



**City of Leavenworth**  
**Department of Community Development**

**Planning Commission Meeting**  
**December 2, 2009 (Wednesday)**  
**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
  - Marshall West
3. Members Absent:
  - Christine Jakobsen
4. City Staff Members Present:
  - Connie Krueger
  - Nicole Hill
5. Overview of Proposed Code Amendments:

Connie reviewed the proposed code amendments that were in front of the Planning Commission. The following is an overview of the topics and discussions that occurred:

  - i. Hearing Examiner Appeals Interim Control – Ordinance 1349
    1. Connie explained that this ordinance was adopted because the current code language does not blatantly state that the person who files an appeal must pay the appeal fee, but rather it suggests that they just need to indicate that there is a fee and what the fee is. There were some other minor proposed amendments as well.
    2. The Planning Commission members asked if the ordinance actually established the fee. Connie explained that this ordinance does not establish the fee, but clarifies that the fee must be paid when filing an appeal and references the adopted fee schedule.
    3. Question on format:
      - a. Connie explained that currently, this ordinance is an interim control, but will need to be made permanent. For the public hearing, the language from the ordinance will be integrated into the actual code.
  - ii. Abatement of Dangerous Buildings Ordinance – No number assigned
    1. Connie explained that the City Council did not like the Property Maintenance Code, so they have decided to use the 1997 Uniform

Code for the Abatement of Dangerous Buildings. This code has been used by the City in the past. She also explained the amendment to the code is for the use of the Hearing Examiner instead of a Board of Appeals, as is currently established within the code.

iii. City Utility Amendments – LMC Chapter 14.14

1. Connie reviewed the different amendments that are being proposed for LMC 14.14. Those amendments included amendments that clarified the current language of the code further and added references. The Planning Commission discussed issues related to:
  - a. Water rights,
  - b. Using wells for irrigation,
  - c. Number of Equivalent Residential Units (ERUs),
  - d. Water Pressure,
  - e. Providing utilities pursuant to the Growth Management Act,
  - f. Fire protection services,
  - g. Sewer services outside of city limits and the UGA, and
  - h. Cost sharing.

iv. UGA Utility Amendments – Ordinance 1342

1. Connie explained that elements of the ordinance would be sent to the County for adoption. This ordinance is currently an interim control which focuses on allowing moderate development in the UGA that would not have to connect to utilities unless proposed in areas which are in close proximity to existing utilities. However, larger subdivisions and multi-family or more intense water users would still be required to connect.
2. The Planning Commission discussed how these standards are implemented by the County (interlocal agreement/memorandum of understanding) and discussed these regulations in regards to single, multifamily, existing lots, and all development.

v. Vesting Dates – LMC 21.07.070

1. Connie explained that there is no vesting language in the current code for limited administrative review projects. This amendment would add language that explains when those applications are vested and explains what “counter-complete” means. However, when there are multiple permits, the permit will be reviewed under the higher level of review.

vi. Underground Parking – LMC 14.12.075

1. The Planning Commission continued their discussion from the November 4, 2009 meeting by examining the language changes incorporated after that meeting. More changes were made

through continued discussion on the current language and needed regulations. Items discussed were:

- a. Setbacks,
  - i. The Planning Commission discussed what setbacks would need to be met and where. For example, would the setbacks match the setbacks required above ground or would the underground parking facility have a different setback requirement? The Planning Commission agreed that there should be different setbacks for side yards than for front and back yards, and there should be different setbacks for properties that abut public right-of-way. The Planning Commission members also discussed how to regulate setbacks when portions of the underground parking facility are actually above ground.
- b. Access points,
  - i. The Planning Commission discussed the need to possibly make an exception to the setback requirements for the entrance/access point to the underground parking facility since that portion of the parking facility must be visible from above ground.
- c. Commercial and Multi-family districts,
  - i. The Planning Commission discussed the impacts to the different districts and what regulations would need to be required that would differ from Multi-family to Commercial districts.
- d. Public rights-of-way and alleys,
  - i. The Planning Commission discussed access points and setbacks further, especially in regards to the use of the public rights-of-way and alleys, and if an easement would be required.
- e. Underground parking components/visible components, and
  - i. The Planning Commission discussed what portions/components of the parking garage would need to conform to the Bavarian Design Code.
- f. Adding language for making a recommendation to the Hearing Examiner.
  - i. The Planning Commission discussed making a Conditional Use Permit process for underground parking facilities in their last meeting. At this

meeting, the members felt that there needs to be language added to explain how recommendations would be made to the Hearing Examiner for consideration during the Conditional Use Permit process.

The Planning Commission concluded that conducting field visits throughout the City's varying topography would be the best next step in determining what regulations are needed for the underground parking code.

vii. Bavarian Code – LMC 14.08

1. Connie explained that there are a few changes that the City Council Economic Development Committee would like to see made to the Bavarian Code, primarily in the applicability section. The language should be ready for the Planning Commission to review at their next meeting. Broader changes will not be revisited until a later date.

viii. Rules of Procedure for Hearing Examiner – LMC 21.15

1. Connie explained that she is still reviewing the language provided at the November 4, 2009 Planning Commission meeting and would be discussing the amendments in more depth at their next meeting.

ix. Development Agreements

1. Connie explained that the City is still researching whether or not an enabling ordinance is needed for development agreements. Once more research has been conducted, she will let the Planning Commission know if there is anything that will need to be adopted.

6. Approval of Minutes from November 4, 2009

- Change on page 2: "if" to "is."
- Farzan made a motion to approve the minutes.
- Andy seconded Farzan's motion.
- The minutes were unanimously approved.
- 

7. Discussed Upcoming Meeting Schedule:

- December 17<sup>th</sup> is the next meeting – The Planning Commission may discuss possible consultant candidates for the Park Plan, Critical Areas, and Comprehensive Plan updates.
  - i. Marshall let the other Planning Commission members know that he will not be present for this meeting.

8. Meeting Adjourned at 9:30pm