

TOWN OF LA CONNER
PLANNING COMMISSION ZOOM MEETING
October 20, 2020

The Planning Commission meeting was called to order at 6:09 p.m.

Present via Zoom were commissioners Bruce Bradburn, Marna Hanneman, Linda Talman, Liz Theaker, and Planning Director Marianne Manville-Ailles. Commissioner Hedlin was absent.

Members of the public: Bill Reynolds (La Conner Weekly News).

PUBLIC COMMENT:

None.

MINUTES:

Commissioner Hanneman moved to approve the August 18, 2020 minutes. Seconded by Commissioner Bradburn. Motion carried 4-0.

Commissioner Bradburn moved to approve the September 15th 2020 minutes. Seconded by Commissioner Hanneman. Motion carried 4-0.

OLD BUSINESS:

- *Update on crosswalk discussion from the September meeting.*

Planner Marianne Manville-Ailles talked to Public Works Director Brian Lease about the crosswalk questions that were raised at the previous planning commission meeting. The crosswalk on Third Street that was “erased” was never supposed to be there as it is an uncontrolled intersection. That’s why it was removed previously, and why, when Commissioner Talman mentioned that it was still visible, Public Works removed the remaining traces of it. The safe crosswalks for that area are located one block north and one block south of that location. As to the question of whether other crosswalks will be removed, Brian says he has no plans to do so unless it is a safety issue and there’s no money to fix it. Administrator Scott Thomas responded similarly.

NEW BUSINESS:

- *Discussion of first draft of Shoreline Master Plan updates.*

Marianne said that the consultant had only needed to make minor changes to the Shoreline Master Plan and she requested that the commission provide feedback on it. The

commission requested that Marianne include a reference to the 2017 charrette in the climate change/sea level rise section in the SMP.

Marianne also said that the consultant has made the necessary updates to the critical areas ordinance and added it as an appendix to the SMP so it can pass Ecology review. The intent is to finish what the consultant started and adopt the ordinance so it can just be referenced in the SMP as a separate document.

There was discussion on the following changes:

- The SMP will be updated with current dates and code references.
- Removing chapters 2 and 4 and including them as standalone supporting documents. This will make it easier to make changes to them to reflect current needs without having to update the entire SMP. These changes would then be incorporated in future SMP updates. This is not removing required elements, and is in line with the consultant's recommendation and how SMPs are typically structured.
- Making aquaculture a shoreline conditional use. This was in response to the consultants recommendation that prohibiting aquaculture could result in additional discussions with Ecology. When the Planning Commission made the recommendation for prohibition (during review of the gap analysis) it was only because they didn't think that anyone would ever undertake aquaculture in the shoreline jurisdiction not because there was strong opposition to it.
- Update to Shoreline Permit Process Flow Chart and text regarding hearing examiner role and substantial development permits to make it consistent with current codes.
- The Shoreline Exemptions section was updated to only include reference to Washington Administrative Code (WAC) and Revised Code of Washington (RCW). Previously the SMP had regurgitated the various exemptions. This approach opens the possibility for the Local SMP to be inconsistent with State Law.
- Shorelines Hearings Board timelines were updated.
- Changes to the definitions for development and non-conforming use.
- The critical areas document was updated with best available science. Maintenance and repair of roads is no longer exempted and so was removed and publications were updated to the appropriate reference documents. Buffer requirements were expanded significantly to meet current state requirements. Exceptions were removed due to redundancy and SEPA emergencies were removed since they are no longer recognized.

The transportation draft will be sent to the Department of Ecology shortly for 60-day review. The commission will have two meetings in November- tentatively on the 5th for an overview of the transportation draft so it can be sent off to Ecology and readied for the public hearing, and on the 17th for another review of the SMP update.

CLOSING COMMENTS:

Marianne said that there have been a number of comments regarding the recent repeal of the Fire Sprinkler chapter from Title 15 of the La Conner Municipal Code, and she wanted to remind the commission that this did not remove the requirement for fire sprinklers in La Conner, but simply removed it from Title 15. La Conner is still subject to the International Fire, Building and Residential Codes. The reason the Fire Sprinkler chapter was removed is that it was not consistent with the international code requirements and should have been located in Title 13 where it could have been regularly updated. Since it was not, it made sense to remove it and to just rely on the existing IFC and IBC/IRC. If we decide we need more stringent requirements they can be added to Title 13. Please note Title 13 is not part of the Planning Commission's authority.

Council approved all of the Title 15 Code amendments with the exception of the liveaboards. The Port of Skagit has been phasing out liveaboards for a while and the Town does not allow liveaboards on the public moorage, so Marianne mistakenly assumed that there was nowhere to have liveaboards. Council does still want liveaboards to be allowed on private moorages, so they removed that prohibition and adopted all of the other code amendments. They also extended their thanks to the Commission for their hard work on this.

Commissioner Talman emailed some questions to Marianne prior to the meeting which were addressed. The applicant for the Snapdragon Hill project has obtained a permit to build a road in the public right-of-way to access the already platted lots. This is being done under a development agreement with the Town. The applicant received approval from Council for some modifications to the road standards over a year ago and since then they have done all of their engineering, gotten environmental review through the State Environmental Policy Act (SEPA) process, turned in all of their critical area reports, and obtained construction and right-of-way permits. They are currently building the road and installing utilities. The lots themselves will undergo the usual permitting process when they are developed and will have to meet the geotechnical, setback and construction requirements for that area. It is unlikely that any of the permitting will come to the Planning Commission.

The property behind the Slider Café on Center Street has been the subject of interest from multiple parties, but no permit applications have been submitted.

There has been some concern from residents that the recent code amendments that allow increased residential use in the commercial zone conflict with the WAC with regard to uses in harbors. The section of the WAC that addresses aquatic land management in

general and harbor use specifically is found in the Title that authorizes the Department of Natural Resources. Marianne explained that on First Street, those properties that are over the water are subject to multiple jurisdictions. DNR handles their jurisdiction through aquatic land leases. Each property on First Street that's over the water has a DNR lease and DNR is responsible for enforcing the provisions of those leases- the Town has no authority over that.

The Town's code changes are zoning changes that apply to the entire commercial zone. Enforcing zoning is the Town's jurisdiction. In addition to complying with all applicable Town regulations, applicants are responsible for complying with all other State and Federal regulations. The Town has no role in ensuring compliance with the senior permitting agencies' areas of authority.

Commissioner Hanneman asked what's going on with the old Palmers building (Galleria). Marianne said that they had gotten the permits and were almost ready to get the fire sprinklers installed which would have required shutting down First Street to run a water line to the building, but that she hasn't heard anything from the applicant in several months.

With no further business Commissioner Bradburn moved to adjourn the meeting at 7:25 p.m. Seconded by Commissioner Hanneman. Motion carried unanimously.

Chair

Date