



City of Leavenworth
Department of Community Development

Planning Commission Meeting
January 6, 2010 (Wednesday)
7:00 PM
City Hall Council Chambers

MINUTES

1. Meeting called to order at 7:07pm
2. Members Present:
 - a. Larry Hayes
 - b. Farzan Farivar
 - c. Marshall West
 - d. Andy Lane
 - e. Pete Olson
3. City Staff Members Present:
 - a. Connie Krueger
 - b. Nicole Hill
4. Connie Krueger opened the meeting by explaining the process that the proposed code amendments had gone through prior to this meeting. She also went through some additional changes that she recommends be incorporated into the proposed amendments before the Planning Commission approves them. The changes were as follows:
 - a. LMC 5.04 “Business License Tax – Generally”
 - i. In section 5.04.190, change the last sentence to say “pursuant to LMC 21.11” instead of “within 14 days following the date of such decision.” This change is identical to the other amendment that was made in section 5.04.035.
 - b. LMC 16.08 “Critical Areas”
 - i. In section 16.08.020 and 16.08.430, stop the last sentence after “Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands” so that the language is identical to the State’s definition of “wetland.”
 1. Planning Commission member Farzan Farivar asked for further clarification on the meaning of the last sentence.
 - a. Connie explained that her understanding of the last sentence is that it pertains to the State’s requirement of no net loss, and that the sentence is referring specifically to

artificial wetlands that were established for mitigation purposes may be considered an official wetland.

c. LMC 21.11 “Appeals”

- i. In section 21.11.030, remove the question marks and keep the language as “city council/hearing examiner.”

Connie also explained the notification processes that the City had completed in regards to the proposed code amendments. The City has notified the State and has received a granting of expedited review from them, has issued a Determination of Non-significance, has held a public comment period, has published the hearing date in the Leavenworth Echo, and has provided the Planning Commission with a staff report that includes a recommendation based on the findings of facts and conclusions of law at least seven days in advance of the public hearing.

5. The Planning Commission members then had a chance to ask questions in regards to the proposed amendments. No member of the public chose to attend the meeting, so there was no public testimony.
 - a. Farzan had a question in regards to LMC 21.07. He wanted to know if the City had a process for providing drafts of Notice of Decisions to the applicant prior to their release date.
 - i. Connie explained that sometimes the City will sit down with an applicant prior to releasing the Notice of Decision (NOD), especially when it is a more in-depth NOD. However, this usually occurs the day before the release of the NOD since she does not want to release internal drafts to the applicant. The reason being, drafts may go through many changes before they are in a state to be released to the applicant. There is also no requirement by State law or local law to do so.
 - b. Farzan also wanted to know what happens when a wetland is taken away that was established as a result of a road construction project.
 - i. Connie referred the Planning Commission back to the language which defines “wetlands” and “artificial wetlands.” Wetlands unintentionally created by roads construction projects are excluded from being considered a wetland.
 1. Planning Commission member Marshall West asked about what happens if a wetland is destroyed.
 - a. Connie explained that that would not be allowed to happen, and if it was allowed to happen, there would have to be mitigation in order to maintain no net loss. She gave a few examples of when people have removed a wetland by bringing in in-fill materials, they have been required to remove the fill and had to be monitored while doing so; there also may be fines involved, which are both very costly.
 - c. Farzan also asked about the use of the word “created” twice within one sentence within the wetland definition.
 - i. After reviewing the State’s definition, the use of “created” twice within the definition was consistent with the State’s language.

6. Approval to the Proposed Code Amendments as Amended:
 - a. Marshall made a motion to approve the proposed code amendments as amended by Connie – amendments included changes made to 5.04.190, 16.08.020, 16.08.430, 21.11.030.
 - b. Planning Commission member Andy Lane seconded Marshall’s motion.
 - c. The motion passed unanimously.

7. Recommendation to the City Council:
 - a. Farzan made a motion to approve the proposed code amendments as amended and recommend them for adoption to the City Council.
 - b. Marshall seconded Farzan’s motion.
 - c. Andy made a motion to amend Farzan’s motion to include the findings of facts and conclusions of law within the staff report dated December 30, 2009.
 - d. Pete seconded Andy’s amended motion.
 - e. The motion, as amended, passed unanimously.

8. Upcoming Meeting Dates:
 - a. The Planning Commission and City Staff discussed the upcoming meeting schedule.

9. Additional Item – LMC 14.08
 - a. Connie passed out revised version of the proposed code amendments for LMC 14.08 per her meeting with Peter DeVries. The language will be discussed and edited further at another meeting.

10. Meeting Adjourned at 8:00pm