



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

**Planning Commission Meeting**  
**March 4, 2009 (Wednesday)**  
**7:00 PM**  
**City Hall Council Chambers**

**MINUTES**

1. Meeting Called to Order at 7:05pm
2. Members Present:
  - Andy Lane
  - Christine Jakobsen
  - Marshall West
  - Pete Olson
  - Wade Bittle
  - Larry Hayes
3. Members Absent:
  - Farzan Farivar
4. City Staff Present:
  - Connie Krueger
  - Nicole Hill
5. Approval of February 4, 2009 Minutes
  - Commissioner Bittle motioned to approve the minutes.
  - Commissioner West seconded Commissioner Bittle's motion.
  - Commissioner Jakobsen moved to amend the minutes to say 7 p.m. instead of 6 p.m.
  - Commissioner Bittle amended his motion to include Commissioner Jakobsen's amendment suggestion.
  - Commissioner West seconded Commissioner Bittle's motion.
  - The minutes were approved unanimously as amended.
6. Discussion on Planning Commission Regular Meeting Time:
  - Commissioner Jakobsen made a motion to amend the Planning Commission meeting time to 6 p.m. instead of 7 p.m., except for Public Hearings. Discussion

ensued because some members work out of town and need to go home to eat and prepare prior to the meeting. The Board felt it was best to keep the current time.

- Commissioner Jakobsen moved to keep the Planning Commission’s regular meeting time at 7 p.m.
- Commissioner Bittle seconded Commissioner Jakobsen’s motion.
- The motion was unanimously approved.

7. Public Hearing on the Proposed Code Amendments:

- Community Development Director Connie Krueger introduced the newer members of the Planning Commission: Andy Lane, Pete Olson, and Christine Jakobsen. She gave an overview and explanation of the sections of code proposed for amendment:

- 14.08 “Old World Bavarian Architectural Theme:”

- Director Krueger explained that the changes proposed to this section were to correct inconsistencies found within the code, to help clarify the Design Review Board’s needs during the permitting process, to revise submittal requirements and timelines, and to clarify the definition and wording related to the title of the theme.

- 14.10

- The revisions proposed are to reference the lighting ordinance.

- 14.12 “Off-Street Loading and Parking:”

- Director Krueger explained that some of the changes to this section are proposed to help clarify and create consistency. Others were proposed by the Planning Commission. The items most discussed were:

- i. Application and submittal requirements;
- ii. Revisions from 1 parking space to 1.5 parking spaces per unit for multi-family and lodging establishments;
- iii. Revisions to driveway widths;
- iv. Clarification of curb-cut standards;
- v. Revisions to surfacing standards to allow permeable hard surfaces which allow aquifer recharge;
- vi. Revisions to accessibility (ADA) references to reference current State law; and
- vii. Revisions to the language related to how landscaping is calculated in relation to the net area of a parking lot when there is a structure on the lot.

- 14.17 “Flags, Flagpoles, Towers, and Tower Structures:”

- The proposed changes to this section clarify building code requirements, the height required to trigger a permit application, and processing standards.

- 16.08 “Critical Areas:”

- The proposed change to the definition of “Artificial Wetlands” is to eliminate conflicts with definitions in State law.

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- Revisions to landscaping standards in the multi-family zone district to standardize landscape plan submittals between zone districts;
  - Changes to clarify the types of structures allowed to eliminate confusion with the act of legally separating land;
  - Revisions to setback standards in areas without sufficient right-of-way to meet standards already determined within the Comprehensive Plan; and
  - Language that requires people to comply with the Downtown Master Plan and participation in LIDs, minimize numbers of access points, to require private roads to have a public turn-around, and create better snow storage standards.
- Repeals:
  - A proposed repeal of prior Title 17, which was not repealed with the adoption of the new Title 17 in 2003;
  - A proposed repeal of 14.14.030.5, which references prior Title 17; and
  - A proposed repeal of 15.24, the addressing code, which was originally adopted in 1920, because it has not been followed for long time and is no longer applicable.
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  - Clarifications of definitions.
- 14.14
  - Revisions to “Fire Apparatus Roads” to say “Private Roads” instead.
- Adoption of the 2006 International Property Maintenance Code.
- Director Krueger discussed the process that the Planning Commission and City Staff, along with the City’s consultant, had followed so far:
  - She explained that the State granted expedited review, and the City was holding the required public hearing tonight. Notice had been posted in the Echo, at City Hall, and on the Website, and the SEPA DNS was issued on February 17, 2009. Director Krueger also explained that these amendments would help uphold the City’s Comprehensive Plan and make the Comprehensive Plan comply better with GMA requirements.
- Chairman Hayes opened discussion up to the public:
- Steve Demarest – 11358 Riverbend Drive
  - Mr. Demarest stated that he and his wife own the Sonnenhaus building.
  - Mr. Demarest felt that amendments to the parking code should not be done in a piecemeal approach, but rather the entirety. He also thought that the proposed code amendments are not ready for review by this Planning Commission and should not be forwarded to the Council.
  - Mr. Demarest turned the Planning Commission’s attention to specific sections of the proposed code amendments:
    - 14.12.020, which is an applicability clause that he felt people do not really read.

- 14.12.020, which he thought already includes everything that is needed.
- Mr. Demarest was also concerned with the phrase “changes of use” and what it really means.
- 14.12.025 Permits required, which discusses “changes of use” again, and the second sentence that starts with “when a project involves restriping...” This section also goes with 14.12.045, which concerns him because his building has parking stalls that are wide and deep enough now, but if he wants to re-stripe, he knows that there would not be enough backing space according to the current code. He thought that the changes to this section would eliminate his parking spaces instead of help the situation.
- 14.12.070, this section replaces “use jointly” with “share,” which is in conflict with the title of the section.
- 14.12.080 Plan required, which makes it seem that a parking plan can be requested at any time and the language would give the City too much discretion.
- 14.14.120, “one parking space” which is inconsistent with another section the City is trying to change. He also wanted a clarification to be made in regards to the dates when parking was required for “new development.”
- 14.12.150: he did not feel that a multi-family structure needs more parking than a single-family structure.
- 14.12.160.F Curb-cuts. He explained that he understood why the City would want to regulate curb-cuts on public right-of-ways, but that he did not understand why the City has the right to tell him where he can put his driveway. Also, the language which would allow the City to recoup for loss of on-street parking could equate to a very large amount of money based on recent studies of what a parking space may be worth.
- Commissioner Lane asked Director Krueger to clarify restriping.
  - Director Krueger explained that the problem is mostly with those that no longer have any striping visible and new striping.
  - Mr. Demarest responded by saying that it does not seem to be restriping, but just striping then.
- Lyman Boyd – 108 Central
  - Mr. Boyd explained that he submitted a letter and would only comment briefly on it. He stated that he had not spoken with Mr. Demarest, but for only a moment, but agreed with many of his concerns. Mr. Boyd further explained that his issue is mostly with the timelines in 14.08 and 14.12. He also wanted to address the minutes provided from April 6, 2005. He wondered if the meeting is on tape and stated that he remembers the meeting, but that it was so long ago and that it seems that it was never really discussed again. Also, the amendments now do not reflect the conversation in 2005 because it proposes a change to 1.5 spaces, not 1.25 spaces.

- Mr. Boyd felt that there is a lot of ambiguity in 14.08 and 14.12, and that there is a reason to have workshops and more public comment on these sections. He echoed Mr. Demarest's thought that none of these amendments should be approved and that there needed to be more discussion over the next few months.
- Nancy Smith – 12685 Wilson Street
  - Ms. Smith explained that she is the President of the Chamber of Commerce and that the Chamber Board has not had a chance to review all of these proposed code amendments yet. She explained that a lot of them did not make sense to her, including the restriping section. Ms. Smith wanted to let everyone know that she was attending on behalf of the business community and felt that the current proposed code amendments may be discouraging the business community from doing the best thing with their properties. She also echoed Mr. Demarest and Mr. Boyd's suggestion to have more discussion on 14.12 before recommending it to the Council.
- Kevin Rieke – 9693 Dye Road
  - Mr. Rieke explained that he and his wife owns the Hat Shop, Wood Shop, and an undeveloped parking lot. Mr. Rieke pointed out what he felt were the positives of the proposed code amendments, as follows:
    - A good beginning to the process of changing these things,
    - Many sections need updating, and
    - The grammatical changes to 14.08 would really help create a better understanding for everyone.
  - Mr. Rieke also wanted to echo what the others said. He felt that we need to go back and review 14.12 and parts of 14.08.
- Chairman Hayes asked if there were anyone else who would like to comment. No one responded so he closed the public comment portion of the hearing.
- Planning Commission Discussion:
  - Commissioner West thanked Mr. Rieke for the public parking lot he provides downtown and continued to say that everyone appreciates it. He felt that the Planning Commission should pull 14.12 and have another meeting to discuss the amendments. He explained that his understanding was that most of the changes were for new construction. He further explained that he thinks there should be more than one parking space per unit, but he did think that we should sit down with the public to make a better decision.
  - Commissioner Lane felt that the restriping standards are not as clear as he thought that they were and he thought that there needed to be a longer discussion on the parking standards and the rest of 14.12.
  - Commissioner West reiterated his previous thought by saying that there could be a lot more discussion on the parking standards formula and that we should pull all of 14.12 out before the amendments go to the Council.
  - Commissioner Olson thought that there should be more discussion on the parking standards. He thought that the underground section is good and that no one had a strong objection, but that we should look at the whole thing again anyways.

- Commissioner Jakobsen explained that she has heard a lot of these same comments in other contexts and that she knows that the timeline is within the current law, but also suggested that we may want to go above and beyond the law. She asked Director Krueger how this might work.
  - Director Krueger responded by explaining that the code would need to be amended to include additional requirements. There should be dialogue about what is realistic as there are already several statutory requirements for timelines.
  - Commissioner Jakobsen felt that more of a comment period would be helpful and meaningful.
  - Chairman Hayes encouraged people to come to the regular meetings because there have been a lot of meetings pertaining to these code amendments. He also explained that he feels that most of the comments made tonight have been on 14.12 and he suggested that the rest of the amendments should be forwarded to the Council while the Planning Commission works through 14.12 further. He also explained that someone from the Planning Commission needed to make a motion that includes all sections that they would like to forward to the Council and the findings of fact and conclusions of law.
- Commissioner Lane made a motion to recommend the approval of 14.08, 14.14, 14.17, 15.04, 16.08, 18, 18.22, 18.28, 18.32, 18.44, 18.45, 18.68, 21.90, Repeal 17, 14.14.030.5, and 15.24. This motion also included recommending approval of the 2006 International Property Maintenance Code, findings of facts in section 5 of the Staff Report, and the background information in the Comprehensive plan. This motion included the removal of 18.68. The findings of fact are as follows:
  1. **The amendments are necessary to resolve inconsistencies in the provisions of the development regulations.**  
 The proposed amendments would provide additional clarity and correct specific inconsistencies and errors present in the Code as currently adopted, including technical errors such as the codified numbering of the flag code as well as consistency with current terminology such as the use of “private road” instead of “fire access road.”
  2. **The amendments are consistent with the requirements of the Growth Management Act and the county-wide planning policies.**  
 Both the content of the proposed amendments and the processing of those amendments according to Title 21 of the LMC has been conducted in accordance with the Growth Management Act and County policy. Specific requirements for notification and circulation of proposed amendments to development regulations comply with all RCW and WAC requirements, as applicable, including CTED review, SEPA review, and public noticing.

**3. The amendments are consistent with the overall intent of the existing Comprehensive Plan and the other documents incorporated therein.**

The amendments would further specific goals and policies of the Comprehensive Plan while furthering the intent of the Plan, specifically in the areas of protection of the environment, fostering the economic development of the City, and furthering compliance with adopted laws, standards, and plans.

**4. The amendments are consistent with the assumptions and/or other factors such as population, employment, land use, housing, transportation, capital facilities, economic conditions, etc. contained in the Comprehensive Plan.**

The proposed amendments would further the City's adherence to the goals and policies included in the Comprehensive Plan. The proposed amendments are development regulations and, as such, would not seek to amend or counter the assumptions provided in the Comprehensive Plan. The proposed amendments constitute enforcement and implementation of policies developed according to those assumptions.

**5. The amendments are consistent with and do not adversely affect the supply of land for various purposes which is available to accommodate projected growth over a twenty year period.**

The proposed amendments would not modify land use regulations in such a manner as to disallow any density of development currently allowed by the Comprehensive Plan and all documents incorporated therein. Nor would the proposed amendments modify the urban growth boundary in any way. As such, no adverse effect to land supply is expected.

**6. The proposed amendments are consistent with and do not negatively impact public facilities, utilities and infrastructure, including transportation systems, and any adopted levels of service.**

The proposed amendments would, in part, allow for greater funding of public facilities, utilities, and infrastructure through the requirement for participation in Local Improvement Districts in the downtown core. Clarification of capital improvement standards in Title 14.14 as well as setback language amended in Title 18 would allow for additional support of future capital improvements.

**7. The proposed amendments do not adversely affect lands designated resource lands of long term commercial significance or critical areas.**

Update of Title 14.08 would provide for greater clarity and

effectiveness of the downtown core Bavarian Theme, with benefits to the commercial character of the downtown and thus the economic health of commercial lands. Furthermore, provisions for tree preservation, installation of permeable paving in parking lots, and clarification of wetland protection for unintentionally created wetlands would benefit critical areas.

- Commissioner Jakobsen seconded Commissioner Lane's motion.
- Commissioner Olson asked if they were going to include 14.10.
- Director Krueger clarified that it is included because it refers to 14.28, which is the current lighting ordinance.
- Commissioner Lane amended his motion to include 14.10.080.F and 14.12.70.M.
- Commissioner Jakobsen seconded Commissioner Lane's motion as amended.
- The motion as amended was approved unanimously.
- Chairman Hayes suggested establishment of a plan of action for the next steps related to 14.12.
  - Director Krueger addressed the public to see how they want to be involved in the discussion.
    - Mr. Demarest suggested that we speak with people who own parking lots, lodging establishments, etc.
    - Chairman Hayes said that he wants more people to come to the regular Planning Commission meetings and asked how we can get the public to actually come. He also added that we can only inform the public about the meetings, but cannot make them come.
    - Commissioner Jakobsen added that the agenda and minutes are on the website and the City staff is always helpful in getting information to people who ask for it.
    - Director Krueger explained that the City is going to be re-designing the website so that more support materials can be on-line because the website currently does not have a format which easily supports this now.
    - Mr. Boyd expressed to the Planning Commission that they have the public's attention now and there are a lot of people who are interested in this project. He also explained that he does not want to re-visit what has happened in the years past and that he acknowledges that things are getting better, administratively. He says that the public will pay attention better now.
  - Director Krueger explained that the Planning Commission has a rigorous meeting schedule coming up, so the staff would need to review the schedule to determine an appropriate date which would not conflict with or overburden the Planning Commission's current commitments.

- Mr. Rieke addressed the Planning Commission again and asked how the changes to 14.08 came into effect.
  - Chairman Hayes explained that the Planning Commission has held several meetings, has discussed it with many different people that have come in at different times, and has worked with Design Review Board members and with a City Council member.
  - Chairman Hayes concluded the meeting by explaining that the Planning Commission will hold off on setting a date for a meeting on 14.12, but will get everyone's contact information so that the City can get in contact with those who are interested. Once the Planning Commission has approved the date, the City will send it to those that attended tonight and put in the Echo to get the word out to the public. After the workshop, the Planning Commission will hold another public hearing and then will most likely recommend the amendments to the City Council.
  - Those who signed-up to receive information on the next meeting on 14.12 were:
    - Steve Demarest - 1138 Riverbend Drive
    - Lyman Boyd – lyman@bavarianlodge.com
    - Kevin Rieke – kevinrieke@nwi.net
    - Mike West – P.O. Box 1030 Leavenworth, WA 98826
    - Tom Boyd – tom.boyd@marsonandmarson.com (509) 548-5829
    - Gary Thebault – gary@pensionanna.com (509) 548-7389

8. Meeting Adjourned at 8:40pm