



City of Leavenworth
Department of Community Development

Planning Commission Meeting
December 17, 2009 (Thursday)
7:00 PM
City Hall Conference Room

MINUTES

1. Meeting called to order at 7:08pm
2. Members Present:
 - Farzan Farivar
 - Andy Lane
 - Larry Hayes
 - Pete Olson
3. Members Absent:
 - Christine Jakobsen
 - Marshall
4. City Staff Members Present:
 - Connie Krueger
 - Nicole Hill
5. Review and Discuss Proposed Code Amendments:
 - The Planning Commission reviewed and discussed the possible items for the January 6, 2010 Public Hearing. Discussion took place on the following proposed amendments:
 1. LMC 5.04.035:
 - a. This amendment comes from the current interim control regarding Hearing Examiner Appeals. The amendment corrects a few grammatical errors, such as spelling and capitalization, and clarifies the appeal process.
 2. LMC 14.08:
 - a. Connie explained to the Planning Commission that she has been working with the City Council on making some amendments to the Bavarian Code. The Council would like to eliminate the three elements/full compliance trigger that currently exists in the code to allow for more building enhancements throughout the City. There was a draft version of the code which had been proposed by Councilman DeVries. There was general discussion regarding this draft. Connie

indicated that she had a meeting date set up with him and explained that she will be asking about his intent to obtain a better understanding of his proposed changes. Based on that meeting, she believes that this section will be further revised and may not go forward at the January 6, 2010 Public Hearing, but at the hearing which will follow that.

3. LMC 14.14:

a. Connie guided the Planning Commission through the changes to LMC 14.14 that were incorporated after the discussion on this section of the Code at the last Planning Commission meeting. The changes included:

- i. 14.14.100.C – this amendment clarifies water rights and how they will transfer.
- ii. 14.14.100.D – this amendment uses the word “irrigation” instead of “non-potable” and the use of language such as “fire flow specific wells should...” “whenever possible...” “shall be evaluated...” so that the regulation is more flexible since there are many possible situations that could occur in relation to these wells.
- iii. 14.14.100.E – this amendment has been revised to allow for phasing of projects in five-year increments.
- iv. 14.14.175 – This amendment adds a section titled “Cost sharing.”

a) There was discussion regarding the using the word “may” instead of “shall” in section “A”. This would allow the City Council further flexibility and the language would generally become guidance language. The members also thought it is necessary to add language that would encourage the City to participate in the sharing of costs for utility upgrades. The language should define the level of participation further. Add language after “at its discretion,” which says, “and to the amount and/or method it chooses and may...” This language should capture the intent, but it is ultimately the City Council’s decision.

4. LMC 16.04.220 – this amendment simple adds the recently adopted plans to the SEPA references list.
5. LMC 16.08 – this amendment defines the City’s wetland and artificial wetland definitions in a manner which is consistent with the State’s definition by removing the word “unintentionally” from the current code.
6. LMC 21.07 – this amendment establishes a “counter-complete” process and definition of “counter-complete” for limited administrative review permits.
7. LMC 21.11 – this amendment incorporates the language from the current interim control into the text of the LMC. There was disucssion about the reason for having a reconsideration process within the Hearing Examiner appeal process.

8. 1997 Uniform Code for the Abatement of Dangerous Buildings – this amendment will allow for the use of the Abatement Code for regulation and includes additional sections which establish the use of the Hearing Examiner instead of an Appeals Board, and establishes the process and fee requirement for the appeal.
 - Connie discussed the proposed code amendment to LMC 21.15 that was previously in front of the Planning Commission, but has not been given to them again at this time. She explained that after further review, the staff had noted that the version of the code given to them by the Hearing Examiner did not consider the City's current Hearing Examiner-related regulations. She indicated that the staff would be sending LMC 21.15 to the Hearing Examiner to have him review it in relation to the proposed section that he gave the City previously and would await his recommendation.
 - Connie also reminded the Planning Commission that they had requested further discussion on the setback issues in the Underground Parking regulations and per their request, field visits would be scheduled to view the City's varying topography in relation to the proposed amendments prior to making further revisions.

6. Approval of Minutes from December 2, 2009
 - Farzan moved to approve the December 2, 2009 minutes.
 - Andy seconded Farzan's motion.
 - The minutes were unanimously approved.

7. Upcoming Meeting Schedule:
 - The Planning Commission will be holding a Public Hearing on January 6, 2010 for the proposed code amendments as discussed in the past few meetings.
 - Comprehensive Plan Update Meetings:
 - The Planning Commission and Connie discussed the process and approach that should be taken in choosing a consultant for the Comprehensive Plan Update, Park Plan Update, and Critical Areas Ordinance Update. Connie would like the Planning Commission to limit the candidates down to about three consulting firms that would then be interviewed. Hopefully, there would be enough time to have the consultants prepare a proposal for the interview. It is likely that it will take about three meetings to begin the update process. One scenario is as follows:
 1. Review of Consultants and Recommended Approach
 2. Consultant Interviews
 3. Contract ReviewThe dates for these meetings will be set at a later date.
 - Field Visit – Underground Parking
 1. The Planning Commission and Connie discussed possible dates for a field visits. The members decided on a tentative date of Friday January 15, 2010 at 4pm.
 - Connie also reminded the Planning Commission that they would be electing a new chair after the first of the year.

8. Meeting Adjourned at 8:35pm