secure entry.
(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.060. Responsibilities defined.

The owners are liable for violations of duties imposed by this code and other pertinent laws and regulations as outlined in LMC § 21.13.010, even though an obligation is also imposed on the occupants of the building and/or premises. In addition, the owners are also liable when the owner has, by agreement, imposed on the occupant the duty of complying with all or portions of this code and other pertinent laws and regulations as outlined in LMC § 21.13.010.
(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.070. Voluntary correction agreements.

A. At the sole discretion of the city, a voluntary correction agreement may be entered with a person responsible for correcting the violation(s), which may be the owner, agent or occupant.

B. Any such voluntary correction agreement shall be a contract between the city and the person responsible, and shall follow a form to be approved by the city attorney. The agreement shall be entirely voluntary and no one shall be required to enter into such an agreement.

C. In the contract, the person responsible shall agree to the following:

1. Acknowledge a violation(s) exists as shall be briefly there described;

2. Acknowledge it is his/her responsibility to abate the violation(s);

3. Agree to abate the violation(s) by a certain date or within a specified time; and

4. Agree that if he/she does not accomplish the terms of such agreement, the city may proceed without further notice to enforce the applicable provisions of this code and other pertinent laws and regulations as described within this chapter, including entering the premises, rectifying the violation(s), and recovering the expenses and monetary penalties provided for herein.

D. The agreement shall provide that if the person does accomplish the terms of the agreement, as determined by the city, and within the time frame specified therein, the city shall so acknowledge and shall take no further enforcement action or attempt to recover public costs already incurred.

E. The enforcing official may agree to extend the time limit for correction set forth in such agreement or may agree to modify the required corrective action. However, the enforcing official shall not agree to extend or modify the agreement unless the person responsible has shown due diligence and/or substantial progress in correcting the violation, and can show unforeseen circumstances which would require such extension or modification.

(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.080. Notice of violation and order.

Upon the enforcing official's determination that one or more violations have been committed, except as provided for in LMC § 21.13.070, the enforcing official, if enforcement occurs under this chapter, shall issue a notice of violation and order.

A. The notice of violation and order shall, at a minimum, contain the following:

1. The name and address of each property owner of record and any other person the city has determined is responsible for correcting the violation(s);

2. The street address or a legal description sufficient for identification of the property;

3. The assessor tax parcel number(s) of the property;

4. A description of each violation;

5. An order that the use, acts or omissions which constitute violation(s) must cease;

6. A statement of the corrective action required for each violation, with the date by which such action must be completed (the "deadline");

7. A warning: "the failure or refusal to complete corrective action by the deadline will result in enforcement action, civil penalties, a civil infraction and/or criminal penalties as provided in Chapter 21.13 LMC"; and

8. A statement of the right to appeal to the hearing examiner. The appeal is for the sole purpose of the violation. Separate appeal for other actions may be necessary, but shall not be combined with the violation and order appeal. The city will charge no appeal fee for an initial appeal of a notice of violation issued under this section.

B. The notice of violation and order shall be served upon those persons identified in subsection (A)(1) of this section. Service of the notice of violation and order shall be by personal service or by both regular first class mail and certified mail, return receipt requested, addressed to each person's last known address. Service by mail shall be deemed completed three days after mailing.

C. Proof of service shall be made by written affidavit or declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which service was made, and if service was made by personal service or by both regular first class mail and certified mail, return receipt requested, facts showing that due diligence was used in attempting to locate a mailing address for the person at whom the notice of violation is directed. Additional proof of service not necessary.

D. The appeal of a notice of violation and order shall be filed with the hearing examiner within 10 calendar days after service of the notice. The appeal is for the sole purpose of the violation. Separate appeal for other actions may be necessary, but shall not be combined with the appeal of the notice of violation and order. Each notice of violation and order and any subsequent letter of assessment shall be appealed separately. Each appeal shall be timely filed. Upon the timely filing of an appeal, the matter shall be scheduled to be heard at the next available appearance by the hearing examiner that is a minimum of 21 but no later than 60 calendar days after the date the appeal was received by the city. Notice of the hearing date and time shall be served by certified mail, return receipt requested, to the address of the party who filed the appeal and requested the hearing. The date and time for any hearing may be rescheduled by the hearing examiner for good cause upon the motion of a party or the hearing examiner.

E. Each day or portion thereof in which the violation continues constitutes a separate offense for which separate notices of violation may be issued.

(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.090. Violation – Civil enforcement and penalties.

If the person to whom the notice of violation is issued fails to respond as required in this chapter, the violation(s) shall be deemed committed without requiring further action by the city or the city's hearing examiner. In addition, the failure or refusal to complete corrective action by the date set forth in a notice of violation and order (the "deadline") shall subject the person(s) to whom the notice of violation and order was directed to the following enforcement actions and penalties:

A. The enforcing official may revoke, modify or suspend any permit, variance, subdivision or other land use approval issued for the subject property:

1. A person who has been served with a notice of violation must respond to the notice within 14 days of the date the notice is served;

2. That person must comply with the terms and conditions of the notice of violation and order; or

3. Appealing the notice of violation and order as set forth in this chapter. An appeal shall not relieve the person responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected;

B. Civil penalties and notices shall be applied as follows:

1. A civil penalty of $250.00 shall be assessed. If there has not been compliance with the notice of violation and order, and there is no appeal, or the appeal is denied, dismissed or withdrawn, a first new letter of assessment, stating the assessment of the $250.00 civil penalty, at the option of the city, shall then be sent in the same manner as the original notice of violation and order as set forth in LMC § 21.13.080. The first new letter of assessment shall state that in the event of the further failure or refusal to complete the corrective action within 15 days of the date of service of the first new letter of assessment,

a second and additional civil penalty shall be assessed in the amount of $1,000. The first new letter shall include a statement of the right to appeal to the hearing examiner as set forth in LMC § 21.13.080;

2. In the event of further failure or refusal to complete the corrective action within 15 days of the date of service of the first new letter of assessment, a second new letter of assessment, stating the assessment of a $1,000 additional civil penalty, at the option of the city, shall be sent in the same manner as the original notice set forth in LMC § 21.13.080. The second new letter of assessment shall (a) state the assessment of the first letter of assessment; (b) state the additional second civil penalties; and (c) shall include a statement of the right to appeal to the hearing examiner as set forth in LMC § 21.13.080;

3. In the event of the further failure or refusal to complete the corrective action within 15 days of the date of service of the second new letter of assessment, a third new letter of assessment, stating the assessment of a $1,500 additional civil penalty, at the option of the city, shall then be sent in the same manner as the original notice set forth in LMC § 21.13.080. The third new letter shall state the assessment of the first, second, and third civil penalties and shall include a statement of the right to appeal to the hearing examiner as set forth in LMC § 21.13.080;

4. Upon the expiration of the appeal period stated in the third new letter of assessment, the city, in addition to any other remedy authorized by law or the Leavenworth Municipal Code, may commence an action in the Chelan County superior court to collect the civil penalties assessed and, in addition, the city may exercise any remedy set forth in subsections (C), (D), (E), and (F) of this section;

C. The city, through its authorized agents, may, in addition to any other remedy provided herein, initiate abatement or injunction proceedings or other appropriate action in the municipal court, or the courts of this state, to prevent, enjoin, abate or terminate violations of this chapter. The city may obtain temporary, preliminary, and permanent injunctive relief from the Chelan County superior court;

D. The city may enter the subject property and complete all corrective action. The actual costs of labor, materials and equipment, together with all direct and indirect administrative costs, incurred by the city to complete the corrective action shall be paid by property owner(s) of record, and shall constitute a lien against the subject property until paid. A notice of claim of lien shall be recorded with the Chelan County auditor. Interest shall accrue on the amount due at the rate of 12 percent per annum. In any action to foreclose the lien against the subject property, all filing fees, title search fees, service fees, other court costs and reasonable attorneys' fees incurred by the city shall be awarded as a judgment against the property owner(s) of record, and shall be foreclosed upon the subject property together with the principal and accrued interest;

E. The remedies provided in subsections (A) through (D) of this section are cumulative remedies and not alternative remedies and are in addition to any other remedy to which the city may be entitled by law;

F. In any action brought by the city to enforce this chapter or in any action brought by any other person in which the city is joined as a party challenging this chapter, in the event the city is a prevailing party, then the nonprevailing party challenging the provisions of this chapter, or the party against whom this chapter is enforced in such action shall pay, in addition to the city's costs, a reasonable attorney's fee at trial and in any appeal thereof.

(Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.110. Joint and several responsibility and liability.

A. Responsibility for violations of the codes enforced under this chapter is joint and several, and the city is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the city required to take action against all persons potentially responsible for a violation.

B. Where a person or entity has been found to have committed a violation under this chapter, regardless of whether the violation was resolved without penalty, the failure to abate the violation, or the commission of a subsequent violation, or the violation of a written order of the hearing examiner after having received notice of the order as provided in this chapter, shall each constitute a repeat violation and shall each be a misdemeanor subject to the penalties and provisions of this chapter. The city attorney, or the city attorney's designee, shall, at his or her discretion, have authority to file a repeat violation as either a civil violation or as a misdemeanor.

(Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.120. Interference with code enforcement unlawful – Misdemeanor.

Any person who intentionally obstructs, impedes, or interferes with any lawful attempt to serve notice of a violation, stop work or stop use order, or an emergency order, or intentionally obstructs, impedes, or interferes with lawful attempts to correct a violation shall be guilty of a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than $1,000, or by both such imprisonment and fine.

(Formerly 21.13.100; Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.130. Approval and permit revocation, suspension and modification.

A. A permit, variance, subdivision or other land use approval may be revoked, suspended or modified on one or more of the following grounds:

1. Failure to complete corrective action as required pursuant to a notice of violation and order;

   a. The approval was obtained through fraud;

   b. The approval was obtained through inadequate or inaccurate information;

   c. The approval was issued contrary to law;

   d. The approval was issued under a procedural error that prevented consideration of the interests of persons directly affected by the approval;

   e. The approval is being exercised or implemented contrary to the terms or conditions of the approval or contrary to law;

   f. The use for which the approval was issued is being exercised in a manner that is detrimental to public health, safety or welfare;

   g. Interference with the performance of federal, state, county or city official duties.

B. Action to revoke, suspend or modify a permit, subdivision, or other land use approval shall be taken by the enforcing official through issuance of a notice of violation and order as described in LMC § 21.13.080.

C. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all applicable requirements contained in this code and other pertinent laws, ordinances, and regulations.

(Formerly 21.13.110; Ord. 1158 § 3, 2001; Ord. 1375 § 1 (Att. A), 2010; Ord. 1437 § 1 (Att. A), 2013)

§ 21.13.140. Repeat violation or failure to abate – Misdemeanor.

Where a person or entity has been found to have committed a violation under this chapter, regardless of whether the violation was resolved without penalty, the failure to abate the violation, or the commission of a subsequent violation, or the violation of a written order of the hearing examiner after having received notice of the order as provided in this chapter, shall each constitute a repeat violation and shall each be a misdemeanor subject to the penalties and provisions of LMC § 21.13.120. The city attorney, or the city attorney's designee, shall, at his or her discretion, have authority to file a repeat violation as either a civil violation or as a misdemeanor.

For the purpose of this chapter, "repeat violation" means, as evidenced by the prior issuance of a correction notice or a notice of violation, that a violation has occurred on the same property within a two-year period, or a person responsible for a violation who has committed a violation elsewhere within the city of Leavenworth within a two-year period. To constitute a repeat violation, the violation need not be the same violation as the prior violation.

(Ord. 1437 § 1 (Att. A), 2013)

CHAPTER 21.15 HEARING EXAMINER

§ 21.15.010. Purpose.

The purpose of this chapter is to provide an administrative land use regulatory system which will separate the city's land use regulatory function from its land use planning function; ensure and expand the principles of fairness and due process in public hearings; and to provide an efficient and effective land use regulatory system which integrates the public hearing and decision making processes for land use matters.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.020. Hearing examiner – Creation of office.

The office of the hearing examiner is created by the city. The hearing examiner shall interpret, review and implement land use regulations, hear appeals from orders, recommendations, permits, decisions or determinations made by a city official as set forth in this chapter, and review and hear other matters as provided for in this code and other ordinances. The term "hearing examiner" shall likewise include the hearing examiner pro-tem.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.030. Appointment of hearing examiner.

The hearing examiner shall be appointed by and serve at the pleasure of the mayor. This position will be a contracted position, reimbursement for which will be prescribed by the contract between the city and the hearing examiner.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.040. Hearing examiner – Qualifications.

The hearing examiner shall be ~~-~~an attorney in good standing, licensed to practice law in the State of Washington, with substantial knowledge and experience in Washington land use law, municipal law, and the conduct of administrative or quasi-judicial hearings. ~~appointed solely with regard to qualifications for the duties of such office and shall have such training or experience as will qualify the hearing examiner to conduct administrative or quasi judicial hearings utilizing land use regulatory codes, must have expertise and experience in platting, and should have knowledge or experience in at least one of the following areas: environmental sciences, law, architecture, economics or engineering.~~

(Ord. 1088 § 2 (Exh. A), 1998)

Commented [CB4]: Thoughts on this requirement?

§ 21.15.050. Hearing examiner pro-tem – Qualifications and duties.

The hearing examiner pro-tem shall, in the event of the absence or the inability of the examiner to act, have all the duties and powers of the hearing examiner. The hearing examiner pro-tem shall have such training or experience as to satisfy LMC § 21.15.040.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.060. Hearing examiner – Conflict of interest and freedom from improper influence.

A. The hearing examiner shall not conduct or participate in any hearing or decision in which the hearing examiner has a direct or indirect personal interest which might exert such influence upon the hearing examiner that might interfere with his or her decision-making process. Any actual or potential interest shall be disclosed to the parties immediately upon discovery of such conflict.

B. Participants in the land use regulatory process have the right, insofar as possible, to have the hearing examiner free from personal interest or prehearing contacts on land use regulatory matters considered by ~~-~~them ~~him or her~~. It is recognized that there is a countervailing public right to free access to public officials on any matter. Therefore, the hearing examiner shall reveal any substantial interest or prehearing contact made with them ~~him or her~~ concerning the proceeding, at the commencement of such proceeding. If such interest or contact impairs the hearing examiner's ability to act on the matter, such person shall so state and shall abstain therefrom to the end that the proceeding is fair and has the appearance of fairness.

C. Immediately after the announcement of any interest or prehearing contact, any person who objects to such interest or prehearing contact shall state the objection and any reasons supporting the objection. The failure to state such an objection at the time of announcement is deemed to be a waiver of such objection; therefore, this objection cannot be raised for the first time at any subsequent time.

D. The hearing examiner, upon hearing an objection, shall personally decide whether the interest or contact will impair their ~~his or her~~ ability to be fair and impartial, and shall hear the case or abstain accordingly.

E. No city council member, city official or any other person shall interfere with or attempt to influence the hearing examiner in the performance of their ~~his or her~~ designated duties; provided, that a city official or employee may, in the performance of their ~~his/her~~ own official duties, provide information for the hearing examiner or process a city case before the hearing

examiner, when such actions take place or are disclosed in the hearing examiner's hearing or meeting.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.070. Hearing examiner – Authority and duties.

A. The hearing examiner shall receive and examine available relevant information, including environmental documents, conduct public hearings, cause preparation of a record thereof, prepare and enter findings and conclusions based on these facts for the following:

1. Preliminary plats;
2. Planned developments;
3. Rezones which are not of general applicability;
4. Applications for shoreline variances, conditional use permits and nonconforming use permits pursuant to the Shoreline Management Act and Shorelines Master Program;
5. Applications for variances, conditional use permits, permits for the alteration, expansion or replacement of a nonconforming use, and waivers;
6. Amendments and/or alterations to plats;
7. Petitions for plat vacations;
8. Appeals alleging an error in a decision of a city official in the interpretation or the enforcement of the zoning code or any other development regulation;
9. Appeals alleging an error in a decision of a city official in taking an action on a short plat or binding site plan;
10. Appeals alleging an error in administrative decisions or determinations pursuant to Chapter 43.21C RCW;
11. Appeals alleging an error in a decision of the Leavenworth design review board;
12. Hearings on complaints found to be sufficient under LMC § 2.24.080;
13. Any other matters as specifically assigned to the hearing examiner by the city council or as prescribed by the city code.

B. The decision of the hearing examiner on all matters is final and conclusive, unless otherwise provided by this code, appealed pursuant to Chapter 21.11 LMC, or appealed as provided in the applicable chapter.

C. The hearing examiner's decision shall be based upon the provisions of the applicable chapter, policies of the comprehensive planning documents of the city, the standards set forth in the various development regulations of the city or any other applicable program adopted by the city council. When acting upon any of the above specific applications or appeals, under this title, the hearing examiner may grant or deny the application, or may attach reasonable conditions, modifications and restrictions found necessary to make the project compatible with its location and to carry out the goals and policies of the applicable comprehensive plan, or other applicable plans or programs adopted by the city council.

D. The hearing examiner shall conduct public hearings when required under the provisions of the State Environmental Policy Act, conduct public hearings relative to possible revocation of any conditional use permit, and conduct such other hearings or meetings as the city council may from time to time deem appropriate.

~~E. All references in the city code and elsewhere to the board of adjustment shall be construed as referring to the hearing examiner.~~

Commented [CB5]: There is no board of adjustment

(Ord. 1088 § 2 (Exh. A), 1998; Ord. 1475 § 1 (Att. A), 2014; Ord. 1678 § 2 (Att. B), 2023)

§ 21.15.080. Applications.

Applications for all matters to be heard by the hearing examiner shall be presented to the community development department, to be processed according to the applicable provisions of the LMC, including without limitation this title. The community development department shall be responsible for assigning a date for the public hearing for each application as required. The hearing examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions and decision on each application may be covered in one written decision.
(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.090. Report by community development department.

The community development department shall coordinate and assemble the comments and recommendations of other applicable city officials and governmental agencies having an interest in the application, and shall prepare a report summarizing the factors involved and the community development department findings and recommendations. At least seven calendar days prior to the scheduled hearing, the report shall be filed with the hearing examiner and copies thereof shall be emailed or mailed to the applicant and shall be made available to any interested party at the cost of reproduction.
(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.100. Public hearing.

A. Before rendering a decision on any application, the hearing examiner shall hold at least one public hearing thereon. Notice of the time and place of the public hearing shall be given as provided in the applicable city code governing the application.

B. The hearing examiner shall have the authority to prescribe rules and regulations for the conduct of hearings before the hearing examiner, and also to administer oaths and to preserve order.
(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.110. Hearing examiner's decision and recommendation – Findings required.

A. When the hearing examiner renders a decision or recommendation, they ~~he or she~~ shall make and enter written findings from the record and conclusions thereof, which support such decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision carries out and helps to implement the goals and policies of the comprehensive plan and the standards set forth in the various land use regulatory codes.

B. At the conclusion of oral testimony at a public hearing, the hearing examiner may establish the date and time at which the public record will close. The public record may be amended beyond the public hearing for the purpose of allowing written testimony to be submitted. The extension shall not exceed 10 working days after the conclusion of oral testimony. All decisions of the

hearing examiner shall be rendered within 10 working days after the date the public record closes.

C. Upon issuance of the hearing examiner's decision, the staff shall transmit a copy of the decision ~~by certified mail~~ to the applicant and send a notice of the decision ~~by first class mail to~~ other interested parties requesting the same.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.120. Reconsideration.

An applicant or party of record to a hearing examiner's public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within 10 days of the final decision. The request shall comply with LMC § 21.11.030(B). The hearing examiner shall consider the request at the next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has ~~occurred~~occurred, or a material factual issue has been overlooked that would change the previous decision.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.130. Appeal of hearing examiner's decision.

The final decision by the hearing examiner on any matter within ~~, his/her~~ their jurisdiction may be appealed in accordance with Chapter 21.11 LMC.

(Ord. 1088 § 2 (Exh. A), 1998)

§ 21.15.140. Hearing examiner's report.

A. The hearing examiner shall meet at least once per calendar year with the city council and the planning commission for the purpose of reviewing the policies contained in the comprehensive plans and the administration of these policies.

B. The hearing examiner shall briefly summarize the hearing examiner's decisions and recommendations for each calendar year.

(Ord. 1088 § 2 (Exh. A), 1998)

CHAPTER 21.31 COMPREHENSIVE PLAN AMENDMENT PROCESS[2]

§ 21.31.010. Purpose and authority.

A. The purpose of this chapter is to establish procedures for guiding the review of comprehensive plan amendments and/or revisions, pursuant to the authority granted to the city for that purpose in Chapters 35A.63 and 36.70A RCW. Because it is the policy guideline for several aspects of government operations, including capital budget decisions, it is important that the comprehensive plan be regularly evaluated and revised as necessary to remain an accurate blueprint for the city.

[2] **Prior ordinance history: Ord. 1097**

B. In order that the cumulative effects of various proposals can be determined, the city will consider such proposed amendments concurrently and not more frequently than once a year, except under the following circumstances:

1. The initial adoption of a sub-area plan;

2. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW; and

3. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the city's budget.

C. Additionally, at the discretion of the city council, the comprehensive plan may be amended or revised whenever an emergency exists, as defined in LMC § 21.31.020(C), or to resolve an appeal of an amendment filed with the growth management hearings board or with the court. At a minimum, the comprehensive plan shall be reviewed and revised as necessary at least every five years.

(Ord. 1158 § 3, 2001; Ord. 1415 § 1 (Att. A), 2012)

§ 21.31.020. Types of amendments.

Any proposed amendments and/or revisions to the comprehensive plan will be categorized into one of the following types:

A. "Area-wide amendment" is a proposed change or revision which has general applicability throughout the community. Within this type of amendment, there are two categories: "text amendment" to change or revise the goals, policies, objectives, assumptions and/or standards described in the plan; and "area-wide map amendment" to change or revise one or more of the maps of the comprehensive plan. In either instance, the proposal is comprehensive in nature and may be geographically distinctive or have unified interest within the city. While an area-wide map amendment typically includes several separate properties under various ownership, it is possible that it would apply to a single, specific piece of property under a single ownership. These amendments are considered legislative in nature and must be initiated by the Leavenworth city council.

B. "Capital facilities amendment" is a proposed change or revision specifically related to the capital facilities element of the comprehensive plan which affects capital budget decisions. These amendments are considered legislative in nature and must be initiated by the Leavenworth city council.

C. "Emergency amendment" is a proposed change or revision to any part of the comprehensive plan which arises from a situation that necessitates the immediate preservation of the public health, safety and welfare. These amendments are considered legislative in nature and must be initiated by the Leavenworth city council.

D. "Map amendment" is a proposed change to the land use designation on a property and typically involves a specific piece of property or affects relatively few specific properties. These amendments typically impact a specific property and may be applied for by a property owner or initiated by the Leavenworth city council.

E. "Urban growth area amendment" is a proposed change within the unincorporated urban growth area or a revision to the location of the designated urban growth area boundary. The adoption of any map amendment in the unincorporated portions of the urban growth area and/or changes to

the urban growth area boundary is within the regulatory authority of Chelan County. Provisions for the review of map amendments and changes to the urban growth area boundary are as outlined in Chapter 14.14, Comprehensive Plan Amendments, Title 14, Development Permit Procedures and Administration, Chelan County Code. The county will consider and attempt to reach agreement with the city on the location of the urban growth area, pursuant to RCW 36.70A.110 and all amendments within the unincorporated portions of the urban growth area as outlined in Title 14, Chelan County Code, and per the Memorandum of Understanding dated July 3, 1997. All proposed "area-wide amendments" within the unincorporated portions of the city urban growth area are considered legislative and shall be initiated by the Leavenworth city council.

(Ord. 1158 § 3, 2001; Ord. 1415 § 1 (Att. A), 2012)

§ 21.31.030. General time frame.

The following is a general description of the time frame during which the comprehensive plan may be amended in any given year:

A. Throughout the year, the city will identify and docket issues, concerns, inconsistencies and/ or deficiencies in the comprehensive plan which become known through either public, council, or staff observations.

B. Early Public Participation. The general public will be made aware in November and December of the upcoming comprehensive plan amendment process through one or more of the following methods: newspaper articles, postings on the city notices or listserv, during regular city council and/or planning commission meetings, and through any other opportunities and/or means deemed necessary. All requests for city-initiated amendment proposals from the public must be received by December 31st to be considered for the upcoming year amendment process.

C. In early January of each year, the city council and planning commission will sponsor a joint public workshop during which a list of city-initiated proposals will be formalized, based primarily on the items docketed throughout the previous year.

D. By January 31st of each year, all required application materials for proposed map amendments (excluding the unincorporated portions of the urban growth area) which are not city-initiated (i.e., those which are requested by private persons, organizations, agencies, etc.) must be submitted to the city. Map amendments within the unincorporated portions of the urban growth area that are not required to be initiated by the city shall be submitted to Chelan County per the requirements outlined in the Chelan County Code. Proposed map amendments in the unincorporated portions of the urban growth area are required to be forwarded from the county to the city as outlined in the Chelan County Code.

    1. If there are requested map amendments, the docket may be modified following Chelan County's map amendment requirements.

E. City staff will research and review the final list of proposed amendments, including any required environmental review, in consultation with agencies and city departments, as appropriate.

F. A public participation plan may be developed to outline how public engagement will be encouraged.

G. The amendments will be forwarded to the appropriate state agencies via the Department of Commerce, thereby beginning the 60-day review process as required under RCW 36.70A.106.

H. The planning commission's public review process will occur throughout the calendar year.

I. Upon receiving the planning commission's recommendation, the city council will begin a public review process of the amendments.

J. At the completion of the required 60-day state agency review process, the city council will review and act upon, as necessary, all comments received on the proposed amendments, including those from the general public and state agencies.

K. Final adoption of any amendments by the city council shall occur at a public hearing prior to the end of each year, as feasible. The review of area-wide amendments can be continued until the next year's amendment cycle at the discretion of the council. All recommendations of the city council for proposed map amendments submitted to Chelan County, affecting the unincorporated portions of the urban growth area, shall be submitted to the county. All city-initiated comprehensive plan amendments affecting the unincorporated portions of the urban growth area adopted by the city council shall also be submitted to the county to be considered for adoption by the Chelan County Board of Commissioners.

(Ord. 1158 § 3, 2001; Ord. 1415 § 1 (Att. A), 2012; Ord. 1596 § 1 (Att. A), 2019)

§ 21.31.040. Review process.

Amendments to the comprehensive plan shall be processed as a legislative review under this title. The following steps, review criteria and application requirements, where necessary, will be applied when reviewing any aspect of the comprehensive plan, except for proposed map amendments (not area-wide) within the unincorporated urban growth area which will be reviewed as outlined in the Chelan County Code.

A. The city council, planning commission and city staff will identify and track issues using a docket which arise over the course of the year which demonstrate inconsistencies and/or deficiencies in any portion of the comprehensive plan. For the purposes of this title, "inconsistencies and/or deficiencies" refers to the absence of required or potentially desirable content of a comprehensive plan. The docket shall be maintained by city staff, consisting of references to specific text and/or map change requests or additions.

B. In early January of each year, the city council and planning commission will hold a joint public workshop to decide on the issues which will be sponsored by the city during the comprehensive plan amendment process. The list of city-initiated proposals will be generated from the following sources:

1. The list of docketed issues maintained by city staff; and/or

2. Proposals from private persons, organizations, and agencies which the council and planning commission decide would serve the public interest and would therefore be appropriately sponsored by the city.

C. Proposals requested by private persons, organizations, and agencies to be sponsored by the city as described in subsection (B)(2) of this section may be submitted in the form of a written request to the city council and planning commission by December 31st of the previous year. All proposals must contain the following minimum information:

1. The name, address and phone number of the sponsor(s) and/or interested group who are presenting the request;

2. The type of proposal, as defined by LMC § 21.31.020;

3. The specific text and/or map of the comprehensive plan which would be affected by the proposal;

4. The parcel number(s), address and legal description to establish the location for any proposed map changes;

5. An explanation of why the proposal is being presented for consideration;

6. An explanation of how the proposed amendment(s) address the review criteria listed in subsection (E) of this section; and

7. A brief discussion of how the proposal would be consistent with the Growth Management Act (Chapter 36.70A RCW), the adopted county-wide planning policies, and the Leavenworth comprehensive plan.

D. Any private person, organization or agency may apply to the city to have a map amendment, as defined in LMC § 21.31.020, included in the comprehensive plan amendment process, including those proposals which have previously been denied the request to be city-initiated. Map amendments for the unincorporated portions of the urban growth area must be submitted to Chelan County as provided for in the Chelan County Code. All required application materials must be submitted to the city by January 31st of each year, and must contain the following information:

1. All items listed in subsection (C) of this section;

2. Additional information determined by the city as being necessary for evaluation of the proposal including, but not limited to, specific legal descriptions, mapped locations, site plans, environmental information, etc.; and

3. The applicable processing fee for comprehensive plan amendments as determined in the city's fee schedule. Said fee will be expended at the hourly rate established in the adopted city schedule resolution for the required staff time in analyzing the proposed amendment.

E. The city council will conduct a public meeting to review all city-initiated proposals, applications for proposals to amend the comprehensive plan submitted under subsection of this section, and proposed map amendments forwarded by Chelan County, for inclusion in the final list of amendments to be considered for each year. City staff will prepare a brief report on each proposal, to be forwarded to the city council seven days prior to the public meeting. For proposed city-initiated amendments, the following criteria shall be used as a basis for evaluation:

1. Is the proposed amendment necessary to resolve inconsistencies in the provisions of the comprehensive plan and/or development regulations or to address state or federal mandates?

2. Is the proposed amendment consistent with the Growth Management Act, the county-wide planning policies and the Leavenworth comprehensive plan?

3. Is the proposed amendment consistent with the existing comprehensive plan (encompassing any other documents incorporated therein), including the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan? If the proposed amendment is inconsistent with any existing aspects of the comprehensive plan, what new or revised assumptions, background information changes, goals, policies,

objectives, etc., must be made, and what conditions have changed that warrant such modification?

4. For those proposed amendments which relate to a change in the comprehensive plan land use map, is the proposed designation adjacent to property having a similar and/ or compatible designation?

5. Will the proposed amendment affect lands designated as resource lands of long-term commercial significance and/or critical areas? If so, how will the proposed amendment impact these areas?

F. For proposed amendments initiated under subsection (D) of this section and map amendments forwarded to the city by Chelan County, a brief overview of proposed amendments will be provided in the staff report.

G. Based on the final list of proposed amendments to be reviewed, city staff will prepare a report which evaluates all of the proposed amendments, including the required environmental review. The staff report which will be an integrated and cumulative analysis will be developed. Specifically, the report will include, at a minimum, an analysis of the interrelationship of the proposed amendment(s), the criteria set forth in this chapter and the following:

1. Probable impacts of the proposed action;

2. Probable impacts of a "no action" alternative;

3. Impacts of staff-recommended and/or other alternatives, if any;

4. Possible mitigation measures;

5. Unavoidable impacts; and

6. Analysis of all review criteria as required in this chapter and Chapter 14.14, Chelan County Code.

H. The planning commission will begin review of the staff report and any supplemental information. The proposed amendments will be available for public review and will be forwarded to the appropriate state agencies for 60-day review as required under RCW 36.70A.106. The planning commission shall hold at least one public hearing on the amendments, and shall make a recommendation to be forwarded to the city council with appropriate findings of fact and conclusions based on the following criteria:

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

2. The amendment is consistent with the requirements of the Growth Management Act and the county-wide planning policies;

3. The amendment is consistent with the overall intent of the existing comprehensive plan and the other documents incorporated therein;

4. The amendment is consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan;

5. The amendment is consistent with and does not adversely affect the supply of land for various purposes which is available to accommodate projected growth over a 20-year period;

6. Where applicable, conditions have changed such that assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc., contained in the comprehensive plan have been revised and/or enhanced to reflect said conditions;

7. Amendments to the comprehensive plan land use designation map(s) are either consistent and/or compatible with, or do not adversely affect, adjacent land uses and surrounding environment;

8. The amendment is consistent with and does not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service;

9. The amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas.

I. Upon receipt of the planning commission's recommendation for amendments, the city council will begin their review process, which may include informal public workshops, forums and meetings. Prior to the end of each year, the city council will hold a public hearing to consider an ordinance to adopt the proposed amendments, either as proposed by the planning commission or as subsequently amended based on public and agency comment and the council's review, provided the criteria in subsection (H) of this section have been considered, and the criteria as outlined in the Chelan County Code, as applicable. In no instance shall the city council adopt proposed amendments prior to the conclusion of the required 60-day review process as required under RCW 36.70A.106. After adopting the amendments by ordinance, city staff will forward the amendments to the required state and local agencies. The city shall also forward all recommendations for proposed map amendments within the unincorporated portions of the urban growth area to Chelan County for review per the requirements contained in the Chelan County Code.

(Ord. 1158 § 3, 2001; Ord. 1415 § 1 (Att. A), 2012)

§ 21.31.050. Emergency and other amendments.

Pursuant to Chapter 36.70A RCW and as defined in LMC § 21.31.010(B) and (C), certain amendments to the comprehensive plan may occur outside of the time lines described in this chapter. These amendments will be initiated by the city council, evaluated and analyzed by city staff and will be reviewed by the planning commission at a public hearing, from which a recommendation on the proposed amendment(s) will be forwarded to the city council. The city council will evaluate these amendments based on the criteria found in LMC § 21.31.040(H), as applicable, and take action on the proposed amendment(s) at a public hearing.

(Ord. 1158 § 3, 2001; Ord. 1415 § 1 (Att. A), 2012)

CHAPTER 21.35 DEVELOPMENT REGULATION AMENDMENT PROCESS[33]

[3] **Prior legislation: Ords. 552, 768 and 965.**

§ 21.35.010. Initiation.

Amendments, supplementations or modifications to this title may be initiated in the following manner:

A. By the council or the planning commission;

B. By property owners, as follows: by the filing of an application with community development, setting forth the proposed amendment, supplementation or modification. Each application shall be accompanied by payment of a fee charged according to a schedule of fees as set forth in Chapter 18.64 LMC, or modifications or changes thereto duly adopted by the city council.

(Formerly 18.72.010; Ord. 531 § 1, 1973; Ord. 551 § 50.100, 1976; Ord. 1203 § 28, 2003; Ord.1596 § 1 (Att. A), 2019)

§ 21.35.020. Processing.

Amendments to the development regulations shall be reviewed pursuant to LMC § 21.09.060, Legislative review of applications. Any development regulations shall be noticed to appropriate state agencies via the Department of Commerce, thereby beginning the 60-day review process as required under RCW 36.70A.106.

(Ord. 1596 § 1 (Att. A), 2019)

§ 21.35.030. Zoning map amendments.

~~A. Zoning map amendments, which are not of general applicability, shall be reviewed pursuant to LMC § 21.09.050, with the hearing examiner decision being forwarded to the city council for adoption by ordinance.~~

~~B. Amendments may be requested when consistent with the city of Leavenworth's comprehensive plan.~~

~~C. No request for a zone boundary or zone classification amendment to this title shall be reconsidered by the hearing examiner within the 12 month period immediately following a previous denial of such requested.~~

A. Site-specific zoning map amendments shall be processed as quasi-judicial applications under LMC § 21.09.050. The hearing examiner shall hold an open record hearing and issue a recommendation to the city council. The council shall consider the recommendation in a closed record proceeding and may approve, approve with modifications, remand, or deny the amendment. Approval shall be by ordinance.

B. A site-specific zoning map amendments may be approved only if the applicant demonstrates that:

1. The amendment is consistent with the comprehensive plan;

2. The amendment bears a substantial relationship to the public health, safety, and welfare; and

3. Conditions have changed since the property was last zoned, or the amendment implements the comprehensive plan.

C. An amendment that is inconsistent with the comprehensive plan shall not be accepted unless processed concurrently with a comprehensive plan amendment under Chapter 21.31 LMC.

Commented [CB6]: Inaccurate process.

D. Following a final denial by the city council, no substantially similar application for the same property shall be accepted for 12 months from the date of denial.

E. Area-wide zoning map amendments of general applicability are legislative and shall be processed under LMC § 21.09.060.

(Ord. 1596 § 1 (Att. A), 2019)

CHAPTER 21.90 COMMON DEFINITIONS[44]

§ 21.90.010. Purpose.

The following definitions are in addition to definitions found elsewhere in this code. Where conflicts or inconsistencies arise between definitions in this title and those in others, the definitions in this title shall supersede those in other titles.
(Ord. 1544 § 1 (Att. A), 2017)

§ 21.90.020. Generally.

Except where specifically defined in this chapter, all words used in this code shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "shall" is always mandatory; the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied"; "written" includes printed, typewritten, mimeographed or multigraphed; "oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed"; title of office – use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city of Leavenworth; "preceding" and "following" mean next before and next after, respectively. Any reference to ~~d~~ the words "he" and "she" shall each be considered to mean ~~"he" or "she."~~they. The definition of any word or phrase not listed in these definitions, which is in question when administering this code, shall be defined from one of the following sources. Said sources shall be utilized by seeking the desired definition from source number one, and if it is not available there, then source number two may be used and so on. The sources are as follows:

Commented [CB7]: Do we want to delete this whole sentence?

A. Any city of Leavenworth resolution, ordinance, code, regulation, or formally adopted comprehensive plan, shoreline master plan or program, or other formally adopted land use plan;

B. Any statute or regulation of the state of Washington;

C. Legal definitions from Washington common law or a law dictionary; and

D. The common dictionary.
(Ord. 1544 § 1 (Att. A), 2017)

§ 21.90.030. Definitions.

"Abandoned sign" means any sign and/or sign structure which represents or displays any reference to a business or use which has been discontinued for one year or for which no valid business license

[4] **Prior ordinance history: Ords. 1526, 1503, 1498, 1487, 1467, 1421, 1398, 1268, 1246, 1223, 1205, 1158, 1128, 1121, 1057, 1056, 1039, 993, 857, 852, 840, 839, 807, 754, 720, 659, 551, 531 and 122**

is in effect in the city. "Abandoned sign" shall also mean any sign remaining in place after a sign has not been maintained for a period of 60 or more consecutive days after notification of such by the city.

"Abandonment" means the discontinuation of use for a period of one year.

"Accessory structure" means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

"Administrator" or "city administrator" means the city administrator of the city of Leavenworth or their ~~his or her~~ designee.

"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 business" means any business which sells, rents, displays, or provides adult stock in trade depicting, describing or relating to specified sexual activities or specified anatomical areas, or engages in or permits specified sexual activities on the premises, and which excludes any person by virtue of age from all or part of the premises.

"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 family home" means a dwelling licensed by the state of Washington where personal care, special care, room, and board are provided for more than one but not more than eight adults who are not related by blood or a marriage to the person or persons providing the services, per Chapter 70.128 RCW.

"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.

3. Offers a sleeping room for rent for a rental fee period of time that is less than 10 hours; or

4. 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.

"Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed 30 percent of the household's monthly income (WAC 365-196-210).

1. Low-income renter households are defined as households with incomes of 50 percent or less of the county median family income, adjusted for family size (RCW 36.70A.540).

2. Low-income owner households are defined as households with incomes of 80 percent or less of the county median family income, adjusted for family size (RCW 36.70A.540).

"Agency consultation" means consultation with the Washington Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service for the purpose of making a preliminary determination

regarding impacts of a development proposal on fish and wildlife habitat conservation area functions and values. "Agency consultation" does not mean "Endangered Species Section 7 Consultation."

"Alley" means a public thoroughfare or right-of-way used primarily for utility installation, service or delivery access, or for a secondary means of vehicular access for abutting properties that are adjacent to a street.

"Alteration" means a change, addition, or modification in construction or occupancy, except as otherwise provided for elsewhere in this code.

"Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

"Antenna" means a wire or system of wires, rods, poles, or similar devices; or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building.

"Applicant" means the owner or owners of record of the property subject to an application for development approval from the city, or authorized representative of such owner or owners, except in the case of a legislative matter.

"Application" means a request for any land use permit required from the city for proposed development or action, including without limitation building permits, conditional uses, binding site plans, planned developments, subdivisions, variances, site plan reviews, permits or approvals required by critical area ordinances, and site-specific rezones.

"Aquifer" means a water-bearing stratum of permeable rock, sand or gravel.

"Aquifer recharge" means the movement or percolation (usually downward) of surface water through an unsaturated zone of soil or rock into a groundwater body.

"Aquifer recharge area" means an area with a recharging effect on aquifers used for potable water.

"Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the sheet flow area.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

"ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

"Athletic/fitness facility" means an indoor or outdoor facility or portion of a facility that is primarily used for: exercise classes; strength and conditioning programs; personal training services; tennis; racquetball; handball; squash; or pickle ball; or other activities requiring the use of exercise or strength training equipment, such as treadmills, elliptical machines, stair climbers, stationary cycles, rowing machines, Pilates equipment, balls, climbing ropes, jump ropes and weightlifting equipment

"Bakery" means a facility preparing baked goods for retail sales and offering baked goods including pies, doughnuts, cakes and breads for sale to the public.

"Balloon" means a flexible bag designed to be inflated with hot air or with a gas, and a bag shaped like a figure or object when inflated.

"Banks, savings and loan and other financial institutions" means offices and service facilities for banks, savings and loans, credit unions or other financial institutions, including drive-through windows.

"Baroque" means a period as well as a style of art or design that used exaggerated motion and clear, easily interpreted detail to produce drama, tension, exuberance, and grandeur in sculpture, painting, literature, dance, and music. The style started around 1600 in Rome, Italy, and spread to most of Europe. For purposes of this title the term "Baroque" describes art, graphics, or design that represents this style which was characterized between 1575 to 1770 in Bavaria.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the "100-year flood."

"Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

"Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

"Battery electric vehicle (BEV)" means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

"Bavarian Alpine" means that area of land in present day Germany which extends from the Bavarian forest along the Czech Republic border to Garmisch-Partenkirchen on the Austrian border, including the cities of Regensberg and Munich, then extending east along the Austrian border to Berchtesgaden and Passau, but not including the towns on the Tauber River, such as Nuremberg or Rothenberg.

"Bavarian folk art," also "bauernmalerei" which translates as "peasant painting" (literally "farmer painting") in German. Bauernmalerei was known throughout central Europe starting in the early 1500s where it took various forms from simple, naive-like decoration to more elaborate painting incorporating Renaissance, Baroque, and Rococo design. Bavarian folk art is a style of art or design which evolved following the end of the feudal system of land ownership and incorporates traditional design elements and colors characterized by stroke work using a round brush to paint natural elements (such as lilies, tulips, roses, daisies, cornflowers, fruit, leaves, and snail shells), mimic hard surfaces (such as wood, stone, and marble), and decorative elements (ornamentation such as scrolling). For

purposes of this title, the term "Bavarian folk art" describes a style of art, graphics, or design that represents this style which was characterized during the 1500s to 1700s in Bavaria.

"Bed and breakfast" means temporary lodging whereby the property owners host visitors in their home or accessory dwelling unit.

"Benefit or reimbursement area" means that area which includes parcels of real estate adjacent to or likely to require a connection to improvements made by a developer who has applied to the city for a latecomer reimbursement agreement pursuant to this chapter.

"Best management practices" or "BMPs" mean schedules of activities, prohibitions of practices, maintenance of procedures, and other management practices, to prevent or reduce the pollution of other critical areas. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

"Binding site plan" means an alternate method of land division under the following circumstances: (A) the division of land into two or more lots, parcels, or tracts located in a commercial or industrial zoning district; (B) the division of land for lease when no other structure other than ~~mobile homes or~~ recreational vehicles or tiny homes on wheels are to be placed on the land; and (C) the division of land into lots or tracts when performed in accordance with Chapters 64.32 and 64.34 RCW, and RCW 58.17.040(7), and complying with the provisions contained in Chapter 17.10 LMC.

"Block" means a group of lots, tracts or parcels within well defined and fixed boundaries, conforming to the standards outlined in LMC § 17.14.030.

"Board" means the former Leavenworth city board of adjustment. The functions of the board of adjustment have been transferred to the Leavenworth hearing examiner.

~~"Boardinghouse," "lodginghouse" or "roominghouse" means a building where lodging, with or without meals, is provided by members occupying such building. This term shall not be construed to include buildings which fit the definition of the term "motel."~~

"Boundary line adjustment" means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site, and complies with the provisions contained in Chapter 17.04 LMC.

"Brewery" means an establishment where more than 60,000 barrels of beer or malt liquor is manufactured or produced on the premises per year, including associated activities such as fermentation, conditioning, packaging, storage, and distribution of beer produced on-site. A brewery may include an accessory tasting room, taproom, or other area for the retail sale and on-premises consumption of beer produced on-site, subject to applicable licensing requirements.

"Buffer" means a vegetated area adjacent to a critical area, retained to reduce impacts from adjacent land uses and protect and maintain critical area functions and values.

"Buildable area" means the portion of a lot remaining after required yards have been provided.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building envelope" means the buildable area of a lot after applicable yards/setbacks, easements, and other restrictions on the lot are taken into account.

"Building face" means the outer surface of any building which is visible from any private or public street, highway or alley. For the purposes of building wall calculations, where multiple walls differ in outer edge plane, the secondary planes, corners, and/or angles shall be incorporated into the primary building elevation, and shall not be calculated independently, or as a secondary building elevation.

"Building height" means the vertical distance measured from the average elevation of the actual or proposed finish grade around the building to the highest point of a flat roof and the mean height between eaves and ridge of a pitched roof.

"Bulk fuel storage" means a commercial or industrial site with stationary tanks, containers, or pipelines used to hold large quantities of petroleum products or other fuels for distribution or major use.

"Bus and/or taxi stop" means a bus and/or taxi transfer area or facility providing passenger access to routes and adjacent activities.

"Business visit" means an individual trip made for the purpose of conducting business or receiving instruction, or for performing services, or for delivering goods or stock in trade.

"Car wash" means facilities for the washing of passenger cars and light trucks as either a principal use or accessory to fueling stations, convenience stores or similar permitted uses.

"Character" means the aggregate of visible Old World Bavarian Alpine theme architectural features and traits that together form the individual nature of the Old World Bavarian Alpine theme.

"Charging levels" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

1. Level 1 is considered slow charging.
2. Level 2 is considered medium charging.
3. Level 3 is considered fast or rapid charging.

"Child day care center" and "child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours.

~~"Child day care" means a place which regularly provides childcare during part of the 24-hour day to 12 or fewer children. Such number shall be reduced by the number of permittee's own children or foster children under 12 years of age who are on the premises.~~

"City" means the city of Leavenworth, Washington, or the area within the territorial limits of the city of Leavenworth, Washington, and such territory outside of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

"City council" or "council" means the city council of the city of Leavenworth, Washington. "All its members" or "all council" mean the total number of councilmembers provided by the general laws of the state of Washington.

"City engineer" means the city of Leavenworth engineer or their ~~his/her~~ designated representative.

"Classical" means a stylistic period of the art of ancient Greece. The onset of the Persian Wars (480 BC to 448 BC) is taken as the beginning of the Classical period, and the reign of Alexander the Great (336 BC to 323 BC) is taken as the end of the period. For purposes of this title, the term "Classical" describes a style of art, graphics, or design that represents the style used during this time period.

"Clearing" means the destruction and removal of vegetation by burning, mechanical or chemical methods.

Clear-View Triangle. See "Sight distance triangle."

"Clinic" means a building designed and used for the medical, dental and surgical diagnosis and treatment of outpatients.

"Closed record appeal" means an appeal based on the existing record with no or limited new evidence or information allowed to be submitted and with only appeal argument allowed.

"Cluster subdivision" means a subdivision technique that allows lot sizes to be reduced and buildings sited closer together; provided, that the total densities at the project level do not violate the density limits identified in the comprehensive plan and the applicable zoning district, for the protection of critical areas, to allow for the retention of open space, and to avoid areas with development limitations.

"Co-living housing" means a residential development with independently rented, lockable sleeping units that provide living and sleeping space and whose residents share kitchen facilities with other sleeping units in the building.

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"Commercial" means any activity carried on for a financial gain or a business endeavor.

"Commercial amusement enterprise, high impact" means recreational activities with the potential for excessive noise, traffic or other issues which impact surrounding uses. These activities can include but are not limited to theme parks, equestrian facilities, rodeos, circuses, race tracks, coasters, and archery and gun clubs.

"Commercial amusement enterprise, low impact" means a location where recreation activities take place. These activities can include but are not limited to bowling alley, dance hall, amphitheater, skating rink, tennis club, private aquatic center ~~private swimming club,~~ or similar athletic club, batting cages, BMX courses, paintball and golf driving ranges.

"Community center" ~~means a facility where members of a community may gather for cultural, recreational or social activities.~~means a building or portion of a building owned or operated by a public agency or a nonprofit organization, used primarily for recreational, educational, cultural, social, or civic activities open to the general public. Community centers may include meeting rooms, gymnasiums, classrooms, kitchens, and offices accessory to the center's programs. The term does not include private clubs, places of worship, schools, or facilities operated primarily for commercial events.

"Community development director" or "director" means the director of community development or their ~~his or her~~ designee, unless the title or chapter contained in this code refers to the director of another department.

"Community service event" or "civic event" means an event (e.g., festival, parking, fun run and/ or meeting) sponsored by or for the benefit of a nonprofit organization.

"Composting collection center" means a secure location where food waste is collected for composting at another location(s).

"Comprehensive plan" means the City of Leavenworth Comprehensive Plan, adopted in 1996, and any subsequent amendments thereto.

"Comprehensive plan amendment" means an amendment or change to the text or maps of the comprehensive plan.

"Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded.

"Conditional use" means a use allowed in one or more zones as defined by the zoning code, 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 a special permit in order to provide a particular degree of control to mitigate adverse impacts of the use and to make such uses consistent and compatible with: other existing or permissible uses in the same zone, the intent of the code, and the goals and policies of the comprehensive plan. ~~and mitigate adverse impacts of the use~~.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and a survey map and plans have been recorded in accordance with Chapters 64.32 or 64.34 RCW. Condominiums are not confined to residential units, such as apartments, but also include offices and other types of space in commercial buildings.

"Congregate care facility" or "retirement center" means a residential facility designed for and occupied by at least one person per unit who is able to live independently and without 24-hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation.

"Construction yard" means a place that is used for the storage of materials incidental to a construction operation such as road construction or contractor's establishment. It is a designated area where materials are stored before use in the actual construction process.

"Contaminant" means any chemical, physical, biological, or radiological substance present in sufficient quantity that its accidental or intentional release would present a substantial risk to human health or the environment in the concentrations found at the point of compliance.

~~"Copy and/or printing establishment" means a retail print service, including blueprinting, photostat copies, copier and other business support services.~~

"Cost of construction" means those costs (excluding interest charges or other financing costs) incurred for design, acquisition for right-of-way and/or easements, construction, labor, materials and installation required in order to create an improvement which complies with city standards, as determined by the city's engineer or authorized agent.

"County" means the county of Chelan, Washington.

"Critical aquifer recharge areas" or "CARAs" are those areas with a critical recharging effect on aquifers used for potable water, including areas where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of water, or is susceptible to reduced recharge.

"Critical areas" means areas of environmentally sensitive areas, including the following areas and ecosystems: (1) wetlands; (2) areas with a critical recharging effect on aquifers used for potable water; (3) fish and wildlife habitat conservation areas; (4) frequently flooded areas; and

(5) geologically hazardous areas.

"Critical facility, special flood hazard" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

"Cryptocurrency mining" means the operation of specialized computer equipment for the primary purpose of mining one or more blockchain-based cryptocurrencies such as Bitcoin. This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network. Typical physical characteristics of cryptocurrency mining include specialized computer hardware; high density load (HDL) electricity use; a high energy use intensity (EUI) where the

operating square footage as determined by the utility is above 250kWh/ft^2/year and with a high load factor in addition to the use of equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers.

"Cul-de-sac" means a short dead-end street having one end intersecting another street and the other end terminating in a vehicular turnaround space.

"Curb cut" means a depression in the curb for the purpose of accommodating a driveway that provides vehicular access between private property and the street.

"Date of decision" means the date on which final action occurs and from which the appeal period is calculated.

~~"Day care center" means a center for the care of 13 or more children during part of the 24-hour day.~~

"Data center" means a building or facility, or portion thereof, primarily used for the centralized housing, operation, and management of computer servers, data storage systems, networking equipment, and related information technology equipment. A data center may include associated electrical, mechanical, cooling, telecommunications, security, backup power generation, battery storage, and other infrastructure necessary to support the continuous operation of the information technology equipment. The use includes facilities commonly known as data centers, server farms, or similar facilities, but does not include an office, business, educational facility, or other use in which computer equipment is primarily used as an accessory to the principal use of the premises.

"De minimis impact" means a small or minuscule impact that is demonstrated to be nonharmful to the environment.

"Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the owner no other rights than those which are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.

"Density" means the number of permitted dwelling units allowed on each acre of land or fraction thereof.

"Department" means any division, subdivision or organizational unit of the city established by ordinance, rule or order.

"Design review board" means the board created by Ordinance 983 (Chapter 2.38 LMC), as amended.

"Deterioration" means the falling from a higher to a lower level in quality and/or character. Building deterioration is typically caused by failure to clean and carry out routine maintenance; inadequate inspecting; and natural aging of the structural elements.

"Developer" means an individual, firm, corporation, limited liability company or partnership who proposes to improve real property within the city or its urban growth area ("UGA"), proposes an action or seeks a permit regulated by LMC Titles 14, 15, 16, 17 or 18, inclusive.

"Development" means any land use permit or action regulated by this code, including but not limited to subdivisions, planned developments, rezones, building permits, design review permits, shoreline permits, conditional use permits, or variances.

"Development code" means the applicable titles of this code, including, but not limited to, zoning ordinances, critical areas ordinances, subdivision ordinances, shoreline master programs, and official controls, together with any amendments thereto.

"Development, special flood hazard" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Distillery" means a facility where distilled alcoholic beverages (such as whiskey, vodka, gin, rum, and brandy) are produced.

"Direct connection" means a service connection, to be owned and maintained by the property owner and not the city, from existing or new utility improvements based on the following criteria:

1. Water system direct connections are single and dual water service taps;
2. Sewer system direct connections include side sewer (service) connections.

"Direct illumination" means illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

"Driveway" means a vehicle access provided between a street or alley to a parking area or facility.

"Driving surface" means that portion of a street intended for vehicular travel or parking.

"Duplex" means a single building containing two dwelling units, totally separated from each other by an unpierced wall.

"Dwelling, above ground floor" means a single- or multifamily dwelling occupying the second or higher level of a building.

"Dwelling, cottage housing" means a group of smaller detached dwelling units with shared common space, including a shared courtyard or open space. A cottage house, or dwelling, is a single dwelling unit in cottage housing.

"Dwelling/duplex, two-family" or "two-family dwelling/duplex" means a single building containing two dwelling units, totally separated from each other by an unpierced wall, on a single lot.

"Dwelling, multifamily" or "multifamily dwelling" means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided for owner occupancy, rent, or lease on a monthly or longer basis.

"Dwelling, single-family" or "single-family dwelling" means a detached residential dwelling unit, which is site-built, manufactured, modular, or other type of similar construction not including recreation vehicles, travel trailers, or similar structures, designed for and occupied on a monthly or longer basis by one family.

~~"Dwelling, tiny home" means residential dwelling that may be built on wheels and is no larger than 400 square feet, including a kitchen, bathroom, and sleeping/living area, and must be built to the Washington State Building Code.~~

"Dwelling, triplex" or "three-family dwelling" means a multifamily building, which is located on one legal lot, containing three dwelling units designed exclusively for occupancy by three single households living independently of each other.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Dwelling unit, accessory (ADU)" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Dwelling unit, attached accessory (ADU)" means an accessory dwelling unit (ADU) located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

"Dwelling unit, detached accessory (ADU)" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

"Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance procedures).

"Easement" means a recorded grant or permission given by a property owner to another person, public utility, company, or municipality for a specific use of a portion of his/her property.

"Easement, access" means a private right-of-way which provides vehicular access to a street from no more than three existing or potential lots.

"Eating and drinking establishment" means an establishment primarily engaged in preparing, serving, or providing food and/or beverages to the public for consumption on or off the premises. Examples

include restaurants, cafés, coffee shops, bakeries, delicatessens, bars, taverns, and similar establishments. The use may include on-site seating, table or counter service, take-out service, and accessory retail sales of food, beverages, and related products. Mobile food vendors are excluded from this definition ~~means an establishment designed and constructed to serve food and beverages for consumption on the premises, in an automobile or for carry out for off premises consumption and which establishment may or may not have on premises dining room or counter. Such establishment may include, but is not limited to: restaurant, coffee shop, cafeteria, short order cafe, tavern, bar, lounge, sandwich stand, soda fountain, catering and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale.~~ Mobile food vendors are excluded from this definition.

"Eave line" means the juncture of the roof and the perimeter wall of the structure.

~~"Educational centers" means structures and uses that provide educational services, including but not limited to business, technical or trade education.~~

"Educational facilities" means structures and uses that provide educational instruction and services, including but not limited to, preschool, K-12, technical or trade schools. ~~from pre-kindergarten to grade 12.~~

"Effective date" means the date a final decision or action becomes effective.

"Electric scooter/motorcycle" means any wheeled vehicle, including Segways, one-wheels, and similar, that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

"Electric vehicle (EV)" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (A) a battery electric vehicle; (B) a plug-in hybrid electric vehicle; (C) a neighborhood electric vehicle; and (D) a medium-speed electric vehicle.

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with level 1 or level 2 charging equipment is permitted outright as an accessory use to any principal use.

"Electric vehicle charging station – public" means an electric vehicle charging station that is (A) publicly owned and publicly available (e.g., park and ride parking, public library parking lot, on-street parking) or (B) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multifamily parking lots).

"Electric vehicle charging station – restricted" means an electric vehicle charging station that is (A) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (B) publicly owned and restricted (e.g., fleet parking with no access to the general public).

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"Electric vehicle parking space" means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

"Elevation certificate" means an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

"Emergency housing" means temporary indoor accommodations for individuals or families ~~who are~~experiencing homelessness or at imminent risk of becoming homeless. Emergency housing is ~~that are~~ intended to address the basic health, food, clothing, and personal hygiene needs ~~of individuals or families~~, and may include supportive services. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families ~~who are currently~~experiencing homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include overnight services; day and warming centers that do not provide overnight accommodations; and supportive services.

"Erect" means to build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.

"Erosion hazard areas" are areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.

"Essential public facilities" means those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. ~~, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.~~

"Existing and ongoing forestry activities" means those activities conducted on lands defined in RCW 84.34.020(3) and occurring under regulation of the Forest Practices Act, on lands capable of supporting a merchantable stand of timber and not being actively used for a use which is incompatible with timber growing.

"Façade" means the entire building exterior wall face, from the ground (grade) to the top of the parapet or eaves, and the full width of that elevation.

Family day care provider" and "family home provider" mean a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters

"Family" means an individual~~,~~ or ~~two or more persons related by blood or marriage, or a~~ group of people ~~group of not more than five persons who are not all related by blood or marriage,~~ living together in a dwelling unit. Such people need not be related by blood or marriage. A family does not include large institutional or congregant group living situations.

"Family entertainment enterprise" means an indoor business where family-oriented recreation activities take place. These activities can include but are not limited to video games, indoor miniature golf, billiard tables, foosball tables, air hockey tables, table tennis, indoor water activities and darts.

"Festival sponsoring group" shall mean a nonprofit group with its home office located within the Cascade School District, and which seeks to sponsor a festival for the purposes of tourism promotion.

"Fill" or "fill material" means a deposit of material placed by human or mechanical means.

"Filling" means the act of placing (by any manner or mechanism) fill material from, to, or on any soil surface, sediment surface or other fill material.

"Final decision" means the final action by the director, hearing examiner or city council.

"Fish and wildlife habitat conservation area" or "FWHCA" means areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, winter range, and movement corridors; and areas with high relative population density or species richness. Counties and cities may also designate locally important habitats and species.

"Flag" means a fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

"Flag, business" means a flag or representation of a flag displaying the letters, figures, design, symbol, trademark or device, including artificial representation of stock-in-trade, name, insignia, emblem, logo, product, service, or other graphic representation of a business.

"Flag, government" means an official flag displaying the name, insignia, emblem, or logo of any nation, state, municipality, or similar type of organization.

"Flag lot" means a lot not meeting minimum frontage requirements and where access to the developed street is by a narrow private right-of-way or driveway.

"Flagpole" means a free-standing structure or a structure attached to a building/structure or to the roof of a building/structure and used for the purpose of displaying flags.

"Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:

    a. The overflow of inland or tidal waters; and/or

    b. The unusual and rapid accumulation of runoff of surface waters from any source;

    c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood Insurance Study (FIS). See "Flood elevation study."

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood or flooding."

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "regulatory floodway."

"Floor area" means the sum of the gross horizontal area of the floor or floors of all the buildings on a building site, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and all areas having a ceiling height of seven feet or more; but excluding all parking and loading spaces inside the building, unroofed areas, roofed areas open on two or more sides, areas having a ceiling height of less than seven feet, and basements used exclusively for storage or housing of fixed mechanical equipment or central heating or cooling equipment.

"Food booth" shall mean a temporary structure set up in the public right-of-way, which is used to house a group, either nonprofit or commercial, for the purpose of serving food to the public during a festival.

"G~~Food/g~~rocery store" means an establishment offering a wide variety of comestibles (edible/ eatable), beverages and household supplies.

"Foster home" means a home licensed and regulated by the state and classified by the state as a foster home, providing care and guidance for not more than three unrelated juveniles.

"Frequently flooded area" means areas subject to flooding that may present a risk to persons and property.

"Fully shielded fixture" means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal. A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, or from any angle around the fixture or tube, the fixture or tube is not fully shielded.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Funeral home" means a facility licensed by the state engaged in preparing human remains for burial. Services may include, but are not limited to, embalming, transport, memorial services, and the sale of caskets.

"Gasoline service station" means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and not to include a repair garage or body shop.

"Geological assessment" means an assessment prepared by a qualified professional for geologically hazardous areas, detailing the surface and subsurface conditions of a site and delineating the areas of a property subject to geologic hazards, and meeting the standards specified in Title 16.

"Geologically hazardous areas" means areas susceptible to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

"Geotechnical engineer" is a person with a Washington State license in civil engineering who has at least four years of professional employment as a geotechnical engineer with experience in landslide, erosion and seismic hazards identification and mitigation.

"Geotechnical report" means a report prepared by a qualified professional for geologically hazardous areas that evaluates the site conditions and mitigating measures necessary to ensure that the risks associated with geologic hazards are eliminated on the site proposed to be altered, and meeting the standards specified in Title 16.

"Glare" occurs when a bright light source causes the eye to continually be drawn toward the bright image or brightness of the source prevents the viewer from adequately viewing the intended target. Glare may create a loss of contrast or an afterimage on the retina of the eye reducing overall visibility. Two classifications of glare are discomfort glare and disability glare.

1. "Discomfort glare" does not necessarily keep the viewer from seeing an object, but does cause a constant adaptation of the eye to the contrast of light levels that in turn may cause a sensation of discomfort.

2. "Disability glare" occurs when the bright light source causes stray light to scatter in the eye which causes the primary image on the retina to be obscured. It may prevent the viewer from seeing things of importance.

"Golf course" means an area of land where nine or 18 holes of golf is played. A golf course may, or may not, include putting course and driving range. A golf course does not include miniature golf which is defined as commercial amusement activity.

"Grading" means excavating, filling, clearing, leveling or contouring of the ground surface by human or mechanical means.

"Greenbelt" means an area of vegetation, either native stock or replanted, in public or private ownership.

"Gross area" means, for the purpose of calculating density for Chapter 17.16 LMC, Cluster Subdivision, the total area of the project site; provided, that sloped areas in excess of 40 percent slope and designated critical areas, as identified in Chapter 16.08 LMC, are credited at 50 percent of their area.

"Guest or visitor" means a person who rents a unit within a bed and breakfast, motel, hotel, or lodging room.

"Guest Room" A room within a hotel, motel, inn, or similar transient lodging establishment intended for occupancy by one guest party and designed to accommodate no more than four (4) persons.

"Handling or processing of hazardous substances" means the use, dispensing, wholesaling, retailing, compounding, manufacture, storage, treatment or synthesis of hazardous substances in quantities greater than five gallons in volume per individual container.

"Hazardous waste" means all dangerous and extremely dangerous wastes as defined by WAC 173-303-070 through 173-303-100.

"Hazardous waste facilities, off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the facilities are located.

"Hazardous waste facilities, on-site" means hazardous waste treatment and storage facilities that treat and store waste from generators located on the same property or from geographically contiguous property.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

"Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC, or its successor.

"Hazardous waste treatment and storage facility, on-site" means storage and treatment facilities which treat and store hazardous wastes generated on the same property.

"Hedge" means a fence or boundary formed by a dense row of shrubs or low trees.

"Height" (of a freestanding sign) means the vertical distance measured from the highest point of the sign structure to the grade of the adjacent street or the surface grade at any point beneath the sign, whichever provides the lowest elevation.

"High impact development" means development that impacts the predevelopment hydrologic regime of urban and developing watersheds.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Highly erodible land" means those areas defined by the Sodbuster, Conservation Reserve, and Conservation Compliance parts of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990 as "highly erodible land." Lists of highly erodible and potential highly erodible map units are maintained in the NRCS field office technical guide.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

"Home occupation" means a lawful economic enterprise that is conducted or operated within a residential dwelling unit or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit.

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"Home occupation, Group A" means a home occupation that meets all of the home occupation minimum standards of Chapter 18.36 LMC, as amended, and has no nonresident worker. In addition, limited or no customers visit the business. Examples of Group A home occupation include, but are not limited to: "desk and telephone" occupations, cottage crafts where mail services are used, and a consultant's office with infrequent customer and/or client visits (maximum of two per month).

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"Home occupation, Group B" means a home occupation that meets all of the home occupation minimum standards of Chapter 18.36 LMC, as amended, and has a maximum of one nonresident worker. In addition, customers visit the business. Group B home occupation allows more flexibility, including the potential of impacting the neighbors; therefore, a full administrative review of applications is required. Examples of Group B home occupation include, but are not limited to: hairdressers, music teachers, and a consultant's office with customer and/or client visits (more frequent than two per month).

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"Hospital" means an establishment whose primary function is to provide sleeping and eating facilities to persons receiving medical or surgical care with nursing service on a continuous basis.

"Hostel" means a type of lodging where guests rent a bed (rather than a room or suite), ~~unusually~~ often a bunk bed, in a dormitory with a shared lounge and bathrooms. A hostel may include a shared

kitchen space. Hostels are intended to primarily serve backpackers and cycle tourists rather than vehicular travelers.

"Hotel" means a building or portion thereof designed or used for transient rental of more than five units for sleeping purposes. A central kitchen and dining room and accessory shops and services catering to the general public or for the operation of the hotel, such as laundry, can be provided. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

"Hydric soil" means soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

"Hydrogeologic evaluation" means a systematic study of geologic and groundwater resources, focusing on near-surface geologic, groundwater, and pollution sensitivity, for the purpose of determining any potential risk to human health, groundwater quality, and the environment.

"Hydrophytic vegetation" means plants that grow in water or in saturated soils that are periodically deficient in oxygen as a result of high water content.

"Incubator Planned Site Development" means a mixed-use project designed primarily to support and grow industrial businesses while allowing on-site housing.

"Indoor events, auditorium" means an enclosed building for indoor sports, theater, concert hall, or other gathering, in which the audience sits.

"Infill development" means development designed to occupy scattered vacant parcels of land which remain after the majority of development has occurred in an area.

"Installed" means attached, or fixed in place, whether or not connected to a power source.

"Irregular lot" means a lot which is shaped in such a way that application of yard setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

"Kennel" means a structure or lot on which four or more domestic animals at least four months of age are kept.

"Landslide hazard areas" are areas at risk of mass movement due to a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors.

"Laundry/dry cleaning" means a facility providing machines for the washing and drying of clothes and personal items. This definition does not include an industrial facility providing laundry, dry cleaning, linen supply, and uniforms on a regional basis.

"Law" denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the city of Leavenworth, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

"Light display" means an outdoor visual exhibition designed to dominate surrounding uses by incorporating items such as intense lighting which focuses attention on location.

"Light industry" means industrial uses which are consumer-oriented industry. Such products are produced for end users (and storage) rather than as intermediates for use by other industries. Light industry facilities have less environmental impact than those associated with heavy industry, and may

be near residential areas. It is the production of small consumer goods. Examples of light industries include the manufacturing of clothes, shoes, furniture, consumer electronics, assembly, processing, packaging, treatment/fabrication of glass, wood, metal, food, computers, scientific materials and home appliances.

"Light trespass" occurs when neighbors of an illuminated space are affected by the lighting system's inability to contain light within the area intended. The most common form of light trespass is spill light which illuminates objects beyond the property boundaries.

"Lives on-site" means being present in the dwelling unit where the bed and breakfast rental is being offered, which includes but is not limited to sleeping overnight, preparing and eating meals, entertaining, and engaging in other activities in the dwelling unit that are typically enjoyed by a person in their home.

"LMC" means the Leavenworth Municipal Code, as amended.

"Loading space, off-street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

"Local commercial food establishment" shall mean a private, for-profit business located within a permanent structure in the city of Leavenworth for a period of at least one year, which is typically operated for the preparation and delivery of food to the general public.

"Local nonprofit group" shall mean an organization which is recognized by the federal Internal Revenue Service as a not-for-profit organization, and is operated from, or provides services to, residents of the city of Leavenworth.

"Lodging unit" means an individual guest room or group of interconnected rooms, intended for sleeping, that are for rent or use by a guest, and is individually designated by number, letter, or other means of identification. A lodging unit may or may not include areas for cooking and eating.

"Lot" means a fractional part of divided lands having fixed boundaries or single parcel of land located within a single block, which at the time of application for a building permit is designated by its owner or developer to be used, developed, or built upon as a unit, under single ownership or control being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Lot area" is land defined within the perimeter of a legal description. (See related LMC § 18.30.030.)

"Lot, corner" means a lot abutting on two or more streets, other than an alley, at their intersection.

"Lot coverage" means the total ground coverage of all buildings or structures on a site.

"Lot depth" means the average horizontal distance between the front lot line and the rear lot line. "Lot, interior" means a lot other than a corner lot with only one frontage on a street.

"Lot line, front" means the line separating any lot or parcel of land from a street right-of-way, other than an alley. On a through lot, the line abutting the street providing primary access to the lot or the street address of the lot. Flag lots are exempt from front yard (street) setback requirements (see related

LMC 18.30.060). ~~On a flag lot, it is the interior lot line most parallel to and nearest the street from which access is obtained.~~

"Lot line, rear" means a lot line or lines which are opposite and most distant from the front lot line, or the lot line abutting an alley. ~~-~~

"Lot line, side" means any lot line that is not a front or rear lot line.

"Lot of record" means a lot, parcel, or area of land as shown on an officially recorded plat, subdivision, or short subdivision which has been recorded with the Chelan County auditor and was divided in accordance with all applicable development regulations and laws in force at the time of subdivision; or a lot, parcel, or area of land for which a deed or contract was recorded with the Chelan County auditor prior to July 1, 1974, when the parent parcel was divided into four lots or less, or prior to May 23, 1969, when the parent parcel was divided into five lots or more.

"Lot, through" means an interior lot having frontage on two parallel or approximately parallel streets other than alleys.

"Lot width" means the horizontal distance between the side lot lines measured at the front building line.

"Low impact development" refers to a land planning and engineering design approach with a goal of maintaining and enhancing the predevelopment hydrologic regime of urban and developing watersheds. "Low impact development" includes the management of stormwater runoff to emphasize conservation and the use of on-site natural features to protect water quality, typically by using engineered small-scale hydrologic controls to replicate the predevelopment hydrologic regime of watersheds. Also known as "on-site stormwater management."

"Low wattage" is lighting which is "muted," diffused and for purposes of this chapter is used primarily for architectural embellishment. This light shall not shine, glare, emit direct illumination, or cast a shadow on the adjacent property.

"Lowest floor, special flood hazard" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the LMC (i.e., provided there are adequate flood ventilation openings).

"Lumberyard" means a place that sells lumber and other building materials.

"Lumen" means the unit used to measure the actual amount of visible light that is produced by a lamp.

~~"Luminaire" means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. A light fixture.~~

"Luminous tube (neon tube)" means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10 to 15 millimeters), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. Does not include common fluorescent tubes.

"Maintained" means not broken, torn or ripped, securely attached or affixed to the supporting structure, clean in appearance, without chipped, faded or peeling paint, or otherwise in a condition a reasonable person would deem in "good condition."

"Maintenance" means those usual acts to prevent a decline, lapse, or cessation of a legally established condition. Also see "Repair."

"Major recreational vehicles" includes boats, boat trailers, travel trailers, pickup campers or coaches, ~~motorized dwellings,~~ tent trailers, snowmobiles, motorbikes, and the like.

"Major transit stop" means:

1. A stop on a high capacity transportation system funded or expanded under the provisions of Chapter 81.104 RCW;
2. Commuter rail stops;
3. Stops on rail or fixed guideway systems, including transitways;
4. Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or
5. Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

"Manufactured homes" means dwellings that are built or assembled off-site and then placed on a permanent foundation. Manufactured homes do not include recreational vehicles or tiny homes on wheels.

~~"Manufactured home, designated" means a manufactured home constructed after June 15, 1976, in accordance with the state and federal requirements for manufactured homes, which:~~

~~1. Is comprised of at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long;~~

~~2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal or similar roof of nominal 3:13 pitch; and~~

~~3. Has exterior siding similar in appearance to siding materials commonly used on conventional site built International Building Code (International Construction Code) compliant single family residences.~~

~~"Manufactured home lot" means that area within the manufactured home park that is designated for the private use of the occupants of the lot.~~

~~"Manufactured home, new" means any manufactured home required to be titled under RCW Title 46, Motor Vehicles, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2), Excise Tax on Real Estate Sales.~~

~~"Manufactured home or mobile home" means a structure, designed and constructed to be transportable in one or more sections, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the National Mobile Home Construction and Safety Standards Act of 1974 as adopted by Chapter 43.22 RCW, State Government — Executive, Department of Labor and Industries, if~~

~~applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable~~.

~~"Manufactured home park" means any tract of land that is divided into rental spaces under common ownership for the purpose of locating two or more manufactured homes for residential dwelling purposes.~~

~~"Manufactured home, special flood hazard" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicle."~~

"Mean sea level" means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Medium charging" means an electrical outlet which is standard for home and public charging and typically operates on a 40-amp to 100-amp breaker on a 208- or 240-volt AC circuit.

"Medium-speed electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 CFR 571.500.

"Microbrewery" means a brewery producing less than 60,000 barrels of malt liquor, including strong beer, per year. A microbrewery may include an accessory tasting room, taproom, or other area for the retail sale and on-premises consumption of beer produced on-site, subject to applicable licensing requirements.

"Mitigation" means taking action to address an impact caused by development or proposed development, in order to reduce or eliminate that impact.

"Mitigation contribution" means a cash donation or other valuable consideration offered by the applicant in lieu of: (1) a required dedication of land for public park, recreation, open space, public facilities, or schools; or (2) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. The city may accept voluntary contributions.

"Mobile food vendor" means a transient food business conducting business from a mobile food preparation van, truck, trailer or cart.

~~"Mobile home, used" means a mobile home which has been previously sold at retail and has been subjected to tax under Chapter 82.08 RCW, Retail Sales Tax, or which has been previously used and has been subjected to tax under Chapter 82.12 RCW, Use Tax, and which has substantially lost its identity as a mobile unit at the time of sale by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.~~

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size for Chelan County, as reported by the United States Department of Housing and Urban Development (HUD). See related definition for workforce housing.

"Month" means a calendar month.

"Motel" means a building or group of buildings in which lodging is offered to transient guests for compensation and providing parking accommodations for automobiles adjacent to the lodging. This term includes tourist court, motor lodge, auto court, cabin court, motor inn and similar names.

"Mounting height" shall be measured as the vertical distance between the parking surface and the bottom of the lighting fixture.

"Native vegetation" means plant species which are indigenous to the area or location in question.

"Natural area preserve" means an area designated as a natural area preserve and managed by the Washington State Department of Natural Resources to protect important ecological resources.

"Natural resource conservation area" means an area designated as a natural resource conservation area and managed by the Washington State Department of Natural Resources to protect one or more outstanding natural resources.

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under 49 CFR 571.500.

"New construction, special flood hazard" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management.

"Non-electric vehicle" means any motor vehicle that does not meet the definition of "electric vehicle."

"Nonprofit organization" means an organization licensed by the state of Washington pursuant to RCW Title 24.

"Nonresident worker" means an employee or other person who does not reside in the dwelling but who regularly performs services at the dwelling as part of, in pursuit of, or in furtherance of a home occupation.

"Nontransient lodging" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or one calendar month, whichever is less, or which is advertised or held out as a place regularly rented to guests for periods of at least 30 days or one calendar month.

"Nursing or convalescent home" means an establishment which provides full-time care for three or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services.

"Off-street parking stall" means an off-street enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile and connected with a street by a surfaced driveway which affords ingress and egress for automobiles.

"Office, professional" or "office" means a building or separately defined space within a building occupied by doctors, dentists, accountants, attorneys, optometrists, architects, professional engineers and surveyors, licensed real estate brokers and persons engaged in similar occupations. The use of an office does not include on-premises sales or manufacture of goods.

"Old World Bavarian Alpine theme" means a unifying or dominant design style typified by the Bavarian Alpine region of Europe during the 15th to 17th centuries. For the purposes of this chapter, "Old World Bavarian Alpine" shall mean design which includes Baroque, Rococo, Classical, or Bavarian folk art elements or graphics, or graphics painted or produced in a manner which mimics these styles, and which uses only colors which would have been found during the 15th to 17th centuries in Europe. Such colors shall conform with the examples shown within the Resolution of the Design Review Board No. 1-2011 or as approved by the design review board. This resolution is available for review at no cost at City Hall during normal business hours.

One-Hundred-Year Flood or 100-Year Flood. See "Base flood."

"Open record hearing" means a hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be held on an appeal if no open record hearing has previously been held on the application.

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"Ordinary high water mark" or "OHWM" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation. In any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water.

~~"Outdoor light fixture" means an outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp, luminous tube and/or similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for:~~

~~1. Buildings and structures;~~

~~2. Recreational areas;~~

~~3. Parking lot lighting;~~

~~4. Landscape and architectural lighting;~~

~~5. Billboards and other signs (advertising or other);~~

~~6. Street lighting;~~

~~7. Product display area lighting;~~

~~8. Building overhangs and open canopies;~~

~~9. Pedestrian walkways or areas;~~

~~10. Building or landscape decoration.~~

"Owner" or "property owner" means any person who, alone or jointly or severally with others, has title or interest in any land, building and/or structure with or without accompanying actual possession thereof, and includes any person who as agent, executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building and/or structure.

"Parking lot" means an area where ~~five or~~ more than six cars park adjacent to or from the same access which are not related to a single-family or duplex use.

"Parking structure" means a surfaced area, either underground or aboveground, permanently reserved for the temporary storage of one or more automobiles.

"Party of record" means any person who has testified at a hearing or has submitted a written statement related to a development action and who provides the city with a complete address.

"Performance bond" or "surety bond" means a binding agreement between the city and a developer or applicant guaranteeing that certain stated work will be accomplished by a specific date.

"Permanent erosion control" means the continuous on-site and off-site control measures that are needed to reasonably control conveyance or deposition of earth, turbidity or pollutants after development, construction or restoration.

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy. PSH uses low-barrier admission practices—particularly regarding rental history, criminal history, and personal behaviors—and is paired with voluntary on-site or off-site services intended to support people living with complex and disabling behavioral health or physical health conditions who were experiencing homelessness or were at imminent risk of homelessness prior to entering housing. PSH is subject to all rights and responsibilities in chapter 59.18 RCW.

"Person" means any individual, firm, corporation, association, partnership, or public entity and their agents or assigns.

"Personal service" means a variety of businesses engaged in providing services to individuals, generally involving the maintenance of the human body, or other services to one's person or household pets. Such businesses include, but are not limited to, barber and beauty shops, instruction/music studios, photographic studios, tanning parlors, massage practitioners, pet grooming, tutoring, instructional services and activities. This does not include medical offices, kennels, veterinary clinics, schools, or institutions of higher education.

"Pet care center" means an indoor kennel which provides boarding and grooming services.

"Place of worship" means a building or area designated for worship of a religion. These may include a church, convent, monastery, mosque, synagogue or temple.

"Planned action" means a significant development proposal as defined in RCW 43.21C.031, as amended.

"Planned unit development" or "planned development district" means a flexible method of land development which accomplishes the purposes of Chapter 18.40 LMC, as amended.

"Planning commission" means the Leavenworth city planning commission.

"Plat" means a scale drawing of a subdivision showing lots, blocks, streets or tracts or other divisions or dedications of land to be subdivided.

"Plat alteration" means the alteration, re-orientation, and/or reconfiguration of lots, or any portions thereof, within a major subdivision or short subdivision that involves a public dedication, provided there is no increase in the overall number of lots, tracts, or parcels, and provided the provisions of Chapter 17.06 LMC, as amended, are complied with.

"Plat certificate" means a document prepared by a title company that contains information on the subject property to be platted such as ownership, legal description, easements, liens, etc.

"Plat, final" means the final drawing of the subdivision (10 or more lots) and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and LMC Title 17, as amended.

"Plat, final short" means the final drawing of the short subdivision (nine lots or less) and dedication prepared for filing for record with the Chelan County auditor and containing all elements and requirements set forth in Chapter 58.17 RCW and LMC Title 17, as amended.

"Plat, preliminary" means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal, as required by Chapter 17.12 LMC, as amended.

"Plat, preliminary short" means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks and other information needed to properly review the proposal, as required by Chapter 17.08 LMC, as amended.

"Plat vacation" means to render a plat, short plat, or binding site plan inoperative.

"Plug-in hybrid electric vehicle (PHEV)" means an electric vehicle that (A) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;

(B) charges its battery primarily by connecting to the grid or other off-board electrical source;

(C) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (D) has the ability to travel powered by electricity.

"Preschool," ~~also known as nursery school,~~ means an educational facility serving children before they begin attending elementary school or kindergarten.

"Primary or principal use" means the predominant use of the land or building to which all other uses are secondary or accessory.

"Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

"Private driveway easement" means a driveway that is on private property and is used for access to no more than three lots.

"Project" means a proposal for development. "Property" includes real and personal property.

"Property, personal" includes, but is not limited to, money, goods, chattels, things in action and evidences of debt.

"Property, real" includes lands, tenements and hereditaments.

"Public facility, high impact" means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to fire station and public works facilities.

"Public facility, low impact" means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to government or public buildings, such as city hall, law enforcement, post office, library, or museum.

"Public hearing" means an open record hearing at which evidence is presented and testimony is taken.

"Public improvement" means any structure, utility, roadway, or sidewalk for use by the public, required as a condition of development approval.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering to obtain comments from the public or other agencies on an application. A public meeting does not constitute an open record hearing.

"Public utility" means structures and uses associated with utilities, including but not limited to wastewater treatment, domestic wells, water treatment facilities, and power stations.

"Qualified professional" means a person with expertise appropriate to the relevant critical area or areas. WAC 365-195-905(4) states that:

> Whether a person is a qualified scientific expert with expertise appropriate to the relevant critical areas is determined by the person's professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. No one factor is determinative in deciding whether a person is a qualified scientific expert. Where pertinent scientific information implicates multiple scientific disciplines, counties and cities are encouraged to consult a team of qualified scientific experts representing the various disciplines to ensure the identification and inclusion of the best available science.

The city of Leavenworth will use the following minimum criteria in determining whether an individual is a qualified professional. The administrator may waive the criteria if he or she finds that, based on the factors listed above, an individual is qualified to ensure that the city upholds its statutory responsibility for including the best available science in the implementation of its critical area regulations.

> • A "qualified professional for critical aquifer recharge areas" means a currently licensed Washington State geologist holding a current specialty license in hydrogeology, meeting the qualifications of Chapter 18.220 RCW. Qualified groundwater professionals include licensed hydrogeologists and professional engineer.
>
> • A "qualified professional for fish and wildlife habitat conservation areas" must have a degree in biology or a related academic field with a minimum of two years of professional experience or five years' professional experience related to the subject species and/or the relevant type of habitat.

• A "qualified professional for frequently flooded areas" must be a hydrologist or engineer licensed in the state of Washington, with a minimum of two years of experience in preparing flood hazard assessments.

• A "qualified professional for geologically hazardous areas" must be a geologist or engineer licensed in the state of Washington, with a minimum of two years of experience analyzing geologic, hydrologic, and groundwater flow systems and preparing reports for the relevant type of hazard.

• A "qualified professional for wetlands" means either a certified professional wetland scientist or has a minimum of two years of professional experience preparing wetland reports delineating wetlands using the federal manual and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

"Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. A rapid charging station typically operates on a 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.

"RCW" means the Revised Code of Washington.

"Reader board sign" means a sign face consisting of readily changeable letters allowing frequent changes of copy.

"Reasonably safe from flooding" means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, "reasonably safe from flooding" means that the lowest floor is at least two feet above the highest adjacent grade.

"Recreation, outdoor use" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, tennis courts and swimming pools.

"Recreation, passive" means recreational development generally associated with a low level of human activity and limited construction-related impacts, which may include nature trails, playground equipment and similar uses.

"Recreational facilities" means facilities for recreational uses, including but not limited to swimming pools, athletic clubs, tennis courts, ball fields, play fields, and skate parks.

"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use with or without motive power of such size and weight as not to require a special highway movement permit and certified as approved as such by the Department of Labor and Industries by the attachment of their official "Green" seal.

"Recreational vehicle park" means a tract of land under single ownership or control upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

"Recreational vehicle site" means a plot of ground within a recreational vehicle park intended for accommodation of a recreational vehicle on a temporary basis.

~~"Recreational vehicle, special flood hazard" means a vehicle:~~

~~1. Built on a single chassis;~~

~~2. Four hundred square feet or less when measured at the largest horizontal projection;~~

~~3. Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

"Recycling center" means a building or area maintained, operated, or used for storing, keeping, buying or selling of recyclable products, including newspaper, aluminum, plastic and glass.

"Rehabilitation" means the process of returning property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are Old World Bavarian Alpine theme compliant.

"Repair" means any change that is not construction, addition, demolition, moving, or alteration.

"Resource lands" means lands primarily devoted to commercial forests, commercial agriculture, or containing minerals, as defined in RCW 36.70A.030, as amended.

"Restoration" means the act or process of accurately recovering the form, features, and character of a property and its setting as it appeared at the time of design review board approval, removal of features outside of the Old World Bavarian Alpine theme; and reconstruction of missing features from the design review board approval.

"Retail stores and services" means an establishment where the majority of sales of goods or services (or of both) is for resale and is recognized as retail sales or services in the particular industry.

"RHA, riparian habitat area" means the area adjacent to an aquatic system with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian habitat areas are designated as priority habitat by the Washington Department of Fish and Wildlife.

"Right-of-way" means land designated for public use for utility, vehicular and/or pedestrian travel or access to adjoining properties.

"Roadway" means that portion of an approved street intended for the accommodation of vehicular traffic, generally between curb lines on an improved surface.

"Rock fall" means a rock or mass of rocks dislodged from a cliff or other steep slope, which moves down a slope under the force of gravity, generally by falling, rolling, sliding, toppling, or bouncing.

"Rock-fall acceleration zone" means a location at the base of a rock-fall source area where the incline is steep enough to accelerate falling debris.

"Rock-fall hazard area" means a location at the base of a slope that is susceptible to rock fall, including the acceleration zone and the runout zone.

"Rock-fall runout zone" means an area of gentler slopes beyond the base of a rock-fall acceleration zone, where boulders roll or bounce.

"Rock-fall source area" means a rock source (such as a cliff, bedrock outcrop or boulder) above a slope steep enough to allow rapid downslope movement of dislodged rocks.

"Rococo," also referred to as "Late Baroque," means an 18th-century style of art or design which developed as Baroque artists gave up their symmetry and became increasingly ornate, florid, and playful. Rococo style may be described as more lighthearted than Baroque design and may be abstract and asymmetrical in decoration. For purposes of this title the term "Rococo" describes a style of art, graphics, or design that represents this style which was characterized between 1720 to 1775 in Bavaria.

"Rope lights" means lights which simulate neon lighting and are in an enclosed tube.

"Screen" or "screening" means a continuous fence, hedge, landscaping, or combination which obscures vision through 80 percent or more of the screen area, not including drives or walkways.

"Segregation" means a large parcel, upon which is levied a reimbursement charge, is divided into smaller parcels. The associated charge is divided among the smaller parcels in accordance with the provisions of the original means of allocating the reimbursement charge.

"Seismic hazard area" means an area subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting, or tsunamis.

"SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology.

"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.

"Shall" is mandatory; the word "may" is permissive.

"Shallow flooding" means flooding with an average depth of less than three feet in areas where a clearly defined channel does not exist.

"Shared parking" means parking used jointly by two or more uses with different peak demand periods.

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"Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

"Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"Sight distance triangle" means a visually unobstructed triangular area adjacent to intersecting streets and driveways.

"Sign" means a communication device, structure, or fixture located on the exterior of a structure and visible from public rights-of-way or located in the interior of a structure and visible from public rights-of-way which incorporates graphics, symbols, or written copy that is intended to promote the sale of a product, commodity or service, or provide direction or identification for a premises, business, or facility. "Sign" does not include actual unpriced stock in trade on display and available for sale. "Sign" does not include murals, but may be incorporated into a mural. "Sign" includes all structural members and, without limitation, the following types of signs:

1. "Bench sign" means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way. A bench sign does not include those components of a bench which are commemorative or information plaques, not used for commercial purposes.

2. "Billboard sign" means a freestanding sign without the on-site business name and information and/or off-site advertisement.

3. "Business listing sign" means a sign in which the names of the occupants of a building are given and displayed in columns and/or rows.

4. "Commemorative plaque" means a memorial plaque or plate, with engraved or case lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.

5. "Community bulletin board" or "kiosk" means a freestanding structure or wall structure which includes a surface intended for the posting of messages; for example, announce events, sales, or provide information. Such structure shall only be established by the city of Leavenworth.

6. "Construction sign" means any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

7. "Directional sign" means a sign giving directions, instructions or facility information (e.g., parking, exit or entrance signs).

8. "Directory sign" means a sign on which the names and locations of occupants or the use or uses of a building are listed on a building diagram attached to the wall of the building.

9. "Drive-through menu board sign" means a freestanding or wall sign used for establishments to display their menu items and prices. The establishment shall have and maintain provision for automotive drive-through customers in order to be eligible for a drive-through menu board sign.

10. "Existing nonconforming sign" means any sign located within the city limits on the date of adoption or amendment of the ordinance codified in this chapter, which does not conform with the provisions of this chapter, as amended, but which did conform to all applicable laws in effect on the date the sign was erected. Existing nonconforming signs shall not include temporary signs.

11. "Freestanding sign" means a sign, not attached to any building or similar type of structure, which is securely and permanently attached to the ground.

12. "Illuminated sign" means any sign internally illuminated, in any manner, by an artificial light source, including all signs lit with neon tubes, either directly or indirectly. Such

illuminated signs include, but are not limited to: television screens, monitors (computer or otherwise sourced), backlit canopies, LED, neon, internally illuminated channel letters, acrylic formed faces and other types of directly or indirectly illuminated signs.

13. "Incidental sign" means a sign, emblem, or decal informing the public of the property address, business hours, facilities or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs).

14. "Integral sign" means any memorial sign, tablet, name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.

15. "Label sign" means a manufacturer's identification of the manufacturer, nature, ownership, or destination.

16. "Logo sign" means a sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.

17. "Menu sign" or "menu board sign" means a sign displaying the food products and prices provided by the eating and drinking establishment.

18. "Noncommercial sign" means a sign that bears only property address numbers, postal box numbers or names of occupants of premises.

19. "Off-site sign" means a sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises or at the location where the sign is located.

20. "Pennant" means a long, tapering, usually triangular flag or an emblem similar in shape to a ship's pennant.

21. "Political election sign" means a temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot in connection with local, state or national election or referendum.

22. "Political free speech sign" means a temporary sign expressing an opinion on a public, social, or ballot issue.

23. "Portable sign" means any mobile, movable sign or sign structure, such as a sandwich-board sign (A-frame sign), which is not securely attached to the ground or any other structure.

24. "Private use sign" means a temporary sign announcing an event, use or condition of personal concern, nonbusiness in nature, including, without limitation, "garage sale" or "lost animal" signs.

25. "Projecting sign" means any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.

26. "Real estate sign" means any sign which is used to offer property for sale, lease or rent.

27. "Residential development sign" means a sign identifying a recognized subdivision, condominium complex or residential development.

28. "Roof sign" means any sign erected or constructed wholly upon and over the roof of any building or structure; provided, however, that a sign on the surface of a canopy shall be regarded as a projecting or wall sign.

29. "Special event sign" means individual temporary booth, tent, or vendor sign allowed for a special event or festival.

30. "Temporary community service event sign" means a sign for the purpose of "community service event" or "civic event."

31. "Temporary sign" means a sign not constructed or intended for long-term use. For the purposes of this definition, a temporary sign shall not be in place greater than 24 hours, unless specifically allowed a greater duration by this chapter. Temporary signs installed pursuant to this title do not have vested status and cannot become permanent installations.

32. "Trailer sign" means any sign mounted, painted, or attached through some other method on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.

33. "Transient business sign" means any sign used for any person either as principal or agent who sells goods, wares, services or merchandise at a fixed location on private property not within a permanent structure or building. A permanent structure or building is one which rests on a foundation and which substantially complies with the International Building Code and the LMC.

34. "Vehicle sign" means advertisement or graphics intended to advertise business affixed to a vehicle, but does not include license plates, license plate frames or vehicle brand.

35. "Wall sign" means any sign painted on or attached to and erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. Awning, canopy, and window (for the purposes of this definition, the window area is not calculated for temporary "sale" and "special product announcements" signs) signs are considered wall signs for the purposes of this definition. In addition, single-sided signs located parallel to the building wall, in the same building elevation, and separated from the wall are considered wall signs for the purposes of this definition.

36. "Warning sign" means any sign which is intended to warn persons of danger or prohibited activities such as "no trespassing," "no hunting," "flammable," "dangerous dog," "no parking," "no dumping" and rules that govern.

"Sign area" means, for regularly shaped signs, the simple area of the sign. For irregularly shaped signs, the area shall be that of the rectangle, triangle or circle (whichever is smaller) or logical outer boundary of a polygon which will wholly contain the sign; provided, that the outer boundary of the polygon does not protrude beyond the sign as determined by the city administrator or his/her designee. The structure supporting a sign shall not be included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. In the case of a wall mural (see LMC § 14.08.040) incorporating commercial wording, the sign area includes only the portion of the mural which contains the wording circumscribed as set forth in this definition. In the case of double sided signs, erected in a manner so that the display surfaces are placed directly back to back to one another, the area of one side is that which is used to calculate the allowed area of a sign, provided the surfaces are identical in size, color and design. In the case of

business listing signs, each business sign area shall be calculated separately, and compiled for a total area excluding clearly defined spacing and/or gaps.

"Site development permit" means an application for site preparation of undeveloped land where no building or structure is altered, moved or constructed.

"Site plan" means a scaled drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces, and other principal development features for a specific parcel of property and other information as required by the applicable sections of this code.

"Sleeping unit" A lockable room or suite within a co-living housing development that is designed and intended for the exclusive use of one household or occupant for living and sleeping purposes. A sleeping unit may include a private bathroom and limited food preparation facilities, but does not include a full kitchen. Residents share one or more common kitchen facilities within the building.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio (percentage) of vertical distance to horizontal distance by the following formula:

$$\frac{\text{vertical distance}}{\text{horizontal distance}} \times 100 = \%\ \text{slope}$$

"Slow charging" means an electrical outlet which is present in homes and businesses and typically operates on a 15- or 20-amp breaker on a 120-volt alternating current (AC) circuit and standard outlet.

"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.

"Stacked parking" means the use of a mechanical system, such as a hydraulic lift or automated parking system, to move one or more vehicles in a manner which provides additional parking. The vehicle can be transported vertically (up or down) and horizontally (left and right) to a vacant parking space until the car is needed again.

"Start of construction, special flood hazard" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement as within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the

pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Stock in trade" or "merchandise" means any item or goods that are kept on hand for sale to customers as part of a business; or that are produced, purchased, processed, finished, or fabricated as part of a home occupation and are intended for resale, or are incorporated into any such item, or are used to make, manufacture, produce, process, finish, or fabricate any such item; provided, that it does not include samples.

"Street" means a public right-of-way which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley.

"Street, developed" means a right-of-way improved to the minimum development standards established by the city.

"Street line" means the right-of-way of a street.

"Street, undeveloped or substandard" means a right-of-way not improved to the minimum development standards established by the city.

"Structure" means anything constructed or erected with a fixed location. Among other things, structures include buildings, ~~mobile homes,~~ flagpoles, towers, tower structures, light displays, homes, walls, fences, billboards, and poster panels.

"Structure, special flood hazard" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Structure, principal" means a main building on a property that carries out the property's primary use and is not subordinate to any other structure on the same lot.

"Subdivision code" means LMC Title 17.

"Subdivision, major" means the division or redivision of land into 10 or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, in conformance with Chapter 17.12 LMC.

"Subdivision, short" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, in conformance with Chapter 17.08 LMC.

"Substantial damage, special flood hazard" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement, special flood hazard" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

The term can exclude: (1) any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Suite, hotel or motel" means a group of guest rooms~~, including sleeping unit(s),~~ comprising a lodging unit. ~~A "sleeping unit" is defined as a single bed, two twin bunk beds or two queen beds.~~

"Tandem parking" means having two or more vehicles, parked on in front of or behind the other, with a single means of ingress and egress.

"Temporary erosion control" means the on-site or off-site control measures that are needed to reasonably control conveyance or deposition of earth, turbidity or pollutants during development, construction or restoration or until permanent erosion control has been established.

"Temporary food service establishment" means an eating and drinking establishment operating for a temporary period (one day up to six months) in connection with a fair, community event, public exhibition or other similar gatherings in which a special use permit is obtained.

"Temporary lighting" means lighting which does not conform to the provisions of this chapter and which will not be used for more than a temporary period. Temporary lighting is intended for uses which by their nature are of limited duration; e.g., civic events, or construction projects.

"Tenant" and "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

"Terrain classification, special flood hazard" are as follows:

1. "Ordinary terrain" means a cross slope range of zero percent to eight percent;
2. "Rolling terrain" means a cross slope range of eight percent to 15 percent;
3. "Hilly terrain" means a cross slope range of over 15 percent.

"Tiny home on wheels" means temporary dwelling units for recreational, travel, and seasonal use which are not constructed to be used as a permanent dwelling unit. Typically, they are designed to be easily transported from location to location and cannot meet building and residential code requirements.

~~"Tiny home park" means any tract of land that is divided into rental spaces under common ownership for the purpose of locating two or more tiny homes for residential dwelling purposes.~~

"Total outdoor light output" means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. Includes all lights and luminous tubing used for all classes of lighting. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide, and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered.

"Tower/tower structure" means a structure taller than its diameter which can stand alone or be attached to a building or other structure, and anything tall and thin approximating the shape of a column or tower.

"Townhouse" means dwelling units which share a vertical wall and may be under separate ownership or parcels of land.

"Traffic impact analysis (TIA)" means a specialized engineering study that forecasts the transportation impacts and mitigation measures of proposed developments.

"Transient accommodation and/or lodging" means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days. This shall include hotels, motels, lodges, inns, vacation/short term rentals, and similar uses.

"Transitional housing" means a facility that provides temporary housing with supportive services for up to two years to facilitate the movement of individuals and families experiencing homelessness into permanent and independent housing.

~~"Travel trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet and length not exceeding 31 feet 11 inches.~~

"Truck" means any vehicle exceeding a gross vehicle weight rating of five tons. ~~"Upholstery shop" means a retail service for the upholstery and re-upholstery of furniture.~~

"Used" or "occupied" includes the words intended, designed, or arranged to be used or occupied. ~~Vacation Rental. See "Short-term rental."~~

"Vehicle" means a device capable of being moved upon a public road or highway and in, upon, or by which a person or property is or may be transported or drawn upon a public road or highway, including mopeds, golf carts, and excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

"WAC" means the Washington Administrative Code.

"Walkway" means a hard surfaced portion of a street, right-of-way, trail, or easement intended for pedestrian use.

"Water and sewer latecomer reimbursement agreements" means a written contract, as approved by the city council and executed by the mayor, between the city and one or more developers providing for construction of water or sewer facilities and for partial reimbursement to the developer(s) by owner(s) of properties benefited by the improvements.

"Water or sewer improvements" means the acquisition of right-of-way and/or easements, design, inspection and installation of improvements to city standards, as defined in RCW 35.91.020 as it now reads or as hereafter amended. They are further defined to include the following:

1. "Water system improvements" includes, without limitation, such things as treatment facilities, mains, reservoirs, wells and appurtenances such as valves, pumping stations and pressure-reducing stations.

2. "Sewer system improvements" includes, without limitation, such things as treatment facilities, mains and maintenance holes, pumping stations, force mains, inlets, catch basins,

ditches, and swales. This term also includes all sanitary sewer or storm sewer improvements.

"Watercourse" means the course or route followed by waters draining from the land, formed by nature or man and consisting of a bed, banks, sides, and associated wetlands and headwaters. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity (but not necessarily continuously), naturally, and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourses shall include sloughs, streams, creeks, and associated wetlands.

"Wetland" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

"Wetland alteration" means activity which includes clearing, grading, draining, filling or other designated wetland system disturbance which results in a decrease or loss of function or value.

"Winery" means a business conducted by any person for the manufacture of wine for sale.

"Wireless telecommunications facility" means a facility for the transmission and reception of radio or microwave signals used for communication, cellular phones, personal communications services, enhanced specialized mobile radio or any other services licensed by the FCC, and unlicensed wireless services including but not limited to associated equipment shelter, support tower and antenna array.

"Workforce housing" means housing for moderate income households earning between 80 and 120 percent of area median income and housing for households where at least one wage earner provides a critical community service such as, but not limited to, school teaching, social work, government worker, nursing or related medical arts, law enforcement or firefighting. See related definition for moderate-income household.

"Yard" or "setback" means an open space on a lot which is unobstructed from the ground upward, and the minimum distances required for buildings and structures to be set back from the property lines.

"Yard, courtyard" means a shared yard area used for residents of associated cottage housing.

"Yard, front" or "setback, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

"Yard, rear" or "setback, rear" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the building.

"Yard, side" or "setback, side" means a yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building.

"Yard, special" means a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither

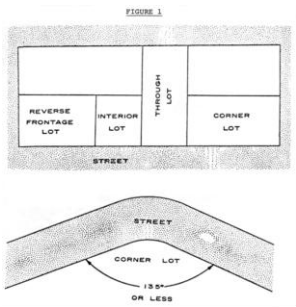
the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

"Yard, street side" means that yard area which is adjacent to a public street right-of-way, but which does not provide the primary access to the residential structure, and/or which does not serve as the street address for the residence.

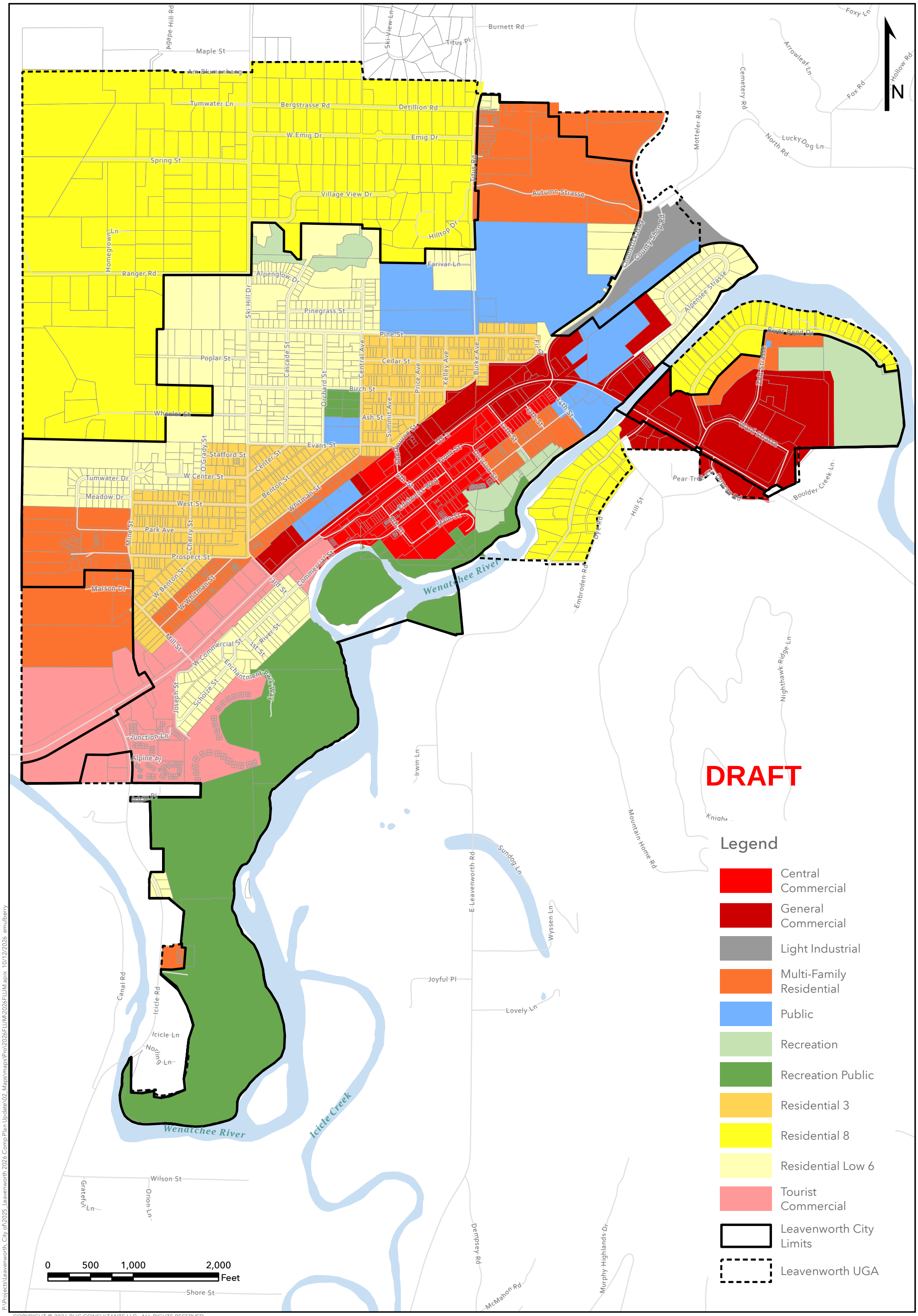
"Youth home" means a state licensed dwelling that supports youth in transition between housing. "Zero lot line development" means the location of a building in such a manner that any portion of one or more of the building's walls rests directly on a lot line.

"Zone" or "zoning district" means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in LMC Title 18.

"Zoning code" means LMC Title 18.



(Ord. 1544 § 1 (Att. A), 2017; Ord. 1583 § 1 (Att. A), 2019; Ord. 1585 § 1 (Att. A), 2019; Ord.1590 § 1 (Exh. A), 2019; Ord. 1588 § 1 (Att. B), 2019; Ord. 1597 § 1 (Att. B), 2019; Ord. 1610 § 1 (Att. A), 2020; Ord. 1627 § 2 (Att. B), 2021; Ord. 1640 § 1 (Att. A), 2022; Ord. 1589 § 1 (Att. B), 2022; Ord. 1672 § 1 (Att. A), 2023; Ord. 1673 § 1 (Att. A), 2023; Ord. 1692 § 1 (Att. A), 2024; Ord. 1693 § 1 (Att. A), 2024; Ord. 1694 § 1 (Atts. A-1, A-2), 2024; Ord. 1697 § 1 (Att. A), 2024; Ord. 1714 § 1 (Att. A), 2025; Ord. 1720, 3/10/2026)



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CITY OF LEAVENWORTH THE BAVARIAN VILLAGE WA

Zoning Map

2026 Comprehensive Plan Update
City of Leavenworth
October 2026

Memo

To: Mayor and City Council

From: Community Development

Date: Oct 28, 2026

Subject: Parking fee in-lieu concept for discussion

Purpose

Staff requests Council direction on how to calculate a fee in-lieu for parking. Under this option, a developer who cannot fit required parking on site could pay a set fee per stall instead. The City would use those fees for public parking and access improvements.

Background

The code requires most new development and changes of use to provide off-street parking. In and near downtown, many lots are small, historic or fully built out, so meeting that requirement on site is often impractical.

Proposed concept

A simple, voluntary program would work as follows:

1. **Eligibility:** Available only in designated areas, such as the Central Commercial district and nearby blocks. (OR, in all Commercial zones?)
2. **Voluntary:** The applicant chooses to pay the fee for some or all required stalls instead of building them.
3. **Fee amount:** TBD, set by Council resolution in the fee schedule. It would be based on the City's estimated cost to provide a public stall and reviewed periodically.
4. ***FYI: The recently constructed Glacier Lot cost approximately $50,000 per stall.***
5. **Timing:** Payment is due before the building permit or certificate of occupancy is issued.
6. **Dedicated fund:** Fees go into a dedicated parking fund. The fund can pay only for public parking, shuttle or transit service, wayfinding, and pedestrian or bike access serving the downtown.
7. **Accountability:** The fund is reported annually, and the City Attorney reviews the program for consistency with RCW 82.02.020.

- Pools funds for shared parking that serves all visitors, instead of scattered private lots.
- Supports a walkable downtown and preserves building frontage.

Open question for Council: should the program be limited to the downtown core, or also include other commercial districts? The PC suggested adding to all Commercial zones at the last PC meeting.

Fee-in-lieu (FIL) parking programs for Leavenworth

Simon Farivar

7/6/2026

City of Leavenworth Planning Commission:

The following is a proposal of ideas for a Fee-in-lieu (FIL) parking program for the commercial district in Leavenworth. The program allow developers to pay a fee instead of constructing required off-street parking spaces. The calculation methods vary significantly, below are a few approaches with examples.

1. Cost-to-Construct Method

The fee is based on the municipality's estimate of what it would cost to build one public parking space.

Formula:

Fee = Average cost per structured parking space × Number of waived spaces

Example:

For Leavenworth, the table below calculates the cost based on the Downtown Parking Garage Feasibility & Design study provided by ARC in February of 2026:

Lot Option	Total # of Stalls	Estimated Cost	Per stall cost
A/B +315	399	$38,400,418	$96,242
A/B +240	324	$36,191,108	$111,701
A/B +212	280	$26,985,150	$96,376
A/B +318	354	$41,130,520	$116,188
D/E +566	660	$43,285,496	$65,584
D/E +252	346	$33,649,783	$97,254
D/E +202	296	$33,434,007	$112,953
D/E +195	245	$23,243,884	$94,873

Averages		$34,540,046	$98,896

Municipal costs approximately $99,000 per stall (range $65K-$116K)

#2. Land Value + Construction Cost

Some cities calculate the fee using both the land consumed by a parking space and construction costs.

Example formula:

(Land value per square foot × 252 sq ft per parking stall including aisles) + construction cost + engineering + contingency

For example:

* Land value: $138/sf

(based on vacant land sale NNA Front St, $1.080MM, Evans EtAl)

* 252 sf per stall

(9x18 stall plus apron)

* Construction: $6,300

(including grading and asphalt/concrete)

* Soft costs: $4,000

(WAG)

Total:

Land = $34,776 + Construction = $10,300

Fee = $45,076 per required space

This approach attempts to better reflect the ‘true’ economic cost of replacing private parking.

3. Percentage of Municipal Garage Cost

Some communities intentionally subsidize development where parking is already challenging. Instead of charging the full cost, they assess only a percentage.

Example for Leavenworth based on info in Method 1:

Municipal garage cost:

Approx $99,000 per space

Developer discount table:

$24,750	75%
$29,700	70%
$34,650	65%
$39,600	60%
$44,550	55%
$49,500	50%
$54,450	45%
$59,400	40%
$64,350	35%
$69,300	30%
$74,250	25%

Fee-in-lieu:

Established percentage

4. Flat Fee Established by Ordinance

Many cities simply adopt a fixed amount per parking space.

Examples have included:

*Kirkland, Burien, Blaine, and Port Townsend

These amounts are not consistent, vary widely with each municipality, and appear arbitrary is some instances.

Overall:

The ARC feasibility study appears to provide a concrete basis for estimating the public cost of supplying replacement parking. The table demonstrates that structured parking in Leavenworth is expensive. The most supportable methodology from a valuation

perspective appears to be the cost-to-construct approach, as it is directly tied to the municipality's actual cost of replacing parking spaces. Based on the 2026 Downtown Parking Garage Feasibility & Design Study, the estimated cost of structured parking in Leavenworth averages approximately $98,900 per stall, with individual scenarios ranging from roughly $65,600 to $116,200 per stall. This analysis demonstrates the significant capital investment required for structured parking and provides a defensible benchmark for determining a fee-in-lieu amount.

The land value plus construction cost approach produces a substantially lower estimate of approximately $45,100 per stall, most probably reflecting the cost of parking as a secondary or tertiary concern rather than truly structured parking as a primary concern.

While some jurisdictions establish fees through detailed cost analyses, others adopt flat fees by ordinance that may have limited correlation to actual parking replacement costs. This may be the easiest way to impose a fee, however it can appear quite arbitrary.

Opinion:

A fee-in-lieu parking program should be based on a rational, objective methodology rather than an arbitrary dollar amount. Establishing a fee without supporting analysis can create community concerns regarding fairness, consistency, and legal defensibility. If the fee is set too low, it will fail to recover the public cost of providing replacement parking, effectively shifting those costs to taxpayers. Conversely, if the fee is set too high, it may discourage redevelopment and function as a barrier to economic growth. In either case, an arbitrary fee may not reflect the actual economic impact of waving required parking spaces.

Basing the fee on measurable factors such as the cost of constructing public parking facilities, the market value of land required to replace parking, or another documented cost methodology provides a transparent and defensible foundation for the program. An objective approach demonstrates to the Leavenworth constituency that the fee bears a reasonable relationship to Leavenworth’s actual costs and policy objectives. Additionally, a methodology tied to periodically updated market data or construction costs allows the fee to remain relevant over time without relying on subjective adjustments or politically driven decisions.