



CHELAN COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

**City of Leavenworth Urban Growth Area Amendment
 Staff Report**

TO: Chelan County Planning Commission
FROM: Chelan County Community Development
HEARING DATE: November 20, 2024
FILE NUMBER: ZTA 24-430

RECOMMENDED MOTION

These proposals are recommended for adoption. Adoption of the proposed amendments aligns with countywide planning policies, county planning policies, and the 1997 interlocal planning MOU and RCW 36.70A.100. Land use changes are not in conflict with Chelan County planning policies and proper public notice procedures have been followed.

- A. Move to recommend the Adoption of Ordinances 1683-2023, 1693-2024, and 1694-2024 amending portions of the Leavenworth Municipal Code concerning the Conditional Use Permit requirements for Bed and Breakfasts, General Zoning Regulation updates, and the utility connection requirements for residences and ADUs. Given file number ZTA 2024-430, based upon the findings of fact and conclusions of law contained within this November 14, 2024 staff report.

GENERAL INFORMATION

Applicant	Chelan County
Planning Commission Notice of Hearing Published	November 6, 2024
Planning Commission Hearing on	November 20, 2024
60-day State agency review	Expedited Review initiated: November 14, 2024
SEPA Determination	Per City of Leavenworth, the adoptions of these ordinances were SEPA exempt per WAC 197-11-800(19) – Procedural Action
Adoption of Existing Environmental Document	November 14, 2024 (Chelan County)

SEPA Environmental Review

The City of Leavenworth determined that the adoption of these ordinances were SEPA exempt pursuant to WAX 197-11-800(19) – Procedural Action. Chelan County has adopted this finding by reference on November 14, 2024.

Agency Comments:

None received to date. (If received prior to hearing, will be Attachment 5.)

Public Comment:

None received to date. (If received prior to hearing, will be Attachment 5.)

60-Day Notice:

Request for expedited review sent to Department of Commerce November 14, 2024. Letter of acknowledgement included as Attachment 7

PROJECT DESCRIPTION – ZTA 2024-430

Proposal: The City of Leavenworth has submitted Ordinances 1683-2023, 1693-2024, and 1694-2024 which includes changes to the Leavenworth Municipal Code concerning the Conditional Use Permit requirements for Bed and Breakfasts, General Zoning Regulation updates, and the utility connection requirements for residences and ADUs. which impact the Urban Growth Area (UGA). These are summarized in the table below.

LMC 18.52.120	Conditional Use Permit – Bed and Breakfast
LMC 18.36.048	Cottage Housing
LMC 18.25.030	Amendments to District Use Chart
LMC 18.30.020	Amendments to Residential Development Chart
LMC 18.36.040	More than one principal structure prohibited in Low Density Residential Zones
LMC 21.90.040	Changes to Definitions
LMC 18.36.035(G)	Changes to Utility Connection Requirements
LMC 14.14.085	New section regarding Utility Connection Requirements

Review Criteria

These regulations are evaluated in accordance with Chelan County Code Section 14.13.040 Development Regulation Amendment evaluation criteria and Chelan County Code Section 14.14.047 Amendment review criteria for comprehensive plan text changes. These criteria determine the process for approval, modification, or denial of regulation amendment applications and text amendments to county-adopted city comprehensive plans.

1. The amendment is necessary to resolve a public land use issue or problem.

Finding: In the 1997 interlocal planning MOU, Chelan County establishes policies with the City of Leavenworth regarding land use regulations within its Urban Growth Area (UGA). Chelan County agrees to adopt the city’s “land use regulations, development standards and land use designations for

the city's UGA." The County also agrees to implement the city's "street, street lighting, curb, gutter and sidewalk design standards" within the UGA.

GMA requires comprehensive planning for counties and cities designated under its jurisdiction. RCW 36.70A.100 details that each city's comprehensive plan must be coordinated and consistent with "other counties or cities with which the county or city has, in part, common border or related regional issues".

Chelan County has not adopted relevant land use changes and comprehensive plan amendments for the City of Leavenworth's UGA since its last major update in 2022. Adoption of this ordinance will bring the County into alignment with the agreement outlined in the MOU and relevant state planning policies.

2. The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

Finding: The GMA planning goals include but are not limited to the following:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.
- (3) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (4) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (5) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The adoption of the city's comprehensive plan amendments and land use regulations within the UGA is consistent with the first two GMA goals, to encourage development in urban areas and to reduce sprawl. Housing related amendments included for adoption promote the variety of residential densities in housing types within the UGA. Other land use updates encourage economic development consistent with the adopted comprehensive plan. Updating standards within the UGA will also support the timely review and processing of development applications to ensure predictability.

3. The amendment complies with or supports comprehensive plan goals and policies and/or county-wide planning policies, or how amendment of the comprehensive plans' goals or policies is supported by changing conditions or state or federal mandates.

Finding: The City of Leavenworth has reviewed and found the proposed amendments consistent with the City's Comprehensive Plan goals and policies. The County-wide Planning Policies support the use of the City regulations within the UGAs and adoption of city comprehensive plan amendments.

4. The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

Finding: The proposed amendments do not change resource lands or critical area regulations which would be reviewed based on the site-specific development at the time of future permit.

- 5. The amendment is based on sound land use planning practices and would further the general public health, safety and welfare. The comprehensive plan amendment would serve the interests of not only the applicant, but the public as a whole, including health, safety, or welfare.**

Finding: The proposed amendments are the result of appropriate planning processes to reflect the community desire for development.

Procedural Requirements

Appropriate City procedures were followed for each amendment proposed for County adoption. Chelan County is performing its own hearing notice for this amendment. The public process for these 2024 changes incorporated a wide range of public engagement efforts that were held by the City of Leavenworth and continued by Chelan County. The City of Leavenworth sent notices to members of the community within the city limits and UGA and beyond by inclusion in utility billings, media reports, radio ads, etc.

CONCLUSIONS OF LAW

1. The amendments to the Chelan County development regulations are consistent with the requirements of the Growth Management Act (RCW 36.70A), Chelan County Comprehensive Plan and County-Wide Planning Policies.
2. The amendments are necessary to address a public land use issue or problem.
3. The amendments do not adversely affect designated resource lands of long-term commercial significance or designated critical areas in ways that cannot be mitigated.
4. Reviewing agencies and the general public were given an opportunity to comment on the proposed amendments.
5. The amendments are consistent with Chelan County Code Title 14 Development Permit Procedures and Administration.
6. The requirements of RCW 43.21C, the State Environmental Policy Act and WAC 197-11 SEPA Rules have been satisfied.
7. The adoption of these amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of Chelan County.

ATTACHMENTS

1. Ordinance 1683-2023 Track Changes
2. Ordinance 1693-2024 Track Changes
3. Ordinance 1694-2024 Track Changes
4. Agency and Public Comments (none at time of staff report issuance)
5. Chelan County request for Expedited Review (typically 60-day Review) Acknowledgment letter dated November 14, 2024
6. 60-day Review Acknowledgment Letter from WA Dept. of commerce, dated **November 14, 2024**

ORDINANCE NO. 1683

AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON AMENDING SECTION 18.52.120 LEAVENWORTH MUNICIPAL CODE "Conditional Use Permit – Bed and Breakfast"

WHEREAS, the City Council through the 2023 Planning Commission Docket directed the Planning Commission to consider modification of the City's Bed & Breakfast ("B & B") regulations, especially with the intent of addressing the density of B&Bs and loss of existing and potential housing units to B&Bs; and,

WHEREAS, the Planning Commission started the review of code amendments for this purpose at their regular April 2023 meeting by identifying a variety of ways to regulate B&B density;

WHEREAS, the Planning Commission took public comment throughout the drafting of the proposed changes at every meeting between April and September; and,

WHEREAS, on August 17, 2023, the City of Leavenworth submitted the amendments to State agencies for expedited review pursuant to RCW 36.70A.106, material ID # 2023-S-6343, and the proposed amendments were approved August 31, 2023; and,

WHEREAS, the proposed amendments are exempt from Environmental Review pursuant to WAC 197-11-800(19); and,

WHEREAS, on September 2023 the Planning Commission held a duly advertised public hearing on the proposed amendments where public comment was taken and the Planning Commission recommended amending the Leavenworth Municipal Code; and,

WHEREAS, the City of Leavenworth issued a staff report addressing the code requirements of LMC 21.35 and the criteria of 21.31.040.H for code amendment; and,

WHEREAS, the City of Leavenworth has followed the requirements of the Leavenworth Municipal Code as it relates to processing of legislative actions; and

WHEREAS, on September 26, 2023 the City Council set a public hearing to consider the proposed amendment, which was advertised on October 18, 2023; and,

WHEREAS, on October 10, 2023, October 24, 2023, and November 14, 2023 the City Council held a public hearing to consider and take public testimony on the proposed amendments; and,

WHEREAS, the City Council made the following findings pursuant to LMC 21.09.060.B.7:

- a. The amendments have been reviewed for consistency with LMC 21.31 Comprehensive Plan Amendment Process within the Staff Report.

- b. The amendments are in compliance with each applicable criterion and applicable standards.
- c. The amendments do not require modification or conditions to be in compliance with all applicable laws.
- d. All public notice and participation requirements have been satisfied;
- e. The City Council decision to adopt amendments is final unless appealed as provided in Chapter 21.11 LMC, Appeals. The appeal shall meet the requirements of the Growth Management Hearing Board process and procedures.
- f. The complete case file, including findings, conclusions and conditions of approval, if any, is available for inspection online and at City Hall during normal business hours, 700 Hwy 2, Leavenworth, contact Community Development Director, 509-548-5275.
- g. The requirements of RCW 43.21C, the State Environmental Policy Act, and WAC 197-11 have been satisfied.
- h. The adoption of the amendments is in the best interest of the public and furthers the health, safety, and welfare of the citizens of the City of Leavenworth.
- i. All of the amendments relate to development regulations and standards and have been reviewed together.

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

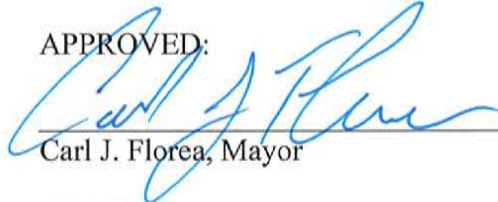
Section 1. The City Council adopts the amendments to Section 18.52.120 Conditional use permit – Bed and Breakfast, as outlined in Attachment A.

Section 2: This ordinance shall be in effect five (5) days after its passage and publication in accordance with law.

Passed by the City Council of the City of Leavenworth and approved by the Mayor this 14th day of November, 2023.

CITY OF LEAVENWORTH

APPROVED:



Carl J. Florea, Mayor

APPROVED AS TO FORM:



Thom Graafstra, City Attorney

ATTEST:



Andrea Fischer, City Clerk

DRAFT CODE AMENDMENTS

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 recouping maintenance/development costs for housing stock.
- B. No Bed & Breakfast shall be permitted within the City limits when the existing percentage of bed and breakfasts are at or above 4% of the total housing stock permitted within the residential zoning districts. The 4% shall be defined by the Assessor's data, for residential dwellings (State Code 11) in residential zoning districts within the City Limits. However, if the B&B is operated within the same dwelling as the owner (not a separate dwelling), it shall not be calculated in the 4% cap because it is not removing a dwelling unit from the overall housing stock.

Within the County UGA, the total percent of B&Bs shall be 4% of the UGA housing stock within the UGA's residential zoning districts, following the same calculation process as within the City.

A.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. ~~A.~~ The bed and breakfast facility shall be the principal residence of the property owner. A property owner must live on-site throughout the visitor's stay.
2. ~~B. Single-family dwellings may use up to two bedrooms for a bed and breakfast. An Detached units with rooms are allowed. A~~ accessory dwelling unit may use up to one bedroom for ~~may be allowed to be a part of a~~ the bed and breakfast.
 - i. ~~C.~~ A bed and breakfast may only be offered in a space intended for human habitation. For example, a property owner may not rent a space in an accessory structure that is a storage shed or garage.
3. ~~D.~~ The maximum number of occupants permitted to stay overnight shall be two people for each bedroom, excluding children under the age of six.
4. ~~Bed and breakfast facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes.~~
- 4.5. 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.
- 5.6. 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,

Attachment A

the maximum number of vehicles allowed to be parked on site, and the name and contact information of the contact person.

- ~~6.7.~~ 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.
8. 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.
9. 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.
10. 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. ~~E.~~ 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.
- ~~7.3.~~ Bed and breakfasts shall obtain a city business license, and separate annual permits from the city. ~~Thereafter with renewal of annual permit and,~~ inspections shall be conducted by the property owner via the ~~Prior to issuance of a business license, an~~ "Annual Building, Fire and Life Safety" inspection shall occur unless the self-inspection provided for below is accepted by the City. ~~Occupancy Permit Application~~" provided by the city with the annual permit renewal process. All bed and breakfasts shall receive an annual permit from ~~Business license for B&Bs shall run from~~ January 1st to December 31st, ~~when issued after clearance of the annual inspection.~~ ~~under limited administrative review, documenting conformance with city code and agreement to conform to all requirements, including t~~ permits, licenses and permits. ~~The International Fire, Residential, and Building Codes shall be applied at the time of permit for use.~~

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

~~G. Bed and breakfast facilities in or adjacent to residential districts shall not infringe upon the right of neighboring residents to reasonable peaceful occupancy of their homes. H. Bed and breakfasts shall obtain a city business license and separate annual permits provided by the city.~~

4. Advertisement of the B&B shall:

- i. 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.

Attachment A

- ii. 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.
- ii-iii. 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.
- iv. 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:

- i. Within the annual permits provided by the city, the property owner shall Report to the city the following minimum information:
 - 1. The address of the bed and breakfast; and the contact name(s) of the property owner.
 - 2. The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.
 - 3. ~~Document~~ The property owner shall both have legal responsibility for the collection and payment of all applicable taxes and remittance of the collected tax.
 - 4. ~~The property owner must provide its clients or potential clients the following disclosure: On January 24, 2017, the Leavenworth City Council adopted the new Bed and Breakfast Ordinance reiterating its existing prohibition on the rental of entire dwellings as vacation rentals. The new Bed and Breakfast Ordinance also legalized the short term rental of a portion of a person's home when the property owner lives on-site throughout the visitor's stay and when the property owner obtains appropriate permits, including a business license. The property owner is also required to collect and remit necessary taxes.~~
- ii. The city of Leavenworth hereby adopts a Report the results of a self-conducted fire and life safety self-inspection program for bed and breakfast facilities operating within the city limits of Leavenworth. 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. The inspection is to be conducted by the property owner, or their designee.

Attachment A

1. A standard letter from the city will be mailed to the property owner requiring the self-inspection. A partial list of fire and building inspection review elements will be included with the inspection form. The city supplied self-inspection form shall be completed and signed by the property owner and returned to the city, no later than 30 days after receipt from the city. A copy of the certificate of occupancy or change of use permit application must accompany the self-inspection form together with the applicable application fee as established by resolution of the city of Leavenworth.
 - ~~1.2.~~ 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.
 - ~~2.3.~~ Random inspections may be conducted by the city at the city's discretion.
 4. 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.
- ~~8.1.0.~~ 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 and a potential monetary penalty of \$2,000 enforced in accordance with Chapter 21.13 LMC, both the violation and revocation may be appealed pursuant to Chapter 21.11. Re-establishment shall be ~~allowed-permitted~~ administratively with compliance and remittance of the monetary penalty, and any other fees necessary for permit issuance.
- ~~B.F.~~ Expiration of Conditional Use Permit for Bed & Breakfasts. In order to provide opportunity for residents to have a B&B, and encourage infill development, Conditional Use Permits for Bed & 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.
- ~~C.H.~~ A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, providing guests with information related to emergency exit routes, 24 hours a day seven days a week contact information, required guest rules and regulations, including for litter control, quiet hours, parking and proposed methods to enforce occupancy limitations and other requirements. In addition to providing the plan to the city of Leavenworth, contact information shall be provided to the adjacent properties, District 3 fire chief, and Chelan County sheriff. A legible sign

Attachment A

~~shall be placed adjacent to the front door (outside), clearly visible to the general public listing the maximum number of occupants permitted to stay overnight, the maximum number of vehicles allowed to be parked on site, and the name and contact information of the contact person. Quiet hours shall, at a minimum, be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by city or state regulations, whichever is more stringent. The management plan may be modified with amendment to the conditional use permit.~~

- ~~D. I. 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.~~
- ~~E. J. 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.~~
- ~~F. K. 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.~~
- ~~G. L. One off-street patron/visitor parking space, not located within a required yard area, shall be provided for each room rented. All parking must be accommodated on site.~~
- ~~H. M. 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.~~
- ~~I. N. 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.~~
- ~~J. P. Within the annual permits provided by the city, the property owner shall report to the city the following minimum information:~~
- ~~1. 1. The address of the bed and breakfast; and the contact name(s) of the property owner.~~
 - ~~2. 2. The total number of nights that the bed and breakfast was occupied for transient accommodation or lodging.~~
 - ~~3. 3. The property owner shall both have legal responsibility for the collection of all applicable taxes and remittance of the collected tax.~~
 - ~~4. 4. The property owner must provide its clients or potential clients the following disclosure: On January 24, 2017, the Leavenworth City Council adopted the new Bed and Breakfast Ordinance reiterating its existing prohibition on the rental of entire dwellings as vacation rentals. The new Bed and Breakfast Ordinance also legalized the short-term rental of a portion of a person's home when the property owner lives on-site throughout the visitor's stay and when the property owner obtains appropriate permits, including a business license. The property owner is also required to collect and remit necessary taxes.~~
- ~~K. Q. The city of Leavenworth hereby adopts a fire and life safety self-inspection program for bed and breakfast facilities operating within the city limits of Leavenworth. After the initial inspections with permitting, the property owner from that time forward, shall conduct a self-inspection of their property annually and submit a self-inspection form to the city no later than~~

Attachment A

~~30 days after receipt from the city. The inspection is to be conducted by the property owner, or their designee.~~

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

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

~~T. 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.~~

ORDINANCE NO. 1693

**AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON
ADOPTING NEW LEAVENWORTH MUNICIPAL CODE SECTION 18.36.048
COTTAGE HOUSING AND MAKING TECHNICAL AMENDMENTS TO LMC
18.25.030 DISTRICT USE CHART, LMC 18.30.020 RESIDENTIAL
DEVELOPMENT CHART, LMC 18.36.040 MORE THAN ONE PRINCIPAL
STRUCTURE PROHIBITED IN LOW DENSITY RESIDENTIAL ZONES, AND
LMC 21.90.040 DEFINITIONS**

WHEREAS, the City Council through the 2023 and 2024 Planning Commission Docket directed the Planning Commission to consider adding cottage housing to increase housing supply and diversity while supporting aging in place and smaller household sizes, as recommended in the 2021 Housing Action Plan; and,

WHEREAS, the Planning Commission held meetings to review cottage housing options consistent with the Docket; and,

WHEREAS, the proposed amendments were sent to Washington State Department of Commerce (Commerce) for an Expedited Review, pursuant to RCW 36.70A.106, on January 23, 2024 and approved on February 6, 2024, submittal ID 2024-S-6827; and,

WHEREAS, the Planning Commission held a hearing to take public comment on March 13, 2024; and,

WHEREAS, the Planning Commission took public comment and recommended adoption of cottage housing regulations, based on the Findings of Facts and Conclusions within the Staff Report, dated February 8, 2024; and,

WHEREAS, the proposed amendments are exempt from Environmental Review pursuant to WAC 197-11-800(19); and,

WHEREAS, on April 9, 2024 the City Council set a public hearing to consider the proposed amendment, on May 28, 2024; and,

WHEREAS, on May 16, 2024 the City Council public hearing notice was posted at city hall, in three designated areas, on May 15, 2024 notice was posted on the Leavenworth Echo website, on May 15, 2024 and published in the Leavenworth Echo May 22, 2024; and,

WHEREAS, the City Council held a Public Hearing on May 28, 2024 and considered public comment; and,

WHEREAS, the City Council desires to provide more options for development of a diversity of housing options and an increase in housing supply;

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

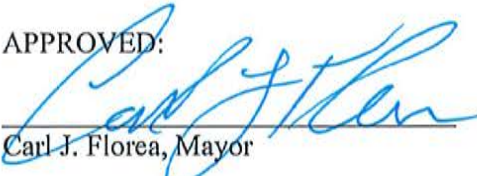
Section 1. The City Council adopts and adds a new Section to the Leavenworth Municipal Code, 8.36.048 Cottage Housing, and amends LMC sections 18.25.030 District Use Chart, LMC 18.30.020 Residential Development Chart, LMC 18.36.040 More than one Principal Structure Prohibited in Low Density Residential Zone, and LMC 21.90.040 Definitions all as set out in Attachment A.

Section 2: This ordinance shall be in effect five (5) days after its passage and publication in accordance with law.

Passed by the City Council of the City of Leavenworth and approved by the Mayor this 28th day of May, 2024.

CITY OF LEAVENWORTH

APPROVED:



Carl J. Florea, Mayor

APPROVED AS TO FORM:

DocuSigned by:



E7E2C0C8951D4E7...
Thom Graafstra, City Attorney

ATTEST:



Andrea Fischer, City Clerk

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' as measured in accordance with LMC 18.30.050, but not to exceed 25'.
- C) Parking. Each cottage house shall have at least one parking space.
 - 1) Parking may be attached or detached, meeting the standards of LMC 14.
 - 2) Parking is encouraged along the side and/or the rear property lines.
 - 3) Paved pedestrian path(s), at least 5' 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.
- 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'
 - 2) Side Yard: 5'
 - 3) Rear Yard: 8'
- E) Yard Area. A minimum of 20' by 20' 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.

OTHER CODE SECTIONS TO AMEND

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, except Cottage Housing is permitted when compliant with LMC 18.36.048.

21.90.040 Definitions

"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.

"Yard, Courtyard" means a shared yard area used for residents of associated Cottage Housing.

"Dwelling, Tiny home-Homedwelling" 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.

18.25.030 District use chart (partial)

Land Uses	RL6	R-8	MF	CDMUI	GC	CC	TC	LI	REC	RP
Residential (Specified Use Below)										
Accessory Dwelling Unit	AU	AU	AU							
Boardinghouse, Lodging House, Rooming House			P							
Dwelling, Above Ground Floor				P	AU	AU	AU			
<u>Dwelling, Cottage Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>							
Dwelling, Duplex	P	P	P	AU						
Dwelling, Multifamily			P	P	P	P	P			
Dwelling, Single-Family	P	P	P	AU						
Dwelling, Tiny Home	P	P	P							
Emergency Shelter					P	P	P		P	P
Manufactured Home, Designated	P	P	P							
Manufactured Home/Mobile Home										
Vacation (Short-Term) Rental					P	P	P			

18.30.020 Residential development chart.

The following standards apply to the residential low density 6,000 (RL6), residential 8 (R-8), and multifamily (MF) zoning districts. Exceptions and calculations standards are provided within this chapter:

Standard	RL6	R-8	MF
Minimum Lot Size (square feet)	6,000	8,000	6,000 ¹
Minimum Lot Width/Corner Lots (feet)	60/70	70/80	60/70
Maximum Building Height ² (feet)	30 ³	30 ³	35
Maximum Lot Coverage (percent)	35	35	40
Minimum Setbacks (feet)			
Front Yard	25	25	25
Street Side Yard, for lots 6,000 square feet or greater	10	15	10
Street Side Yard, for lots less than 6,000 square feet	5	15	10
Rear Yard, without alley	15	15	15

Standard	RL6	R-8	MF
Rear Yard, with alley	8	8	8
Side Yard	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 Height calculations and exemptions are provided in LMC [18.30.050](#).

³ Thirty feet to the top of flat or shed roofs and 30 feet to the mid-point of gabled (or similar) roof with a maximum of 35 feet to the ridge.

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

B. Existing (historical) lots less than 6,000 square feet are governed under LMC [18.68.030](#) for nonconforming lots.

C. Cottage Housing, where different from these standards, shall comply with the standards of LMC 18.36.048 and not the standards of this section.

ORDINANCE NO. 1694

AN ORDINANCE OF THE CITY OF LEAVENWORTH, WASHINGTON ADOPTING AMENDMENTS TO THE LEAVENWORTH MUNICIPAL CODE ADDRESSING INCONSISTENCIES

WHEREAS, it is necessary to make amendments to the Leavenworth Municipal Code to address inconsistencies, clarifications and to incorporate policies and interpretation of codes; and,

WHEREAS, the Planning Commission held meetings to review code consistency amendments; and,

WHEREAS, the proposed amendments were sent to Washington State Department of Commerce (Commerce) for 60-day review, pursuant to RCW 36.70A.106, on February 2, 2024 and approved on April 2, 2024, submittal ID 2024-S-6849; and,

WHEREAS, the Planning Commission held a public hearing to take public comment on March 13, 2024; and,

WHEREAS, the Planning Commission took public comment and recommended adoption of code consistency amendments, based on the Findings of Facts and Conclusions within the Staff Report, dated February 29, 2024; and,

WHEREAS, the proposed amendments are exempt from Environmental Review pursuant to WAC 197-11-800(19); and,

WHEREAS, on May 14, 2024 the City Council held a regular meeting and reviewed the Planning Commission recommendation and an additional amendment to move Accessory Dwelling Unit LMC 18.36.035(G) regarding utility connection requirements to a new LMC Section 14.14.085 Requirement Connections. This move is intended to resolve development limitations occurring in the Urban Growth Area; and,

WHEREAS, on April 9, 2024 the City Council set a public hearing to consider the proposed amendment, on May 28, 2024; and,

WHEREAS, on May 16, 2024 the City Council public hearing notice was posted at city hall, in three designated areas, on May 15, 2024 notice was posted on the Leavenworth Echo website, on May 15, 2024 and published in the Leavenworth Echo May 22, 2024; and,

WHEREAS, the City Council held a Public Hearing on May 28, 2024 and considered public comment; and,

WHEREAS, the City Council desires to make the proposed amendments;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEAVENWORTH,

WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council repeals, amends and adopts new sections and chapters to the Leavenworth Municipal Code, as presented in Attachments A-1, A-2, and A-3.


Section 2: This City Council amends LMC Section 14.14.085, as presented in Attachment B. This section as amended applies to development within the City limits of the City only.

Section 3: This ordinance shall be in effect five (5) days after its passage and publication in accordance with law.

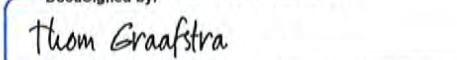
Passed by the City Council of the City of Leavenworth and approved by the Mayor this 28th day of May, 2024.

CITY OF LEAVENWORTH

APPROVED:


Carl J. Florea, Mayor

APPROVED AS TO FORM:

DocuSigned by:

E7E2CQC8951D4E7...
Thom Graafstra, City Attorney

ATTEST:


Andrea Fischer, City Clerk

2024 Code Amendments – Consistencies

SR	PROPOSED AMENDMENT/CODE	RATIONALE
a.	<p>18.36.050 Building height—Exceptions to limits. The building height limitations do not apply to spires, belfries, cupoles, antennas (except as provided in Chapter 18.74 LMC), ventilators, chimneys, or other appendances usually required to be placed above the roof level and not intended for human occupancy.</p> <p>14.28 LIGHTING STANDARDS</p> <p>14.28.060 Permit applications.</p> <p>Persons seeking permits or approval under this chapter shall:</p> <p>A. Complete and submit an application for a lighting permit.</p> <p>B. All permits which shall be issued pursuant to administrative processes outlined under “Limited administrative review” in LMC 21.09.030.</p> <p>C. Lighting permits, <u>within Zone 1 (see LMC 14.28.080(A)(1))</u>, shall be reviewed and approved by the design review board in addition to the community development director, <u>except projects located in the Multifamily zoning district which only require limited administrative review. Zone 1 (see LMC 14.28.080(A)(1)).</u></p>	<p>Removal – duplicate of new section 18.30.050(B)</p> <p>Zone 1 includes commercial and multifamily. The multifamily zoning district is not subject to the DRB review for any other component so the staff and DRB asked to remove this requirement.</p>
c.	<p>14.12.160 Residential parking standards.</p> <p>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:</p> <p>A. For single- and two-family dwellings, parking (any parking of four or fewer parking spaces) shall be located on the same lot as the dwelling(s) and may be part of the driveway so long as all required setbacks are met.</p> <p><u>1. Where the dwelling has approval as a Bed and Breakfast, parking may be accessed either from the alley or a street.</u></p> <p>B. 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.</p> <p>C. Multifamily dwellings shall follow the parking lot requirements when five or more parking spaces are required.</p>	<p>The Planning Commission’s recommendation in May 2023 was to permit alley access for B&Bs after the concerns related to density were addressed. The density for B&B’s was adopted by the City Council in November so this items is being brought back for formal adoption.</p>

2024 Code Amendments – Consistencies

	<p>D. Parking may be located after the first seven feet from the property line abutting a street, alley or public access easement.</p> <p>E. 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.</p> <p>F. Parking areas shall follow the adopted construction standards, except single-family, accessory and duplex parking off a city alley may be graveled.</p> <p>G. Each parking space shall be a minimum of eight and one-half feet by 18 feet.</p>	
<p>d.</p>	<p>Boundary Line Adjustments 17.04.030 Criteria All boundary line adjustment requests shall be subject to the following limitations:</p> <p>A. A boundary line adjustment shall not result in the creation of any additional lots, sites, tracts, or parcels;</p> <p>B. A boundary line adjustment shall not result in the entire relocation of lots, sites, tracts, or parcels from one area to another (lots may be reoriented);</p> <p>C. A boundary line adjustment shall not violate or be inconsistent with any conditions of approval for a previously filed plat, short plat, or binding site plan;</p> <p>D. No lot shall be reconfigured or adjusted which would render access for vehicles, utilities, fire protection, or existing easements impractical to serve their purpose;</p> <p>E. Lots which do not contain the original dimensions and location as shown on the official plat or deed which would qualify them for "lot of record" status may be boundary line adjusted and developed pursuant to LMC 18.68.030;</p> <p>F. No lot to result from the boundary line adjustment shall be smaller than the minimum lot size required by LMC Title 18, in effect at the time the application is filed, except as follows:</p> <ol style="list-style-type: none"> 1. <u>Non-conforming historical lots retaining 75% of the original lot area, as addressed in LMC Section 18.68.030; or</u> 2. <u>Whenever any one or more lots involved in the proposed change are smaller than the allowable minimum size, the change may be approved so long as no resulting lot is smaller than the smallest of the existing lots;</u> 	<p>LMC 18.68.030 permits historical lots (not consolidated) to be building lots through a Boundary Line Adjustment if retaining at least 75% of the original lot. LMC 18.68.030 reads in part: <i>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."</i></p>

2024 Code Amendments – Consistencies

	<p>G. The boundary line adjustment process shall not be used to adjust easements, utilities, or other nonproperty line features; H. A boundary line adjustment approved by the city of Leavenworth is not to be construed as a statement as to the lot's suitability for building purposes.</p>	
<p>e.</p>	<p>17.14.015 References to LMC Title 14, Development Standards. A. Development standards shall comply with the regulations as found within LMG construction specification and requirements within the following documents, adopted by the City Council: Title 14. Where no specific standard is provided, the following shall apply: A. Design detail, workmanship, and materials for utilities and public works improvements shall be in accordance with the current editions of: 1. <u>City of Leavenworth Standard Construction Details;</u> 2. "Standard Specifications for Road, Bridge, and Municipal Construction," as amended; 3. "APIWA Amendments to Division One," as amended; and 4. "Standard Plans for Road, Bridge, and Municipal Construction," as amended. The standards provided therein shall apply except where standards contained in this title or elsewhere in this code provide otherwise. B. All applicable rules of Washington State shall be adhered to with respect to safety, construction methods, and other state requirements. These include, but are not limited to: 1. The Revised Code of Washington (RCW); and 2. The Washington Administrative Code (WAC). C. Specifications contained in the following documents shall be applicable when pertinent, when specifically cited in the standards, or as required by a permitting authority or agency: 1. Conditions and standards as set forth in the 2. City of Leavenworth Comprehensive Water System Plan (CLCWSP); 23. Conditions and standards as set forth in the City of Leavenworth Water Distribution System and Sewer Collection System Master Plan; 34. Conditions and standards as set forth in the City of Leavenworth Comprehensive Plan (CLCP); 45. Rules and regulations as adopted in the Leavenworth Municipal Code (LMC); 56. Criteria set forth in the current edition of the Local Agency Guidelines (LAG), as approved by the Washington State Department of Transportation; 67. Conditions and standards as set forth in the current edition of the WSDOT Design Manual as adopted by the Washington State Department of Transportation;</p>	<p>Update the Subdivision Development Standards for clarity</p>

2024 Code Amendments – Consistencies

	<p>78. Conditions and standards as set forth in the eCurrent edition of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD), as adopted by the Washington State Department of Transportation;</p> <p>8. Criteria set forth in Criteria for Sewage Works Design, Washington State Department of Ecology Publication No. 98-37-WQ, December 1998, as amended;</p> <p>9. Standards and regulations set forth in Chapter 246-290 WAC for Group A public water systems, as amended; and</p> <p>109. Standards set forth in the Stormwater Management Manual for Eastern Washington, Washington State Department of Ecology.</p> <p>D10. Required fire protection shall be per the conditions and standards as set forth in the currently adopted edition of the International Fire Code, as amended, and per any other related standards, as applicable.</p> <p>EB. The standards and requirements established or referenced by this title are minimum requirements. These standards may be increased and additional requirements may be imposed in compliance with federal, state, and local rules and regulations.</p>	
<p>f.</p>	<p>Chapter 21.90 Definitions</p> <p>“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. 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.</p> <p>“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, <u>limited</u> or <u>no</u> customers visit the business. 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. Examples of Group A home occupation include, but are not limited</p>	<p>Move intent language to the code section 18.36.060.</p>

2024 Code Amendments – Consistencies

	<p>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).</p> <p>“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). Transient accommodations and/or lodging are not considered a home occupation and are prohibited within residential zones.</p>	<p>Move expressly listed prohibited home occupations from the code to the definition.</p>
<p>f.</p>	<p>18.36.060 Home Occupations</p> <p><u>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.</u></p> <p><u>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.</u></p>	<p>Moved from definition intent/purpose statements are better suited for the code section.</p> <p>Moved from A and B sections and placed here, as it applies to both</p>
<p>g.</p>	<p><u>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:</u></p>	<p>Home Occupations which are used solely for addressing a business office, with no customer or supplies, do not require additional conditions. Staff request that these be permitted through the business license/endorsement process.</p>

2024 Code Amendments – Consistencies

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 n~~ Not over 20 percent of the total floor area of one floor of the residence, whichever is greater shall be used for the home occupation;
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 ~~with not more than 500 square feet of floor area used for the home occupation;~~ 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

Staff request simplification of how to calculate area used for home occupation. We have many smaller dwellings now and it is good to have a minimum and maximum. Additionally, between item 5 and item 8, there is confusion from the applicant about what applies. Streamlining this section should help.

2024 Code Amendments – Consistencies

	<p>all times thereafter be appropriately licensed, registered, or have a permit and comply with requirements of all such licenses or permits;</p> <p>15. 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. 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;</p> <p>c. Transient accommodations and/or lodging.</p>	
<p>f.</p>	<p>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:</p> <ol style="list-style-type: none">1. Not over 50 percent of the total floor area of one floor is to be used for the home occupation;2. A home occupation may be conducted in a detached garage and/or accessory structure with not more than 500 square feet of floor area used for the home occupation; 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;	<p>Staff request simplification of how to calculate area used for home occupation.</p>

2024 Code Amendments – Consistencies

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 students, customers, and/or clients within each 12-hour period shall be the maximum without the completion of a traffic, access and/or noise study which demonstrates no impact to neighbors, the community, and/or infrastructure. Class times and/or 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 ~~classes and~~ 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;

Recommend removing students and class references to avoid confusion with schools/daycares which are regulated differently. Group B includes tutoring.

2024 Code Amendments – Consistencies

	<p>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 <u>13.04</u> LMC and other applicable requirements prior to occupancy;</p> <p>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;</p> <p>20. 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. The following uses are prohibited as Group B home occupations:</p> <ul style="list-style-type: none"> 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. 	
<p>h. NEW CHAPTER 14.50 FEES, BONDS, DEVELOPMENT AGREEMENTS AND COST SHARING</p>		
<p>h. 14.50.010 Purpose <u>The purpose of this chapter is to provide options for payment or performance of another's obligation to the city.</u></p>		<p>New section recommended to consolidate multiple processes.</p>

2024 Code Amendments – Consistencies

14.50.020 Fees, Rates, and Charges.

- 1. The city council has established by resolution a rate and fee schedule for community development rates, fees, and charges for permits, applications, and other matters pertaining to this title.
- 2. The rate and fee schedule resolution, as amended, is hereby adopted.
- 3. Until all applicable fees, charges, and expenses have been paid as required in the fee schedule, no action shall be taken by the city on any application, appeal or request.

14.50.30 ~~14.14.175~~-Cost sharing.

The city may choose to engage in a cost sharing agreement for utility improvement(s) at its discretion and to the amount and/or method it chooses and may use the following criteria as a guide when considering an agreement:

- A. The project is identified in the city’s capital improvement plan;
- B. There is a system-wide benefit which would be derived by the improvement(s); and/or
- C. The improvement(s) does not exceed the annual budgeted amount established by the city council for cost sharing.

14.50.040 ~~21.07.080 Miscellaneous processes~~—Development agreements.

A. Development Agreements – Authorized. The city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. The city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to, and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by the city.

B. Development Agreements – Effect. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. A development agreement may not

Moved from 14.14

Moved from 21.07

2024 Code Amendments – Consistencies

be subject to an amendment to a zoning ordinance, development standard, regulation, a new zoning ordinance, development standard, or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

C. Development Agreements – Recording – Parties and Successors Bound. A development agreement shall be recorded with the Chelan County auditor’s office. During the term of the development agreement, the agreement is binding on the parties and their successors, including the city, if the city assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

D. Development Agreements – Public Hearing. Notwithstanding other procedural requirements of this title, the city shall only approve a development agreement by ordinance or resolution after a public hearing by the city council. Notice of the public hearing shall be made by publishing in the local paper, a minimum six days prior to the hearing, the time, date, and location of the hearing, and a general description of the location and proposal.

If the development agreement relates to a project permit application, the provisions of Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

~~14.50.050 14.14.170 Fees and Performance~~ or surety bonds.

~~A. B.~~ Performance or Surety Bond. As a condition of approval for the issuance of any development permit or any permit issued under this title or other associated titles contained in the Leavenworth Municipal Code, a performance or surety bond may be required.

~~CB.~~ Bond Criteria.

1. The city attorney shall approve all performance and surety bonds as to form and securities.
2. The director(s) of the affected department(s) shall approve all performance and surety bonds as to amount and adequacy.
3. The value of the bond shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame or 200 percent for improvements completed within a two-year time frame, or to be utilized by the city to perform any necessary work, or to reimburse the city for performing any necessary work

Moved from 14.14

2024 Code Amendments – Consistencies

and documented administrative costs associated with action on the bond. To determine this value, the applicant must submit up to two bids for the improvements to be performed. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit. Please see LMC 17.02.070 for exceptions to this time frame on bonding.

4. Upon completion of the required work by the property owner and approval by the city at or prior to the completion date identified in the assurance device, the city shall release the device.

5. If the performance bond or surety is required, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date identified in the assurance device.

~~17.20.010 Subdivision Fees and Performance or Surety Bonds~~

~~17.20.010 Fees, rates, and charges:~~

~~17.20.020 Performance or surety bond.~~

~~17.20.030 Bond criteria:~~

~~17.20.010 Fees, rates, and charges:~~

~~The city council has established by resolution a rate and fee schedule for community development rates, fees, and charges for permits, applications, and other matters pertaining to this title. The rate and fee schedule, Resolution L 2004, is hereby adopted, as amended. The rate and fee schedule shall be kept by the city clerk-treasurer and may be altered or amended by resolution of the city council. 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.~~

~~17.20.020 Performance or surety bond:~~

~~As a condition of approval for the issuance of any development permit or any permit issued under this title or other associated titles contained in this code, a performance or surety bond may be required.~~

~~17.20.030 Bond criteria:~~

~~A. The city attorney shall approve all performance and surety bonds as to form and securities.~~

REMOVED code

2024 Code Amendments – Consistencies

~~B. The director(s) of the affected department(s) shall approve all performance and surety bonds as to amount and adequacy.~~

~~C. The value of the bond shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame or 200 percent for improvements completed within a two-year time frame, or to be utilized by the city to perform any necessary work, or to reimburse the city for performing any necessary work and documented administrative costs associated with action on the bond. To determine this value, the applicant must submit two bids for the improvements to be performed. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit. Please see LMC 17.02.070 for exceptions to this time frame on bonding.~~

~~D. Upon completion of the required work by the property owner and approval by the city at or prior to the completion date identified in the assurance device, the city shall promptly release the device.~~

~~E. If the performance bond or surety is required, the property owner shall provide the city with an irrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date identified in the assurance device.~~

~~14-08-050 (k) C. Conditions of approval for the issuance of a permit, a performance or surety bond may be required, subject to the following:~~

- ~~1. The city attorney shall approve all performance and surety bonds as to form and securities.~~
- ~~2. The director(s) of the affected department(s) shall approve all performance and surety bonds as to amount and adequacy.~~
- ~~3. Alternative sureties may be considered by the city upon approval by the city attorney and the affected departments of the city.~~
- ~~4. The value of the bond/surety shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame or 200 percent for improvements completed within a two-year time frame, or to be utilized by the city to perform any necessary work, or to reimburse the city for performing any necessary work~~

2024 Code Amendments – Consistencies

	<p><u>and documented administrative costs associated with action on the bond/surety. To determine this value, the applicant must submit a bid for the improvements to be performed. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit. Upon written request, the city may grant a one-time extension of the bond/surety.</u></p> <p><u>5. Upon completion of the required work by the property owner and approval by the city at or prior to the completion date identified in the assurance device, the city shall promptly release the device.</u></p> <p><u>6. If the performance bond or surety is required, the property owner shall provide the city with an irrevocable notarized agreement, with a form provided by the city or form acceptable to the city, granting the city and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date identified in the assurance device.</u></p>	
<p>h.</p>	<p>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 LMC Section 14.50 of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure the proper development of the conditional use according to the restrictions and conditions specified by the examiner.</p>	<p>Reference to new section LMC 14.50</p>
<p>h.</p>	<p>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; 3. Conformance 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 facts, including safe walking conditions for students who only walk to and from school; and</p>	<p>Binding Site Plan bonding</p>

2024 Code Amendments – Consistencies

	<p>7. The public interest will be served by the binding site plan and dedications.</p> <p>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.</p> <p>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 through 82.02.090.</p> <p>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.</p> <p>D. Preliminary binding site plan approvals are valid for a period of five years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 17.20<u>14.50</u> 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.</p>	
<p>h.</p>	<p>17.08.050 Review criteria and required findings.</p> <p>A. The proposed preliminary short subdivision shall be reviewed and approved only when the following criteria and findings are satisfied:</p> <ol style="list-style-type: none">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; and7. The public interest will be served by the short subdivision and dedications. <p>B. Construction of compliant improvements will be required as a condition of approval. As necessary, deferred improvements shall be noted on the final plat.</p>	<p>Short Subdivision bonding</p>

2024 Code Amendments – Consistencies

	<p>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 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.</p> <p>D. Preliminary short subdivision approval is valid for a period of five years. During that period, the conditions of approval must be fulfilled or bonded for as provided in Chapter 17.29<u>14.50</u> 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.</p>	
<p>h.</p>	<p>17.12.050 Preliminary plat review criteria and required findings.</p> <p>A. The proposed preliminary plat shall be reviewed and approved only when the following criteria and findings are satisfied:</p> <ol style="list-style-type: none">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. <p>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</p>	

2024 Code Amendments – Consistencies

	<p>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.</p> <p>C. Preliminary subdivision approval is valid for a period of 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 17.29<u>14.50</u> 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 for, and the final plat is not filed for record within the required period, preliminary approval of the subdivision shall become null and void.</p>	
<p>h.</p>	<p>16.08.230 Surety/bonding. If a development proposal is subject to mitigation, maintenance, or monitoring plans, the city may require an assurance device, <u>performance</u> or surety <u>bond</u>, <u>pursuant to LMC 14.50 or as otherwise in a form</u>-acceptable to the city attorney.</p>	
<p>h.</p>	<p>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, <u>pursuant to LMC 14.50</u>, 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). [Ord. 1596 § 1 (Att. A), 2019; Ord. 1223 § 1, 2004.]</p>	
<p>h.</p>	<p>Design review board 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.</p>	

2024 Code Amendments – Consistencies

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.

~~K. As a condition of approval for the issuance of a permit, a performance or surety bond may be required, subject to the following: 1. The city attorney shall approve all performance and surety bonds as to form and securities. 2. The director(s) of the affected department(s) shall approve all performance and surety bonds as to amount and adequacy. 3. Alternative sureties may be considered by the city upon approval by the city attorney and the affected departments of the city. 4. The value of the bond/surety shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame or 200 percent for improvements completed within a two-year time frame, or to be utilized by the city to perform any necessary work, or to reimburse the city for performing any necessary work~~

2024 Code Amendments – Consistencies

~~and documented administrative costs associated with action on the bond/surety. To determine this value, the applicant must submit a bid for the improvements to be performed. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit. Upon written request, the city may grant a one-time extension of the bond/surety. 5. Upon completion of the required work by the property owner and approval by the city at or prior to the completion date identified in the assurance device, the city shall promptly release the device. 6. If the performance bond or surety is required, the property owner shall provide the city with an irrevocable notarized agreement, with a form provided by the city or form acceptable to the city, granting the city and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date identified in the assurance device.~~

2024 Code Amendments – Consistencies

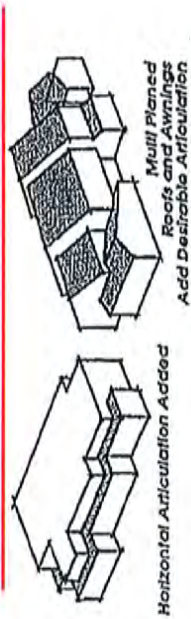
<p>a. Remove 18.36.090 Yard requirements</p>	<p>A. Where the average natural slope of the front half of a lot is more than one foot rise or fall in five feet horizontal, the front yard may be reduced by not more than five feet.</p> <p>B. Where the average natural slope of the rear half of the lot is more than one foot rise or fall in five feet horizontal, the rear yard may be reduced to 10 feet.</p> <p>C. 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.</p> <p>D. Zero Lot Line Design Standards. Notwithstanding any other provision in the Leavenworth Municipal Code (“LMC”), a zero lot line development may be permitted when developed in conformity with the following design standards:</p> <ol style="list-style-type: none">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 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.
	<p>Duplicate of 18.30</p>

2024 Code Amendments – Consistencies

a-When a structure is greater than two stories horizontal articulation shall be included:



Vertical Articulation Added



Horizontal Articulation Added

Multi Planned
Roofs and Awnings
Add Desirable Articulation

e-Front porches may be extended up to eight feet into the front yard setback:

2024 Code Amendments – Consistencies

i.	<p>Move 18.36.095 Nonconforming single-family dwelling additions 18.36.095 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.</p> <p>Move 18.36.095 Nonconforming single-family dwelling additions <u>18.68.040(H)(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.</u></p>	For consistency, moving all nonconforming regulations to the nonconforming chapter will make it easier for implementation.
a.	<p>Remove 18.36.050 Building Height The building height limitations do not apply to spires, belfries, cupolas, antennas (except as provided in Chapter 18.74 LMC), ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.</p>	Duplicate of 18.30.050(B)

2024 Code Amendments – Consistencies

j.	<p>18.36.038 (B) 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:</p> <p><u>18.52.120(G)</u> 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.</p> <p>18.36.038 (A) In addition to the requirements for a conditional use permit, bed and breakfast facilities shall have a minimum lot size of 6,000 square feet.</p> <p>18.52.120 (B)</p> <p>B. No bed and breakfast shall be permitted within the city limits</p> <p><u>1. On lot sizes less than 6,000 square feet; and</u></p> <p><u>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 defined by the assessor's data for residential dwellings (State Code 11) in residential zoning districts within the city limits.</u></p> <p>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.</p>	18.36.038 (B) Bed and Breakfast Facilities moved to 18.52.120 (G)
		18.36.038 (A) Bed and Breakfast Facilities moved to 18.52.120

2024 Code Amendments – Consistencies

<p>b. 21.03.0505 The design review board shall review and make decisions on the following applications:</p> <ul style="list-style-type: none">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. Applications for site plan reviews pursuant to Chapter 18.22 LMC;DC. Other actions as requested or remanded by the city council; andED. Applications for design permits for wireless telecommunications facilities (WF), pursuant to Chapters 18.74 and 14.08 LMC, as amended.	<p>Chapter 18.22 relates to Multifamily development. The Design Review Board focus is commercial development; further the Bavarian Theme does not apply to MF development. Therefore, the DRB requested that this be removed.</p>
--	---

2024 Code Amendments – Consistencies

<p>k.</p>	<p>Chapter 14.16-RESIDENTIAL-STRUCTURE-DESIGN-STANDARDS 14.16.010-Purpose: A-It is the purpose of this chapter to set forth the terms and conditions under which single-family homes may be sited and to ensure that manufactured homes as defined herein may be sited in any zone where single-family homes are permitted pursuant to the intent of Senate Bill 6593 of the 58th Legislature, passed in the 2004 Regular Session. Senate Bill 6593 was created to provide for consumer choice in housing and is a tool for provision of affordable housing. The city of Leavenworth has found that the natural scenic beauty and adopted "Old World Bavarian theme" form the basis for Leavenworth's thriving tourist industry, upon which the city's economic health heavily depends, and that structures complementing the aesthetics of existing neighborhoods form a key part of the overall visual attractiveness of the city, and thereby contribute both to the aesthetic and economic well-being of the city of Leavenworth. The city of Leavenworth further recognizes the importance of provision of affordable housing in a manner which is complementary to the neighborhood in which it will be located and in a manner which does not reduce surrounding property values. To ensure this, this chapter requires complementary design standards for all single-family homes and has specific limitations on the types of manufactured homes which can be installed. These regulations apply to all zones where single-family homes exist and in zones which permit the construction of single-family residences. If any of the locally developed design elements of this chapter are in conflict with the Old World Bavarian design theme code, the Old World Bavarian design theme code shall prevail if not in direct conflict with state law. B-Without limiting the generality in the preceding subsection the city of Leavenworth expressly finds that the regulations set forth in this chapter further the following substantial interests of the city and its citizens: 1- Maintenance and improvement of the community's appearance; 2- Elimination of visual clutter; 3- Ensuring and improving property safety; 4- Preserving property values; 5- Attracting sources of economic development. [Ord. 1268 (Exh. B), 2005.]</p>	<p>Moving single-family and manufactured housing standards to LMC 18.36, Supplementary Regulations. Removal of these sections will bring more consistency to the code and implementation. Removal of purpose, scope, conformance and definitions will remove conflicts with zoning purpose statements and general requirements for all development.</p> <p>Remainder Chapter 14.16 to be removed</p>
-----------	---	--

2024 Code Amendments – Consistencies

~~14.16.030 Conformance with other regulations.
A. No project shall be approved unless found to be in conformance with all adopted and applicable city ordinances, plans and policies.
B. This chapter recognizes and incorporates the standards, provisions, and regulations contained in other parts of the Leavenworth Municipal Code, as it exists now or as it may hereafter be amended.
C. Approvals granted pursuant to this title shall only occur in compliance with these other regulatory provisions, as well as with the comprehensive plan and any other applicable laws and regulations.
D. Where provisions of other official controls and regulations overlap or conflict with the provisions of this title, the more restrictive provisions shall govern. [Ord. 1268 (Exh. B), 2005.]~~

~~14.16.040 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. 1544 § 1 (Att. A), 2017; Ord. 1268 (Exh. B), 2005.]~~

~~14.16.050 Permits required.
A. Design standards shall be reviewed concurrently with the related application for a building permit.
B. Inspections for compliance with this chapter are required. [Ord. 1268 (Exh. B), 2005.]~~

~~14.16.060 Permit applications.
Persons seeking permits or approval under this chapter shall: A. Complete and submit an application for a building permit. B. Complete and submit an application for a residential design review permit. [Ord. 1268 (Exh. B), 2005.]~~

~~14.16.070 Approval process.
Person seeking permits or approval under this chapter shall be subject to the level of review required for the associated building permit pursuant to LMC Title 21. [Ord. 1268 (Exh. B), 2005.]~~

~~14.16.080 Manufactured home standards.
All manufactured homes shall meet the following standards:
A. The manufactured home installed shall be a "new manufactured home." Used mobile and manufactured homes are not allowed to be placed within the city limits.~~

2024 Code Amendments – Consistencies

~~B. The manufactured home shall be set upon a permanent foundation as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or a concrete product which shall be load bearing.~~

~~C. The manufactured home shall comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.~~

~~D. The manufactured home shall meet all requirements for a "designated manufactured home."~~

18.36.028 Manufactured home standards.

All manufactured homes shall meet the following standards:

A. The manufactured home installed shall be a "new manufactured home." Used mobile and manufactured homes are not allowed to be placed within the city limits.

B. The manufactured home shall be set upon a permanent foundation as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or a concrete product which shall be load bearing.

C. The manufactured home shall comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.

D. The manufactured home shall meet all requirements for a "designated manufactured home."

~~14.16.090 Design standards - All types of construction.~~

~~The following standards shall apply to all single-family homes, modular homes, and manufactured homes, or other related types of construction.~~

~~A. If the main entry door of the dwelling does not face the street from which the front yard setback is derived, a minimum of 30 square feet of glazing shall be on the portion of the dwelling facing the street on which the front yard setback is located;~~

Eave overhangs are a good option, due to snow, but no need to require.

2024 Code Amendments – Consistencies

- ~~B. Entry porches/landing areas shall be constructed as an integral part of the dwelling architecture and of materials which complement the primary structure;~~
 - ~~C. Attached/detached garages shall be constructed with siding materials which are the same, or similar to those of the primary structure;~~
 - ~~D. Eave overhangs shall be a minimum of 12 inches except in cases where the specific architectural type (i.e., English Tudor) is complemented by a lesser eave overhang distance;~~
 - ~~E. All dwellings shall be permanently connected to foundations, and must meet seismic, snow, and wind loading standards for the city of Leavenworth (SDC-C);~~
 - ~~F. All foundations shall meet International Residential Code standards for site-built homes;~~
 - ~~G. Any support structure built to meet snow-loading standards shall be designed to integrate with the building and shall not be a separate support structure, such as a pierce;~~
 - ~~H. On level grades, no more than 12 inches of foundation wall shall be exposed on the walls facing a street (an additional factor of plus 2 percent (above the 12-inch maximum) may be included for drainage); greater than 12 inches of foundation wall may be exposed in cases where the slope of the lot necessitates this;~~
 - ~~I. All siding shall extend below the top of the foundation 1.5 to two inches. A bottom trim board does not qualify as siding and cannot be used to cover the top of the foundation;~~
 - ~~J. All skirting materials shall resemble a typical residential foundation;~~
 - ~~K. All wheels, tongues, and other transportation equipment shall be permanently removed;~~
 - ~~L. All trim materials around windows, doors, corners, and other areas of the dwelling, shall be a material which complements the structure and which is not subject to deterioration; and~~
 - ~~M. All additions and/or other architectural features shall be designed and permanently connected to the dwelling so as to be an integral part of the dwelling. (Ord. 1268 (5th. 9), 2005.)~~
- 18.36.025 Residential Dwellings standards – All types of construction.

2024 Code Amendments – Consistencies

The following standards shall apply to all single-family homes, modular homes, and manufactured homes, or other related types of construction.

A. If the main entry door of the dwelling does not face the street from which the front yard setback is derived, a minimum of 30 square feet of glazing shall be on the portion of the dwelling facing the street on which the front yard setback is located;

B. Entry porches/landing areas shall be constructed as an integral part of the dwelling architecture and of materials which complement the primary structure;

C. Attached/detached garages shall be constructed with siding materials which are the same, or similar to those of the primary structure;

D. All dwellings shall be permanently connected to foundations, and must meet seismic, snow, and wind loading standards for the city of Leavenworth;

E. All foundations shall meet International Residential Code standards for site-built homes;

F. Any support structure built to meet snow loading standards shall be designed to integrate with the building and shall not be a separate support structure, such as a portico;

G. On level grades, no more than 12 inches of foundation wall shall be exposed on the walls facing a street (an additional factor of plus 2 percent (above the 12-inch maximum) may be included for drainage); greater than 12 inches of foundation wall may be exposed in cases where the slope of the lot necessitates this;

H. All siding shall extend below the top of the foundation 1.5 to two inches. A bottom trim board does not qualify as siding and cannot be used to cover the top of the foundation;

I. All skirting materials shall resemble a typical residential foundation;

J. All wheels, tongues, and other transportation equipment shall be permanently removed;

2024 Code Amendments – Consistencies

	<p>14.16.100 Nonconformance. A. Nonconforming structures under the standards of this chapter shall be subject to the requirements of the Leavenworth Municipal Code. B. Single family residences in existence at the time of initial adoption date of the ordinance codified in this chapter shall be exempt from compliance with these standards when remodeled, enlarged, expanded on and moved as delineated in LMC 18.68.040(A). However, if damage, demolition, or destruction occurs beyond the percentage allowed under nonconforming provisions in LMC 18.68.040(B)(1), the structure, when rebuilt, shall thereafter comply with this chapter. [Ord. 1268 (Exh. B), 2005.]</p> <p>14.16.110 Variances. A. Variances from the standards of this chapter shall be pursuant to the processes within the Leavenworth Municipal Code. B. Pursuant to the intent of LMC 18.68.030, Nonconforming lots of record, variances to setbacks and lot coverage on nonconforming lots of record based on standard dimensions of manufactured homes shall not be allowed. [Ord. 1268 (Exh. B), 2005.]</p> <p>14.16.120 Administrative interpretations. Administrative interpretations of this chapter shall be made by the director of community development pursuant to the processes within LMC Title 21. [Ord. 1268 (Exh. B), 2005.]</p> <p>14.16.130 Appeals. A. Appeals of decisions made under this chapter shall be pursuant to the processes within LMC Title 21. B. An applicant aggrieved by any part, requirement or process set forth in this chapter must exhaust all available administrative remedies before seeking recourse in the courts. [Ord. 1268 (Exh. B), 2005.]</p> <p>14.16.140 Compliance and enforcement. Compliance and enforcement of this chapter shall be conducted by the director of community development pursuant to the processes within LMC Title 21. [Ord. 1268 (Exh. B), 2005.]</p> <p>14.16.150 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 not affect the validity or constitutionality of the remaining portions of this chapter. [Ord. 1268 (Exh. B), 2005.]</p>	
<p>I.</p>	<p>18.30.030 Commercial and industrial development chart.</p>	<p>Update to address the general need for public facilities to be closer to the sidewalk/public right-of-way; specifically the</p>

2024 Code Amendments – Consistencies

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:

restroom at glacier or the shelter at Front Street Park benefit the public to be located at or near the front lot line. Staff is recommending a 0 feet setback.

Standard	GC	CC	TC	LI
Minimum Lot (square feet)	No minimum	No minimum	No minimum	No minimum
Maximum Building Height	50 feet	50 feet	35 feet	50 feet
Maximum Lot Coverage	75%	N/A	50%	N/A
Minimum Setbacks				
Front Yard ^{1,2}	0 feet	0 feet	25 feet	25 feet
Parcels abutting Hwy 2 or adjacent to residential or recreational districts ³	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 0 feet front yard setback. Corner or through lots shall have more than one front yard.

2024 Code Amendments – Consistencies

PROPOSED AMENDMENT/CODE	RATIONALE
<p>NEW CHAPTER INSPECTION AND NOTIFICATION REQUIREMENTS</p> <p>m. <u>12.18 Streets, Sidewalks & Public Property Construction, Repair & Maintenance</u></p> <p><u>12.18.010 Purpose</u> <u>The purpose of inspecting new construction, repair and maintenance of streets, sidewalks and public property is to ensure development is occurring consistent with adopted standards where public property and streets are used by development.</u></p> <p><u>12.18.020 Applicability</u> <u>This chapter shall apply to all construction, repair and maintenance of streets, sidewalks, or alleys, include development of new roads for subdivision purposes. All construction, repair and maintenance shall obtain all required permits and is subject to inspection of the work done by the permittee or their designees.</u></p> <p><u>12.18.025 Permits and Plans</u> <u>All construction, repair and maintenance activities shall be reviewed under an approved City Application for such work. Plans shall be subject to approval of the city engineer.</u></p> <p><u>12.18.030 Sidewalk Construction</u> <u>The construction of sidewalks shall be conformance with LMC 12.12 and adopted Construction Standards.</u></p> <p><u>12.18.035 Required Inspections</u> <u>Unless otherwise instructed by the city engineer, the inspections will be made by and certified by the permittee’s engineer. The following shall be the minimum inspections performed.</u></p> <p><u>1. Inspection No. 1. Temporary sedimentation and erosion control in accordance with approved plans.</u></p> <p><u>2. Inspection No. 2. Underground storm drainage, at the stage that trenching and placing of pipe are completed but prior to cover. If the scope of the project is such that</u></p>	<p>New code chapter to ensure that projects are inspected to the same standards</p>

2024 Code Amendments – Consistencies

there is more than one trenching, placing and covering is required, each such sequence shall be inspected separately.

3. Inspection No. 3. Underground utilities within the right-of-way, including sewers and storm drainage, shall be inspected during backfilling for compliance with the standard specifications and the requirements of the utility permit issued in conformance with the City's adopted Construction Standards.

4. Inspection No. 4. General roadway at the stage that the subgrade has been completed. If the scope of the project is such that the subgrade is completed in stages and is ready for surfacing materials, each such stage shall be inspected separately.

5. Inspection No. 5. General roadway at the stage that the gravel base has been placed and compacted and the curbing, if required, has been formed. If the scope of the project is such that the gravel base is completed in stages and is ready for additional surfacing materials, and the curbing, if required, has been formed for that section, each such stage shall be inspected separately.

6. Inspection No. 6. General roadway at the stage that crushed surfacing top course has been placed and compacted.

7. Inspection No. 7. General roadway, at the beginning of paving.

8. Inspection No. 8. Overall roadway, final, after paving, monument inspection, cleaning of drainage systems, and all necessary clean-up.

9. Structural Inspections. Structural inspections shall be at critical stages of foundation, placement and assembly of components and final completion and tests, as directed by the city engineer.

B. The city shall be notified not less than three working days before construction is started. The permittee is responsible for scheduling a preconstruction conference with the city. Other jurisdictions, the permittee's engineer and contractor, utility companies, subcontractors and other necessary parties to the project shall be present at the preconstruction conference.

C. The permittee or the permittee's engineer shall notify the city engineer's office at least one working day prior to each required inspection. Failure to comply with inspection requirements may necessitate removal of work, additional testing and certification as directed by the city engineer. Costs of activities shall be borne by the contractor or developer. At the time that such action is directed by the city engineer,

2024 Code Amendments – Consistencies

	<p><u>no further work will be permitted until all work and/or tests have been completed and all corrections have been made to the satisfaction of the city engineer.</u> <u>D. If the contractor believes that the inspection sequence indicated above does not fit the requirements of a particular project, he/she should make a request to the city engineer in sufficient time to permit revision to the inspection schedule.</u></p>	
<p>n.</p>	<p>17.14.010 Compliance with other plans and regulations. All major subdivisions, short subdivisions, plat alterations, binding site plans, and boundary line adjustments shall conform to the standards and requirements set forth in this title; the Leavenworth comprehensive plan; LMC Titles 12, 14 and 18; and any other applicable improvement standards, specifications, and procedures as set forth and administered by the city of Leavenworth, except as specifically exempted herein.</p>	<p>Update to Title 17 Subdivision requirements; section 17.14.015, related, is addressed in another area.</p>
	<p>NEW CHAPTER TRAFFIC IMPACT ANALYSIS</p>	<p>NEW CODE CHAPTER</p>
<p>o.</p>	<p><u>12.50 Traffic Impact Analysis Requirements</u> <u>12.50.010 Purpose.</u> <u>It is the purpose of this chapter to outline the minimum content of a traffic impact analysis where required. A traffic impact analysis responds to a wide variety of issues, varying with the type of development, location of the proposed project, and existing traffic patterns. There are a number of issues that are incorporated into a traffic impact analysis to ensure an efficient and comprehensive review of the impacts associated with a development proposal.</u></p>	<p>This will bring a more uniform report process to permit applications.</p>
<p>o.</p>	<p><u>12.50.020 Applicability.</u> <u>A. A traffic impact analysis shall be submitted with a development permit application when it is determined by the city engineer that a development meets any of the following:</u> <u>1. Generates 20 peak hourly trips or 200 average daily trips;</u> <u>2. Exceeds the current or projected level of service of the roadway system adjacent to the development; or</u> <u>3. The proposal would affect existing traffic problems in the local area of the project such as an area with a high accident ratio, confusing intersection, or other problems identified by the city engineer; or</u> <u>4. A traffic impact analysis may also be required by the city engineer when it is determined that a development proposal may significantly impact adjacent areas.</u></p>	

2024 Code Amendments – Consistencies

	<p><u>B. Traffic impact analyses shall be prepared by a qualified engineer approved by the city engineer.</u></p> <p><u>12.59.030 Organization and content.</u></p> <p><u>A traffic impact analysis shall contain the following information:</u></p> <p><u>A. Introduction and Summary.</u></p> <ul style="list-style-type: none"><u>1. Purpose of report and study objectives;</u><u>2. Executive summary:</u><ul style="list-style-type: none"><u>a. Site location and study area,</u><u>b. Development description,</u><u>c. Principal findings,</u><u>d. Conclusions,</u><u>e. Recommendations and proposed mitigation measures.</u> <p><u>B. Proposed development and summary of the development proposal, including the following:</u></p> <ul style="list-style-type: none"><u>1. Land use and intensity;</u><u>2. Location;</u><u>3. Site plan;</u><u>4. Zoning;</u><u>5. Phasing and timing.</u>	
<p><u>o.</u></p>	<p><u>C. Area conditions including the following:</u></p> <ul style="list-style-type: none"><u>1. Study area:</u><ul style="list-style-type: none"><u>a. Area of influence;</u><u>b. Area of significant traffic impact.</u><u>2. Study area and land use:</u><ul style="list-style-type: none"><u>a. Existing land uses;</u><u>b. Existing zoning;</u><u>c. Anticipated future development.</u><u>3. Site accessibility:</u><ul style="list-style-type: none"><u>a. Existing and future area roadway system;</u><u>b. Traffic volumes and conditions;</u><u>c. Transit service;</u><u>d. Existing relevant transportation system management programs;</u><u>e. Other issues as determined by the city engineer and director.</u> <p><u>D. Projected Traffic.</u></p> <ul style="list-style-type: none"><u>1. Site traffic for each horizon year:</u><ul style="list-style-type: none"><u>a. Trip generation;</u><u>b. Trip distribution;</u>	

2024 Code Amendments – Consistencies

	<p><u>c. Modal split;</u> <u>d. Trip assignment;</u> 2. <u>Through traffic (each horizon year):</u> <u>a. Method of projection;</u> <u>b. Nonsite traffic in study area including the method of projections, trip generation, trip distribution, modal split, and trip assignment;</u> <u>c. Through traffic;</u> <u>d. Estimated volumes.</u> 3. <u>Total traffic (each horizon year).</u> E. <u>Traffic analysis including the following:</u> <u>1. Site access;</u> <u>2. Capacity and level of service, as defined in the Comprehensive Plan;</u> <u>3. Traffic safety;</u> <u>4. Traffic signals;</u> <u>5. Site circulation and parking.</u> F. <u>Improvement Analysis.</u> <u>1. Improvements to accommodate base traffic;</u> <u>2. Additional improvements to accommodate site traffic;</u> <u>3. Alternative improvements;</u> <u>4. Status of improvements already funded, programmed, or planned;</u> <u>5. Evaluation.</u> G. <u>Findings.</u> <u>1. Site accessibility;</u> <u>2. Traffic impacts;</u> <u>3. Need for any improvements and financing plan;</u> <u>4. Compliance with applicable codes.</u></p>
<p>o.</p>	<p>H. <u>Recommendations and Proposed Mitigation.</u> <u>1. Site access/circulation plan;</u> <u>2. Roadway improvements including on-site, off-site and a phasing plan when appropriate;</u> <u>3. Transportation system management actions including off-site, on-site and operational.</u> I. <u>Conclusions.</u></p>
	<p>NEW DEFINITION Section 21.90.030</p>
<p>p.</p>	<p><u>"Traffic impact analysis (TIA)" means a specialized engineering study that forecast the transportation impacts and mitigation measures of proposed developments.</u></p>

2024 Code Amendments – Consistencies

--	<p>15.04.030 General requirements for all referenced codes.</p> <p>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.</p> <p>B. Location of Reference Documents. All referenced codes are available for review at City Hall.</p> <p>C. Fees. All permit fees shall be established in the <u>Rate and Fee</u> schedule of the city of Leavenworth.</p> <p>D. Fee Refunds. The building official may authorize the refund <u>as established in the Rate and Fee Schedule of the city of Leavenworth.:</u></p> <ol style="list-style-type: none"> 1. Up to 100 percent of any fee erroneously paid or collected; 2. Up to 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code; 3. Up to 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done; 4. The building official shall not authorize refunding of any fee paid except in response to a written application filed by the original permittee no later than 180 days after the date of fee payment. <p>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.</p>	<p>Moving items related to fees to the Rate and Fee Schedule provides a single source for all fees and improves transparency and consistency.</p>
----	---	---

2024 Code Amendments – Accessory Dwelling Units

SR	PROPOSED AMENDMENT/CODE	RATIONALE
	<p>18.36.035 Accessory Dwelling Units Accessory dwelling unit not used for transient accommodation (“accessory dwelling unit”), meaning a subordinate, habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation, provided the following minimum requirements are met:</p> <p>A. There shall be no more than one accessory dwelling unit per building lot or home site in conjunction with a single-family structure, even if such structure is built on more than one platted lot;</p> <p>B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit;</p> <p>C. The 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 which may be accessed from an alley with the recording of a notice to title of an indemnity agreement regarding alley access and maintenance as provided by the city;</p> <p>D. The total habitable floor area of any accessory dwelling unit(s) shall in no case exceed 1,200 square feet;</p> <p>E. An accessory dwelling unit, together with the primary single-family dwelling unit with which it is associated, shall conform to all other provisions of the city code. Conversions of existing structures to accessory dwelling units 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 percent into the setback;</p> <p>F. The accessory dwelling unit shall meet the minimum requirements of the International Building Code, International Fire Code, and all other life safety regulations of the city, fire district, health district and all other local, state and federal agencies; and</p> <p>G. The accessory dwelling unit must be connected to the water and sewer utilities of the city, and shall have separate services for any accessory dwelling unit greater than 900 square feet in area.</p>	<p>Clarification for development outside of the city limits</p>

2024 Code Amendments – Accessory Dwelling Units

SR	PROPOSED AMENDMENT/CODE	RATIONALE
	14.14.035 Required Connections B. <u>The accessory dwelling unit must be connected to the water and sewer utilities of the city, and shall have separate services for any accessory dwelling unit greater than 900 square feet in area.</u>	Clarification for development outside of the city limits



THANK YOU

We have received your amendment submission. Please allow 1-3 business days for review. Please keep the Submittal ID as your receipt and for any future questions. We will also send an email receipt to all contacts listed in the submittal.

Submittal ID: 2024-S-7734A

Submittal Date Time: 11/14/2024

Submittal Information

Jurisdiction	Chelan County
Submittal Type	Supplemental Submittal for existing Notice of Intent to Adopt Draft Submittal ID: 2024-S-7734
Amendment Type	Amendment Development Regulation Amendment

Amendment Information

Brief Description

Adoption of Ordinances submitted by the City of Wenatchee, and the City of Leavenworth which impact the Urban Growth Area (UGA). These changes are concerning General Zoning Regulations, and Conditional Use Permits requirements for Bed & Breakfasts.
(See updated Anticipation of adoption date)

Yes, this is a part of the 10-year periodic update schedule, required under RCW 36.70A.130.

Anticipated/Proposed Date of Adoption 12/03/2024

Categories

Submittal Category
Development Regulations

Attachments

Contact Information

Prefix	Ms.
First Name	Deanna
Last Name	Walter
Title	Community Development Director
Work	(509) 667-6228 Ext 6228
Cell	

Email

deannac.walter@co.chelan.wa.us

Yes, I would like to be contacted for Technical Assistance.

Certification

■ I certify that I am authorized to submit this Amendment for the Jurisdiction identified in this Submittal and all information provided is true and accurate to the best of my knowledge.

Full Name

Torrey Kynaston

Email

Torrey.Kynaston@CO.CHELAN.WA.US