

MEETING NOTICE

**TOWN OF LA CONNER PLANNING COMMISSION**

**Tuesday, September 15, 2020 6:00 p.m.**

Location

Zoom Meeting  
Information below and on the Town website

Agenda

1. CONVENE—Roll Call
2. PUBLIC COMMENT (Topics not otherwise on the Agenda)
3. MINUTES
  - August 18<sup>th</sup>, 2020 meeting.
4. OLD BUSINESS
  - None
5. NEW BUSINESS
  - Public Hearing 2020 Amendments to Title 15 Land Use Code
6. CLOSING COMMENTS

**Our next regular meeting will be held Tuesday, October 20, 2020.**

Join Zoom Meeting

<https://us02web.zoom.us/j/85806091675?pwd=M2JLUUNtU1AxTGIOZGQ1dVhHVytJdz09>

Meeting ID: 858 0609 1675

Passcode: 9hMPh3

One tap mobile

+12532158782,,85806091675#,,,,,0#,,452711# US (Tacoma)

Dial by your location

+1 253 215 8782 US (Tacoma)

Meeting ID: 858 0609 1675

Passcode: 452711

Find your local number: <https://us02web.zoom.us/u/kmvraNr9E>



## PUBLIC HEARINGS VIA TELEPHONE AND/OR VIDEO-CONFERENCING

Consistent with Governor Inslee's Emergency Proclamation 20-28, similar to other jurisdictions in the State of Washington, La Conner is currently prohibited from holding in-person public hearings. However, the Town does have ways that the public can listen to, watch, and provide public testimony with a phone-in option or through a video conferencing web application named Zoom.

This handout has been created to provide step-by-step instructions to the public to make participating in public hearings as easy and stress-free as possible.

### STEP 1: GET READY TO CALL-IN OR VIDEO-CONFERENCE

1. Whether you plan on calling or video-conferencing into a hearing the first thing you need to do is locate the **Telephone Number** and the **Meeting ID** on the notice informing you of the hearing.
2. If you cannot locate the **Telephone Number** and/or the **Meeting ID** contact Town Hall (360) 466-3125, and ask to receive this information. Please plan ahead and make sure you call during business hours (9 am to 4 pm).
3. If you are using the video-conferencing option you need to download the Zoom application to your electronic device e.g. cell phone, tablet or personal computer, *prior* to the hearing. This software is found at: <https://zoom.us/>

### STEP 2: DIAL AND/OR LOG INTO THE PUBLIC MEETING

1. For Telephone Only Users: on the day and at the time of the meeting dial the telephone number provided to you on the notice informing you of the hearing. Once you dial in you will be prompted to enter your **Meeting ID** number followed by #. Remember the **Meeting ID** is on the notice.
2. For Zoom Users: on the day and at the time of the meeting navigate to <https://zoom.us/> and click on the icon "Join a Meeting".
  - a. When prompted enter the **Meeting ID** number
  - b. Click on "Open Zoom Meetings" when prompted
  - c. If you do not have a Zoom account, a dialog box will appear asking you to enter your name. Please enter your first and last name and identify yourself as the public. (e.g. Jane Doe, Public). If you have a Zoom account, your name will automatically be displayed.
  - d. There are times that meetings will require a Password before access into the meeting is granted. In these cases, the Password will be provided in the notice where the telephone number to call in and **Meeting ID** are located.

### STEP 3: MAKING PUBLIC COMMENTS

1. To make sure one just one person is speaking at a time, and that public comments are received during the correct hearing, Staff will call on those listening to or video conferencing via Zoom, one-by-one.
2. When Staff calls your name or telephone number, please introduce yourself and provide your comments; or state that you have no comments and Staff will call on the next member of the public.
3. If you have a document you would like the hearing body to have, please state this when you are making your comments – please see **Step 4**, below.

### STEP 4: SUBMITTING DOCUMENT(S)

1. Anytime you wish to provide the hearing body with document(s) you must contact Town Hall (360) 466-3125 to arrange giving them a copy of your documents, preferably 24-hours before the meeting is scheduled.
2. The Town needs to have these documents before the meeting to ensure that the hearing body has a copy of your document(s) during the meeting.

**TOWN OF LA CONNER  
PLANNING COMMISSION ZOOM MEETING  
August 18, 2020**

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The Planning Commission meeting was called to order at 6:02 p.m.

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

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

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**PUBLIC COMMENT:**

None.

**MINUTES:**

Commissioner Bradburn moved to approve the July 21, 2020 minutes. Seconded by Commissioner Talman. Motion carried 5-0.

**OLD BUSINESS:**

- *Update to PURD – Coupeville and Port Townsend examples for detached options and continued discussion on alternatives for attached options.*

There was general discussion on exploring ways to increase density other than Planned Unit Residential Development, such as accessory dwelling units and making zoning changes to reduce lot sizes. The commission decided that they would just address the housing for the elderly density bonus issue and take that back to council. Marianne will look into smaller lots and what those densities would look like and bring that to the commission for discussion.

**NEW BUSINESS:**

None.

**CLOSING COMMENTS:**

Marianne said that the shoreline update is coming along. Council is looking at making changes to some streets, so the consultant is reviewing how that will impact the update. Since the Kirsch property has been sold, that is no longer an item that needs to be addressed. The Streets Committee is going to be meeting to discuss the numerous safety issues that have come up during the traffic consultant's review, so the transportation update will be coming back to the Planning Commission after the Streets Committee has

looked at these issues. Speeding is a major concern on several streets that needs to be addressed.

The planning department is as busy as last year with permits, even with the COVID-19 situation. The Snapdragon Hill development is coming along and should be starting work soon. There are seven lots in that development, and the developer has some interesting design ideas for the residential lots which could potentially be used by the commission.

Commissioner Talman asked about the potential development behind the Slider Café. Marianne said that whether or not that happens is dependent on a lot of things, but the owner is waiting on the approval of the code changes before they make a decision on how to move forward.

The next regular planning commission meeting will be held Tuesday, September 15, 2020. There will be a public hearing at that meeting for the code changes.

With no further business Commissioner Hanneman moved to adjourn the meeting at 6:51 p.m. Seconded by Commissioner Hedlin. Motion carried unanimously.

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Chair

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Date

## ACCESSORY DWELLING UNITS/MULTIFAMILY IN RESIDENTIAL/RESIDENTIAL

### 15.110.080 Accessory dwelling units.

Accessory dwelling units shall be ~~allowed~~ outright permitted uses in the residential zone ~~by conditional permit~~ under the following restrictions:

- (1) An accessory dwelling may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or combination of the following:
  - (a) Alteration of interior space of the dwelling; or
  - (b) Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or
  - (c) Addition of attached living area onto an existing dwelling; or
  - (d) Construction of a detached living area.
- (2) Each single-family dwelling on a legal building lot must have not more than one accessory dwelling unit.
- ~~(1)~~(3) The owner of the property where the Accessory Dwelling Unit is located must live in either the primary dwelling or the accessory dwelling. The owner shall file a certification of owner occupancy with the town planning commission prior to the establishment of a conditional use permit. ~~the Corporate limits of the Town of La Conner. The owner shall file evidence of residency within the Town as part of the application process.~~
- ~~— (2) The applicant shall provide evidence of a recorded deed restriction prior to the issuance of a conditional use permit.~~
- ~~(2)~~(4) ~~(3)~~ The floor area of ~~the detached~~ accessory dwellings may be no more than 700-900 square feet in size on those lots that are under 5,000 square feet in size. On lots 5,000 square feet or larger the floor area for the accessory dwelling may be no more than 1,000 square feet. For attached ADUs the floor area can be as large as the primary structure (e.g ADU could be the entire basement of existing home; ADU could be entire second story of existing garage; etc.).
- (5) ~~(4)~~ The single-family appearance and character of the dwelling unit shall be maintained when viewed from the surrounding neighborhood. The accessory unit shall be compatible in appearance and character with the primary dwelling unit.
- (6) Only one entrance to the residential structure may be located on any street side of the structure; provided that this restriction shall not affect the eligibility of a residential structure that has more than one entrance on the street side on the effective date of the ordinance codified in this chapter.
- (7) The accessory and principal dwelling unit shall comply with all applicable requirements of the Building, Fire, and Zoning Codes in effect at the time a technically complete application for an Accessory Dwelling Unit is submitted to the Town.
- ~~(3) Each accessory dwelling is required to have a separate water meter and pay a separate water and sewer RCE fee.~~
- (8) ~~(5)~~ At least two spaces of off-street parking will be provided for the primary dwelling and a single off-street parking space shall be provided for the accessory dwelling unit. {Ord. 671 § 6.7, 1995.}
- (9) A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.

- (10) In those instances where Accessory Dwelling Units are rented the intent is for them to be used for long term ~~month to month~~ rental, month to month or longer. Use as short-term rentals or nightly rentals shall not be allowed.

#### 15.20.030 Permitted uses.

The following uses and structures are permitted in an RD Zone by certificate of authorization:

- (1) ~~(1)~~ One single-family dwelling unit per lot;
- (2) ~~(2)~~ One factory-built/manufactured home per lot;
- (3) One accessory dwelling unit – See Chapter 15.110.080 LCMC;
- (4) ~~(3)~~ Adult family homes/supported living arrangements;
- (5) ~~(4)~~ Accessory uses and structures normally incidental to primary dwelling units – see Chapter 15.110 LCMC.

#### 15.20.050 Conditional use permits.

The following uses and structures are permitted in an RD Zone by conditional use permit (Type IV Permit):

- ~~— (1) Multifamily residential units or apartments;~~
- (1) ~~(2)~~ Pre-school and day care centers, subject to applicable building codes, lot size and coverage standards, parking, loading/unloading and signage requirements, and state (DSHS) licenses and certifications;
  - (2) ~~(3)~~ Churches; provided, that all structures are set back at least 25 feet on all sides ~~for~~ from abutting abutting property lines and abutting residential and public use zones;
  - (3) ~~(4)~~ Rest/convalescent/nursing homes; provided, that all structures are set back at least 25 feet on on all sides ~~for~~ from abutting property lines and abutting residential and public use zones;
  - ~~(5) Retirement apartments for senior citizens;~~
  - (4) ~~(6)~~ Private or public lodges, clubs and community organizations;
  - (5) ~~(7)~~ Antennas plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 square feet;
  - (6) ~~(8)~~ Parks, playgrounds and recreation uses such as tennis courts, athletic fields, pools and restrooms restrooms for use of the general public; provided, that subject property is under lease to or otherwise under complete control of the town of La Conner. Conditional use permits will be revoked when not under the control of the town of La Conner;
  - (7) ~~(9)~~ Along Maple Street only, existing medical and dental uses.

#### 15.20.055 Administrative conditional use permits.

The following uses and structures are permitted in the RD Zone with an administrative conditional use permit (Type II Permit):

- ~~1. (1) Accessory dwellings – See Chapter 15.110 LCMC;~~
- (1) Multifamily residential units or apartments;
  - (2) ~~(5)~~ Retirement apartments for senior citizens;
  - (3) ~~(2)~~ Rooming houses, boardinghouses, bed and breakfasts.

**15.20.060 Single-family dwelling units – Dimensional standards.**

(1) ~~(1)~~ Minimum lot size: 5,000 square feet, or those lots less than 5,000 square feet platted before before September 9, 1980, which can be built upon if the setback criteria outlined in subsection (3) of this section are met.

(2) ~~(2)~~ Maximum building height: 30 feet above the average lot grade, determined by averaging the lowest and highest existing elevation points on the lot to the highest point on the roof, with a maximum of two stories; except, for structures built within the 100-year floodplain, the height shall be measured from one foot above the base flood elevation to the highest point on the building. Roof access must be approved by the fire chief.

(3) Maximum lot coverage – 60 percent for all buildings and impervious surfacing.

(4) ~~(3)~~ Minimum building setbacks (from property lines) as follows:

Lot Area	Front	Front Corner Lot	Side 1st Floor	Side 2nd Floor	Side Sum	Rear
Under 5,000 square feet	13 feet	11 feet	6 feet	9 feet	12 feet	7 feet
5,000 square feet or larger	15 feet	15 feet	8 feet	12 feet	16 feet	10 feet

Agricultural setback – 25 feet

(5) ~~(4)~~ Corner lots have two front yards and two side yards.

~~(1)(6)~~ ~~(5)~~ Minimum Lot Access. No building permit shall be issued on any lot or parcel which does not have access by either street, private road, or shared driveway as set forth in Chapter [15.86](#) LCMC.

# RESIDENTIAL IN COMMERCIAL ZONE

## Chapter 15.35 COMMERCIAL ZONE

### 15.35.020 Permitted uses.

The following uses and structures are permitted in the Commercial Zone by certificate of authorization:

1. Child care facilities, such as nurseries, day care centers and private schools;
2. Commercial or trade schools, such as art, dance, music, martial arts;
3. Community centers and fraternal lodges;
4. Entertainment facilities, such as theaters, auditoriums, bowling alleys, arcades, billiards/pool parlors, indoor recreation centers, gymnasiums/spas/health clubs;
5. Farmer's markets;
6. Financial institutions;
7. Food service establishments, such as restaurants including drive-up facilities, delicatessens, and ice cream shops;
8. Gas sales and service stations;
9. Hospitals;
10. Lodging establishments, such as hotels, motels, inns;
11. Marine facilities, such as marinas, boat launches, dry boat storage, boat repair and gas docks where directly water-related;
12. Medical offices and clinics, such as doctors, dentists, chiropractors, laboratories;
13. Outdoor recreational, such as ballfields, playgrounds, picnic areas, outdoor swimming pools, and water-oriented uses;
14. Plant nurseries;
15. Professional offices, such as law, realty, architecture, engineering, therapists, counselors, consulting;
16. Public use facilities, such as parks, floats, parking lots, libraries, government offices and buildings;
17. Recreational vehicle parks;
18. Rest homes and adult family homes;
19. Retail sales establishments with outdoor sales and lots, such as vehicle sales, rental, service, and repair, lumber yards, farm and garden supply, and yacht sales;
20. Retail sales of nonperishable goods, such as clothing stores, shoe stores, bookstores, gift shops, pharmacies, hardware stores, and antique shops;
21. Retail sales of perishable goods, such as grocery stores, specialty food stores, feed and seed stores;
22. Service businesses, such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, woodworking shops, laundries/dry cleaners, light mechanical repair stores (camera, TV, bicycle);
23. Taverns, bars, lounges, night clubs and dance halls;

~~24. Liveaboards.~~

### 15.35.030 Conditional uses.

The following uses and structures are permitted in the Commercial Zone by conditional use permit:

1. Transitional housing and housing for people with functional disabilities;
2. Dwelling units, attached or unattached, are not to exceed 49 percent of the square footage of the building(s), for all uses, of the properties of a development on the ground floor. Dwelling units located above the ground floor are not limited in square footage except that the maximum floor area for all development (commercial and residential) must not be more than two times the property area. Residential uses in the commercial zone to the extent practical must have their access located to the rear or side of the structure where they are located;
3. Light industrial uses, artistic endeavors, and those commercial uses which would create noise, light, odors, traffic congestion or dust not normally associated with commercial operations; provided, that:
  - a. The building design is similar to those structures housing commercial uses in the district, and the operational characteristics are compatible with surrounding uses;
  - b. There shall be no unusual fire, explosion, or safety hazards;
  - c. There shall be no production of noise at any property line of any use in the Commercial District in excess of the average intensity of street and traffic noise found in the district;
  - d. Pollution and safety standards set by regional, state or federal agencies, boards, or commissions shall be satisfied. Failure to comply with such regulations shall void the conditional use;
4. Veterinary clinics, animal hospitals and animal grooming parlors provided the facility has no outside kennels;
5. Antenna plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 feet;
6. Parks, playgrounds and recreation uses such as athletic fields, tennis courts, pools and restrooms as accessory uses; provided, that subject property is under lease or otherwise under the control of the town of La Conner. Conditional use permits will be revoked when not under the control of the town;
7. Heavy equipment sales.
8. Guesthouse/Guest Rental – Residential Dwelling Units Rented as Guesthouse. The guesthouse residential unit must also comply with all the provisions of this code that pertain to residential conditional uses in the Commercial Zone.
9. Churches; provided, that all structures are set back at least 25 feet on all sides from abutting property lines and abutting residential zones; and provided, that church use is not allowed in the Commercial Zone portion of the Historic District listed on the National Historic Register, which includes Commercial Street, South First Street, Washington Avenue and western side of South Second Street; and provided, that all parking requirements must be met. The church use does not qualify for “in-lieu-of” fee.

# GENERAL CODE CLEAN UP

## FENCES

### 15.110.010 Certificate of authorization not required.

The following accessory structures and uses do not require a certificate of authorization:

- ~~(0)~~(1) ~~\_\_\_\_\_~~ (1) Storage buildings, utility buildings and greenhouses under 120 square feet in area;
  - ~~(0)~~(2) ~~\_\_\_\_\_~~ (2) Antenna/satellite dish antenna less than 20 feet high, four feet wide, and having a bulk area less than 16 square feet;
  - ~~(0)~~(3) ~~\_\_\_\_\_~~ (3) Swimming pools, hot tubs, and similar structures, parks, playgrounds, tennis courts, and other recreational uses, all of a private nature, when provided in conjunction with a permitted or conditional use in a district;
  - ~~(0)~~(4) ~~\_\_\_\_\_~~ (4) Fences less than ~~six feet~~seven feet high;
  - ~~(0)~~(5) ~~\_\_\_\_\_~~ (5) Gardens and orchards;
  - ~~(0)~~(6) ~~\_\_\_\_\_~~ (6) Temporary structures or temporary use of existing structures incidental to construction work, which shall be removed upon completion or abandonment of the
  - ~~(0)~~(7) ~~Construction~~ ~~\_\_\_\_\_~~ (7) ~~Interiors~~, storage areas for materials and products sold from a site.
- ~~0. (1) Accessory dwellings – See Chapter 15.110 LCMC;~~

## SETBACKS

### 15.10.1030 Setback line.

“Setback line” means a line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line or right-of-way, defining the limits of a yard in which no building, ~~other than accessory building~~ or structure may be located above ground except as may be provided in such regulations. Any structure exempt from the requirement to obtain a building permit may be allowed to be located within the setback (e.g. hot tub, gazebo, garden shed). Any structure containing a living space must meet minimum setbacks (accessory dwelling unit, sleeping areas within garages or other outbuildings).

## HOUSEKEEPING

### LANDSCAPING

#### 15.105.160 Review procedures – Minor modifications.

- (1) Review Procedures. The town planner shall review development proposals under the provisions of this chapter. ~~For developments which the planner has authority to approve, the action of the planner shall be final, unless appealed to the planning commission. When the planning commission has authority to approve a development, they shall consider the planner’s recommendation regarding the landscaping, but may modify the requirements during a public hearing or plan review process at a regularly scheduled meeting.~~
- ~~(2)~~ Modification. Where full application of these landscaping regulations cannot be met due to lot size, configuration, topography, pre-existing development, etc., the planner ~~and one member of the planning commission~~ will consider minor modifications, substitutions and other methods deemed appropriate to meet the stated intent. ~~If the development can otherwise be approved by the planner, t~~he action of the planner ~~and planning commission member~~ shall be final. ~~If the~~

~~development must be approved by the planning commission, the planner and planning commission shall make a recommendation to the planning commission regarding the proposed modification. The planner and the planning commission member of the planning commission may take any of the following actions on a modification request:~~

~~(3) (a) Approve the request with or without specific stipulated conditions;~~

~~(4) (b) Approve the request with minor or major modifications;~~

~~(5) (c) Request a revised plan;~~

~~(6)(2) \_\_\_\_\_ (d) Deny the request. [Ord. 671 § 5.7.I, 1995.]~~

## **PLANNING COMMISSION VS. HEARING EXAMINER**

### **15.130.030 Planning commission – Authority.**

(1) The planning commission shall review and approve, approve with conditions, or deny Type III permit applications which are not consolidated with Type IV or Type V permit applications.

Reference LCMC [15.135.050](#) for permit classifications and procedures.

(2) The planning commission shall review and make a recommendation for approval, conditional approval or denial to the hearing examiner on Type III permit applications which are consolidated with Type IV or Type V project permit applications. The recommendation shall be made following a public meeting.

~~(3) The planning director shall forward a copy of all complete Type IV and Type V project permit applications to the planning commission. If the planning commission, by recorded motion, decides to make a recommendation to the hearing examiner, it shall consider the application and make its recommendation at its next regular meeting. If the planning commission fails to decide to make its recommendation within 15 days of its receipt of a complete application, or if it fails to make a recommendation at the next regular meeting after deciding to make a recommendation, the recommendation shall be made by the planning director.~~

~~(4)(3) \_\_\_\_\_~~ The planning commission shall hold at least one public hearing before taking the following actions:

(a) Approving, approving with conditions or denying Type III permit applications not consolidated with Type IV or Type V permit applications.

(b) Recommending a plan change/general zone change request.

(c) Recommending text amendments to the comprehensive plan and uniform development code or land use ordinances.

(d) Any inconsistency between the duties conferred upon the planning commission herein and those duties delegated to the hearing examiner in Chapter [15.12](#) LCMC, as amended, shall be construed in favor of providing jurisdiction to the hearing examiner at the exclusion of the planning commission.

### **15.135.020 Designation of administrator.**

(1) The planning director shall review all permit applications to determine that the requirements of this code are met ~~and all necessary permits have been obtained from other local, state, or federal governmental agencies from which prior approval is required.~~

(2) The proposal shall be reviewed under the applicable standards of this code and all documents received and prepared related to the proposal shall be filed in a permanent record maintained at Town Hall.

- (3) The planning director shall issue a certificate of authorization for a use or development activity when all project permits required for the use or development activity have been issued or when other applicable development requirements for issuance are completed. [Ord. 743 § 6, 1999.]

**15.135.050 Process classification and procedures.**

- (1) Classification. Project permits shall be classified by the planning director as Type I through V according to Table A, below.

**Table A – Permit Classifications**

I Administrative	II Planning Director	III Planning Commission	IV Hearing Examiner	V Town Council
Building and construction permits; LCMC <a href="#">15.135.020</a>	Land use review of permitted and accessory uses exempt from SEPA; LCMC <a href="#">15.135.120</a>	Demolition permits for Type I and II structures; Chapter 15.112 LCMC		Non-area wide rezone; LCMC <a href="#">15.125.080</a>
Lot line adjustments; LCMC <a href="#">15.125.050</a>	Temporary structures; LCMC <a href="#">15.110.030</a>	Historic design review of major new construction; LCMC <a href="#">15.50.060</a>	Conditional use permits; LCMC <a href="#">15.135.190</a>	Final plat; Chapter 15.30 LCMC
Sign permits; Chapter 15.115 LCMC		Tree removal permits (excluding residential outside the HPD); Chapter 15.60 LCMC		Shoreline permit revision; <del>LCMC 10.10.555(2)</del>
Demolition permits for Type III structures; Chapter 15.112 LCMC	Critical areas; Chapter 15.65 LCMC	Temporary use permits; LCMC <a href="#">15.110.050</a>	Preliminary plat approval; Chapter 15.30 LCMC	
Home occupation permits; LCMC <a href="#">15.110.070</a>	Short plat; Chapter 15.30 LCMC		<del>Shoreline substantial development permits; LCMC 10.10.515</del>	
Floodplain permits; Chapter 15.70 LCMC	Binding site plan; Chapter 15.55 LCMC		Shoreline conditional use permits; <del>LCMC 10.10.520</del>	
Change of use; LCMC <a href="#">15.125.020</a>	Administrative variance; LCMC <a href="#">15.125.040</a>			
Historic design review of minor new construction; LCMC <a href="#">15.50.060</a>	Administrative conditional use permits; LCMC <a href="#">15.20.055</a>		Shoreline variances; <del>LCMC 10.10.525</del>	
Shoreline exemptions; <del>LCMC 10.10.440</del>			Variances; LCMC <a href="#">15.125.040</a>	
	<del>Shoreline substantial development permits</del>		Appeals of planning commission and administrative decisions; LCMC <a href="#">15.12.110</a>	
Accessory uses; LCMC <a href="#">15.40.030</a>			SEPA appeals; LCMC <a href="#">13.10.090</a>	
			PURD; Chapter 15.25 LCMC	

(2) Procedures. Type I through Type V shall be processed pursuant to the procedures outlines in Table B, below.

**Table B – Review Procedures**

Process Type	I	II	III	IV	V
Recommendation made by	N/A	N/A	Planning commission, if consolidated with Type IV or V permit applications	Planning director or planning commission	Planning commission
Final decision made by	Planning director, public works director or designees	Planning director or designee	Planning commission unless consolidated with Type IV or V permit applications	Hearing examiner	Town council
Notice of application	No	Yes <sup>1</sup>	Yes	Yes	Yes
Open record public hearing	No	Only if appealed, open record hearing before hearing examiner	Yes, before planning commission unless consolidated with Type IV or V permit applications	Yes, before hearing examiner for final decision	Yes, before hearing examiner for recommendation
Closed record appeal/final decision	Only if appealed, a closed record hearing before the hearing examiner, except that appeals of a building official order shall be remanded to the Skagit County building appeals board	No	Only if appealed, closed record hearing before hearing examiner	No	Yes, before town council
Judicial appeal	Yes	Yes	Yes	Yes	Yes

1. Type II – Open Record Public Hearing. For administrative variance and administrative conditional use applications, a public hearing before the hearing examiner may be requested by the applicant, interested parties, or the planning director.

**SUBDIVISIONS**

**15.30.050 Application procedure.**

(1) Any person wishing to divide land under the provisions of this code shall submit an application, on a form provided by the town, to the town clerk-planner together with a fee set by the town council, a preliminary plat, and information including, but not limited to the following:

- (a) A survey map of reproducible material, at least 18-inch by 24-inch in size with two-inch margins, signed by a registered land surveyor and eight copies containing:
- i. Name, address, and telephone number of property owner of record or certified designated agent, the developer and the land surveyor and/or registered engineer preparing the plat map;
  - ii. Legal description of the property;
  - iii. Existing zoning classification;
  - iv. Date, scale of not less than 100 feet to the inch, and north arrow;
  - v. Benchmarks and ground elevation at mean sea level when all or a portion of the plat is located in the floodplain and land contours with intervals of five feet;
  - vi. Boundary lines of entire tract to be platted, individual lots and easements with approximate acreage and square footage of the whole tract and portion to be platted;
  - vii. Number and dimensions of lots, building setback lines, and density;
  - viii. Location, name and width of any existing easement, street and right-of-way within the subdivision/short subdivision and 200 feet thereof, grades, profiles and cross-sections of proposed streets, vehicular and pedestrian circulation patterns;
  - ix. Location of fire hydrants within 1,000 feet of the lot;
  - x. Location of any existing structures;
  - xi. Availability and location of utilities including water, sewer, and storm water drainage;
  - xii. Parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of property owners of the subdivision or short subdivision or dedication, or for open space;
  - xiii. Location in respect to shorelines of La Conner;
  - xiv. Acknowledged signatures of property owners and notary public stamp;
  - xv. Signature block for approval of planning commission, public works director, town planner, and/or town council.
- (b) Evidence of title.
- (c) If lots are to be served by a private street, copies of applicable covenants or documents with provisions covering, but not limited to, ingress, egress, utility easements, and maintenance shall be furnished to the town and recorded to or simultaneously with the subdivision or short subdivision.
- (d) Unless an applicant for preliminary plat approval requests otherwise, the preliminary plat shall be processed simultaneously with applications for ~~rezones~~, variances, planned unit developments, site plan approvals, shoreline substantial development, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.
- (e) Development schedule.
- (2) The planning director shall affix a file number to the preliminary plat and the date it is received.

**15.30.100 Agency recommendations for final approval.**

1. Each preliminary plat submitted for final approval by the town council shall be accompanied by recommendation for approval or disapproval from the following:
  - (a) Hearing Examiner
  - (b) Town planner
  - ~~(c)~~ \_\_\_\_\_ Public works director;
- (2) The terms of the recommendations shall not be modified without the consent of the applicant.

**15.30.130 Final plat/short plat – Written approval and filing.**

- (1) Upon approval of the subdivision or short subdivision, the approving authority shall inscribe and execute its written approval on the face of the plat. For short subdivisions, final approval shall be evidenced by signature of the ~~chairperson of the planning commission~~ town planner and public works director. For subdivisions, signature authority shall be the mayor.
- (2) The original final plat/short plat shall be filed for record with the Skagit County auditor and a copy filed with the county assessor.
- (3) At least one reproducible copy of the plat/short plat shall be submitted to the town for record. Additional copies shall be furnished to the town as required.

**15.30.160 Specifications.**

- (1) If the preliminary plat is approved, the developer, before requesting final approval, shall carry out minimum improvements in accordance with this code by actual installation to the satisfaction of existing town standards (American Public Works Manual).
- (2) Plans for improvements shall be prepared by a qualified engineer, registered in the state of Washington. Two sets of prints of the proposed plans and specifications for all improvements shall be filed with the ~~town clerk~~ public works director. One set of "as built" plans and specifications, certified and signed by an engineer registered in the state of Washington shall be filed with the ~~town clerk~~ public works director prior to acceptance by the town council of any improvement installed by the developer.
- (3) In lieu of the completion of the improvements required, the developer may furnish the town a surety bond or a certificate of deposit to ensure the actual construction of the improvements according to town standards. The bond shall be in the amount of 120 percent of the estimated cost of the improvements, to cover inflation. The amount and time limitation of the bond shall be determined by the ~~planning commission~~ public works director and/or town planner, subject to approval by the town council.
- ~~(4)~~ No building shall be permitted on any lot or in any area of a subdivision if the proposed construction would require extension or enlargement of existing sanitary sewer systems, water lines, storm and surface drainage systems and other utility systems, resulting in higher net public costs, unless compensation or equivalent services are provided. ~~Ord. 671 § 3.4.P.1, 1995.~~
- ~~(5)~~ (4) \_\_\_\_\_

**15.30.230 Maintenance of corporate streets and property owned by a private community organization.**

All corporate roads, easements, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair. It must be demonstrated to the satisfaction of the ~~planning commission~~public works director, town planner, and the town council prior to the recording of final plat that:

- (1) There is a workable organization to guarantee maintenance with a committee or group to administer the organizational functions.
- (2) There is a means for assessing maintenance costs equitable to property owners served by the private facilities.
- (3) Corporate roads shall be labeled on the face of the final plat as a "Corporate Road" and designated as Tract "A." Under the dedication section of the final plat, it shall be shown that Tract "A" is to be held in individual ownership by the owners of the lots served by the corporate road.
- (4) Roads to be retained under corporate control shall show the following construction and maintenance obligations clause under the dedication section of the final plat:

The cost of construction and maintaining all roads not herein dedicated as "town roads" and all access roads to the plat, unless the same are dedicated as "town roads," shall be the obligation of all of the owners of the lots in the plat and/or of any additional plats that may be served by said roads, streets, and/or alleys, and that obligation to maintain shall be concurrently the obligation of any corporation in whom title of said roads, streets and/or alleys beheld. In the event that the owners of any of these lots or the corporate owners of any of the roads, streets and/or alleys of this plat or any additional plats served by these roads, streets, and/or alleys shall petition the town council to include these roads, streets, and/or alleys in the road system, said petitioner shall be obligated to bring the same to the town standards in all respects prior to acceptance by the town.

- (5) In no case shall the town accept a dedication or any obligation as to any such road, street and/or alley until the same and all roads, streets, and/or alleys connecting the same to the town road system have been brought to town road standards.
- (6) If permission is obtained for the use of corporate roads or easements by means of approval of the town council, each lot shall have an equal and undivided interest in such road or easements.
- (7) Where a new road connects to an existing concrete or blacktop or similarly surfaced road, the new road shall have surfacing similar to that on the existing road from the intersection of the old road surface to the right-of-way line of the existing road. The new surfacing shall be on a transition grade, approved by the ~~town engineer~~public works director.

**15.10.125 Bed and breakfast.**

"Bed and breakfast" means a use carried on in a structure designed for residential purposes which provides overnight accommodations plus breakfast and occasionally family-style meals for guests, in an owner-occupied home that provides up to three rooms for this purpose. The occupying owner(s) must own a majority interest in the residence or a majority interest in the entity that owns the residence

upon which the bed and breakfast is located. The bed and breakfast is not allowed to be located in a detached building accessory to the primary structure designed for residential purposes.

**15.10.650 Lot of record.**

“Lot of record” means any platted lot of the town of La Conner the boundaries of which ~~have been~~ were approved by the planning commission, ~~or~~ previous boards of adjustment or the appropriate approving authority at the time of creation and are recorded in the county auditor's office ~~under a separate tax—~~ parcel number.

The proposal is to repeal this section in its entirety. The Section is out of date with the current building codes and it never should have been included in Title 15 in the first place. It should be in Title 13. Changes to Title 13 are not subject to Planning Commission review.

## ~~Chapter 15.107~~ ~~AUTOMATIC FIRE SPRINKLER SYSTEMS~~

Sections:

~~15.107.010 — Sprinkler system required — New construction.~~

~~15.107.020 — Sprinkler system required — Remodels.~~

~~15.107.030 — Approval by fire chief.~~

~~15.107.040 — Permissible omissions.~~

~~15.107.050 — Alarms.~~

~~15.107.060 — Required maintenance.~~

~~15.107.070 — Inoperative system.~~

~~15.107.080 — Violation — Penalty.~~

~~15.107.090 — Violation — False alarms.~~

~~15.107.100 — Appeals.~~

~~15.107.105 — Relationship to International Fire Code.~~

~~15.107.110 — Conflicting provisions.~~

### ~~15.107.010 Sprinkler system required — New construction.~~

~~Automatic fire sprinkler systems installation shall be required for all new residential construction where the portion of the building occupied as a residence exceeds 4,000 square feet as measured from the inside surface of exterior walls, and for multifamily dwellings (LCMC 15.10.390), commercial, industrial and public use construction. [Ord. 778 § 2, 2000.]~~

### ~~15.107.020 Sprinkler system required — Remodels.~~

~~For existing commercial, industrial and public buildings automatic fire sprinkler system installation shall be required when:~~

~~(1) Any existing structure is remodeled and the value of such activity is deemed by the town planner, based on average "Building Valuation Data" unit cost compliant with IBC Section 108.3, to exceed \$30,000; or~~

~~(2) Any combination of reconstruction, alteration, or improvement to a structure, taking place over 10 consecutive years in which the cumulative cost equals or exceeds 50 percent of the assessed value of the structure as determined by the county assessor.~~

~~Additionally, whenever existing fully sprinkled buildings are remodeled and/or enlarged, the remodeled or added portion shall be fully sprinkled.~~

~~Remodels or renovations to commercial, industrial and public buildings without adequate fire access to one or more sides that are valued at \$10,000 or more may require automatic fire sprinklers upon review and determination by the La Conner fire chief. [Ord. 963 § 6, 2005; Ord. 906 § 2, 2003; Ord. 778 § 3, 2000.]~~

~~**15.107.030 Approval by fire chief.**~~

~~No automatic fire sprinkler system required or allowed by this chapter shall be installed or allowed to be installed without the prior written approval of the fire chief or his designee of the plans for installation, testing and maintenance of the system. No residential, commercial or industrial construction for which such system is required, including substantial redevelopment of the same, shall be occupied until testing of the automatic fire sprinkler system has been approved by the fire chief or designee. [Ord. 986 § 4, 2007; Ord. 778 § 4, 2000.]~~

~~**15.107.040 Permissible omissions.**~~

~~Subject to the approval of the fire chief or his designee, sprinklers may be omitted in the following instances:~~

~~(1) Rooms or areas which are of noncombustible construction with noncombustible contents. Sprinklers shall not be omitted from any room merely because it is damp or of fire-resistive construction.~~

~~(2) Where the application of water or flame and water, to contents constitutes a serious life or fire hazard, as in the manufacture or storage of quantities of aluminum powder, calcium carbide, calcium phosphide, metallic sodium, potassium, quicklime, magnesium powder or sodium peroxide.~~

~~(3) Safe deposit or other vaults of fire-resistive construction, when used for storage of records, files and other documents, when stored in metal cabinets.~~

~~(4) If other approved automatic fire-extinguishing systems are installed to protect special hazards or occupancies in lieu of automatic sprinklers.~~

~~(5) Communication equipment areas under the exclusive control of a public communication utility agency, provided:~~

~~(a) The equipment areas are separated from the remainder of the building by a two-hour fire-resistive occupancy separation; and~~

~~(b) Such areas are used exclusively for such equipment and an approved automatic smoke detection system and heat-sensing units are installed, or remote station service or a local alarm is installed which will give an audible signal at a constantly attended location; and~~

~~(c) Other approved fire protective equipment is installed in said location, such as a portable fire extinguisher or Class II standpipes, CO<sub>2</sub> or Halon extinguishing systems. [Ord. 778 § 5, 2000.]~~

**~~15.107.050 Alarms.~~**

~~All automatic fire sprinkler systems serving 30 or more sprinklers shall be equipped with an alarm which shall give an audible signal on the building exterior. This shall be a bell or buzzer of sufficient volume in a location approved by the fire chief or his designee. In remote locations, the fire chief or his designee may exercise the option to require additional monitoring as deemed necessary. It is to be clearly understood that such audible alarm does not in itself summon the fire department. Additional monitoring, if not required, remains the option of the building owner/occupant. Sprinklered buildings which contain residential units and/or sleeping quarters shall also have an interior bell or horn (minimum 85 Dba) in each unit. The requirements of an automatic fire sprinkler system, including the alarms detailed above, does not eliminate the requirements for alarms and fire detection systems found in the international codes as adopted in LCMC 13.05.010. [Ord. 778 § 6, 2000.]~~

**~~15.107.060 Required maintenance.~~**

~~All automatic fire sprinkler systems shall be serviced annually by a qualified service person. A copy of the annual inspection report, signed by the individual who performed such service, shall be forwarded within five working days to the fire department. [Ord. 778 § 7, 2000.]~~

**~~15.107.070 Inoperative system.~~**

~~If, at any time, an automatic fire sprinkler system and/or the alarm system becomes inoperative, the fire department shall be notified within 24 hours. "Inoperative" shall be defined as any condition which prevents any sprinkler from operating or any alarm from sounding at its designated location. [Ord. 778 § 8, 2000.]~~

**~~15.107.080 Violation — Penalty.~~**

~~It shall be an infraction for any person, firm or corporation to violate any of the provisions of this chapter and such person, firm or corporation shall be liable for a civil penalty of \$800.00. Each day of continued violation shall constitute a separate additional infraction. [Ord. 812 § 13, 2001; Ord. 778 § 9, 2000.]~~

**~~15.107.090 Violation — False alarms.~~**

~~Provisions related to false alarms shall be controlled by Chapter 7.35 LCMC, Alarm Systems, as noted in the La Conner Municipal Code. [Ord. 778 § 10, 2000.]~~

**~~15.107.100 Appeals.~~**

~~Any person, firm or corporation who desires reconsideration of a decision made as a result of an interpretation made by the town planner, fire chief or their designees, pursuant to this chapter, shall be~~

~~entitled to said appeal before the town's hearing examiner following the filing of the appeal within 14 days of notification of the aggrieved decision and the payment of an appeal fee of \$200.00. [Ord. 778 § 11, 2000.]~~

~~**15.107.105 Relationship to International Fire Code.**~~

~~The provisions of this chapter, as they relate to the installation of automatic fire sprinkler systems, are intended to augment and be in addition to any and all requirements of the International Fire Code. The installation of automatic fire sprinkling systems shall be required in all zones, as detailed in this chapter, and shall be in addition to any other required fire suppression construction methodologies and/or equipment required by the then current editions of building and fire codes. [Ord. 963 § 6, 2005; Ord. 778 § 12, 2000.]~~

~~**15.107.110 Conflicting provisions.**~~

~~In the event there is a conflict between the provisions of this chapter and the provisions of the latest adopted International Building Code, the more restrictive provisions shall apply.~~

#### **15.110.080 Accessory dwelling units.**

Accessory dwelling units shall be outright permitted uses in the residential zone under the following restrictions:

- (1) An accessory dwelling may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or combination of the following:
  - (a) Alteration of interior space of the dwelling; or
  - (b) Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or
  - (c) Addition of attached living area onto an existing dwelling; or
  - (d) Construction of a detached living area.
- (2) Each single-family dwelling on a legal building lot must have not more than one accessory dwelling unit.
- (3) The owner of the property where the Accessory Dwelling Unit is located must live in the Corporate limits of the Town of La Conner. The owner shall file evidence of residency within the Town as part of the application process.
- (4) The floor area of detached accessory dwellings may be no more than 900 square feet in size on those lots that are under 5,000 square feet in size. On lots 5,000 square feet or larger the floor area for the accessory dwelling may be no more than 1,000 square feet. For attached ADUs the floor area can be as large as the primary structure (e.g. ADU could be the entire basement of existing home; ADU could be entire second story of existing garage; etc.).
- (5) The single-family appearance and character of the dwelling unit shall be maintained when viewed from the surrounding neighborhood. The accessory unit shall be compatible in appearance and character with the primary dwelling unit.
- (6) Only one entrance to the residential structure may be located on any street side of the structure; provided that this restriction shall not affect the eligibility of a residential structure that has more than one entrance on the street side on the effective date of the ordinance codified in this chapter.
- (7) The accessory and principal dwelling unit shall comply with all applicable requirements of the Building, Fire, and Zoning Codes in effect at the time a technically complete application for an Accessory Dwelling Unit is submitted to the Town.
- (8) At least two spaces of off-street parking will be provided for the primary dwelling and a single off-street parking space shall be provided for the accessory dwelling unit.
- (9) A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.
- (10) In those instances where Accessory Dwelling Units are rented the intent is for them to be used for long term rental, month to month or longer. Use as short-term rentals or nightly rentals shall not be allowed.

#### **15.20.030 Permitted uses.**

The following uses and structures are permitted in an RD Zone by certificate of authorization:

- (1) One single-family dwelling unit per lot;

- (2) One factory-built/manufactured home per lot;
- (3) One accessory dwelling unit – See Chapter [15.110.080](#) LCMC;
- (4) Adult family homes/supported living arrangements;
- (5) Accessory uses and structures normally incidental to primary dwelling units – see Chapter [15.110](#) LCMC.

#### **15.20.050 Conditional use permits.**

The following uses and structures are permitted in an RD Zone by conditional use permit (Type IV Permit):

- (1) Pre-school and day care centers, subject to applicable building codes, lot size and coverage standards, parking, loading/unloading and signage requirements, and state (DSHS) licenses and certifications;
- (2) Churches; provided, that all structures are set back at least 25 feet on all sides from abutting property lines and abutting residential and public use zones;
- (3) Rest/convalescent/nursing homes; provided, that all structures are set back at least 25 feet on all sides from abutting property lines and abutting residential and public use zones;
- (4) Private or public lodges, clubs and community organizations;
- (5) Antennas plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 square feet;
- (6) Parks, playgrounds and recreation uses such as tennis courts, athletic fields, pools and restrooms for use of the general public; provided, that subject property is under lease to or otherwise under complete control of the town of La Conner. Conditional use permits will be revoked when not under the control of the town of La Conner;
- (7) Along Maple Street only, existing medical and dental uses.

#### **15.20.055 Administrative conditional use permits.**

The following uses and structures are permitted in the RD Zone with an administrative conditional use permit (Type II Permit):

- (1) Multifamily residential units or apartments;
- (2) Retirement apartments for senior citizens;
- (3) Rooming houses, boardinghouses, bed and breakfasts.

#### **15.20.060 Single-family dwelling units – Dimensional standards.**

- (1) Minimum lot size: 5,000 square feet, or those lots less than 5,000 square feet platted before September 9, 1980, which can be built upon if the setback criteria outlined in subsection (3) of this section are met.
- (2) Maximum building height: 30 feet above the average lot grade, determined by averaging the lowest and highest existing elevation points on the lot to the highest point on the roof, with a maximum of two stories; except, for structures built within the 100-year floodplain, the height shall be measured from one foot above the base flood elevation to the highest point on the building. Roof access must be approved by the fire chief.
- (3) Maximum lot coverage – 60 percent for all buildings and impervious surfacing.
- (4) Minimum building setbacks (from property lines) as follows:

<b>Lot Area</b>	<b>Front</b>	<b>Front Corner Lot</b>	<b>Side 1st Floor</b>	<b>Side 2nd Floor</b>	<b>Side Sum</b>	<b>Rear</b>
Under 5,000 square feet	13 feet	11 feet	6 feet	9 feet	12 feet	7 feet
5,000 square feet or larger	15 feet	15 feet	8 feet	12 feet	16 feet	10 feet

Agricultural setback – 25 feet

- (5) Corner lots have two front yards and two side yards.
- (6) Minimum Lot Access. No building permit shall be issued on any lot or parcel which does not have access by either street, private road, or shared driveway as set forth in Chapter [15.86](#) LCMC.

## **Chapter 15.35 COMMERCIAL ZONE**

### **15.35.020 Permitted uses.**

The following uses and structures are permitted in the Commercial Zone by certificate of authorization:

1. Child care facilities, such as nurseries, day care centers and private schools;
2. Commercial or trade schools, such as art, dance, music, martial arts;
3. Community centers and fraternal lodges;
4. Entertainment facilities, such as theaters, auditoriums, bowling alleys, arcades, billiards/pool parlors, indoor recreation centers, gymnasiums/spas/health clubs;
5. Farmer's markets;
6. Financial institutions;
7. Food service establishments, such as restaurants including drive-up facilities, delicatessens, and ice cream shops;
8. Gas sales and service stations;
9. Hospitals;
10. Lodging establishments, such as hotels, motels, inns;
11. Marine facilities, such as marinas, boat launches, dry boat storage, boat repair and gas docks where directly water-related;
12. Medical offices and clinics, such as doctors, dentists, chiropractors, laboratories;
13. Outdoor recreational, such as ballfields, playgrounds, picnic areas, outdoor swimming pools, and water-oriented uses;
14. Plant nurseries;
15. Professional offices, such as law, realty, architecture, engineering, therapists, counselors, consulting;
16. Public use facilities, such as parks, floats, parking lots, libraries, government offices and buildings;
17. Recreational vehicle parks;
18. Rest homes and adult family homes;
19. Retail sales establishments with outdoor sales and lots, such as vehicle sales, rental, service, and repair, lumber yards, farm and garden supply, and yacht sales;
20. Retail sales of nonperishable goods, such as clothing stores, shoe stores, bookstores, gift shops, pharmacies, hardware stores, and antique shops;
21. Retail sales of perishable goods, such as grocery stores, specialty food stores, feed and seed stores;
22. Service businesses, such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, woodworking shops, laundries/dry cleaners, light mechanical repair stores (camera, TV, bicycle);
23. Taverns, bars, lounges, night clubs and dance halls;
- 24.

### **15.35.030 Conditional uses.**

The following uses and structures are permitted in the Commercial Zone by conditional use permit:

1. Transitional housing and housing for people with functional disabilities;
2. Dwelling units, attached or unattached, are not to exceed 49 percent of the square footage of the building(s), for all uses, of the properties of a development on the ground floor. Dwelling units located above the ground floor are not limited in square footage except that the maximum floor area for all development (commercial and residential) must not be more than two times the property area. Residential uses in the commercial zone to the extent practical must have their access located to the rear or side of the structure where they are located
3. Light industrial uses, artistic endeavors, and those commercial uses which would create noise, light, odors, traffic congestion or dust not normally associated with commercial operations; provided, that:
  - a. The building design is similar to those structures housing commercial uses in the district, and the operational characteristics are compatible with surrounding uses;
  - b. There shall be no unusual fire, explosion, or safety hazards;
  - c. There shall be no production of noise at any property line of any use in the Commercial District in excess of the average intensity of street and traffic noise found in the district;
  - d. Pollution and safety standards set by regional, state or federal agencies, boards, or commissions shall be satisfied. Failure to comply with such regulations shall void the conditional use;
4. Veterinary clinics, animal hospitals and animal grooming parlors provided the facility has no outside kennels;
5. Antenna plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 feet;
6. Parks, playgrounds and recreation uses such as athletic fields, tennis courts, pools and restrooms as accessory uses; provided, that subject property is under lease or otherwise under the control of the town of La Conner. Conditional use permits will be revoked when not under the control of the town;
7. Heavy equipment sales.
8. Guesthouse/Guest Rental – Residential Dwelling Units Rented as Guesthouse. The guesthouse residential unit must also comply with all the provisions of this code that pertain to residential conditional uses in the Commercial Zone.
9. Churches; provided, that all structures are set back at least 25 feet on all sides from abutting property lines and abutting residential zones; and provided, that church use is not allowed in the Commercial Zone portion of the Historic District listed on the National Historic Register, which includes Commercial Street, South First Street, Washington Avenue and western side of South Second Street; and provided, that all parking requirements must be met. The church use does not qualify for “in-lieu-of” fee.

## **FENCES**

### **15.110.010 Certificate of authorization not required.**

The following accessory structures and uses do not require a certificate of authorization:

- (1) Storage buildings, utility buildings and greenhouses under 120 square feet in area;
- (2) Antenna/satellite dish antenna less than 20 feet high, four feet wide, and having a bulk area less than 16 square feet;
- (3) Swimming pools, hot tubs, and similar structures, parks, playgrounds, tennis courts, and other recreational uses, all of a private nature, when provided in conjunction with a permitted or conditional use in a district;
- (4) Fences less than seven feet high;
- (5) Gardens and orchards;
- (6) Temporary structures or temporary use of existing structures incidental to construction work, which shall be removed upon completion or abandonment of the construction work;
- (7) Interior storage areas for materials and products sold from a site.

## **SETBACKS**

### **15.10.1030 Setback line.**

“Setback line” means a line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line or right-of-way, defining the limits of a yard in which no building or structure may be located above ground except as may be provided in such regulations. Any structure exempt from the requirement to obtain a building permit may be allowed to be located within the setback (e.g. hot tub, gazebo, garden shed). Any structure containing a living space must meet minimum setbacks (accessory dwelling unit, sleeping areas within garages or other outbuildings).

## **HOUSEKEEPING**

### **LANDSCAPING**

#### **15.105.160 Review procedures – Minor modifications.**

- (1) Review Procedures. The town planner shall review development proposals under the provisions of this chapter.
- (2) Modification. Where full application of these landscaping regulations cannot be met due to lot size, configuration, topography, pre-existing development, etc., the planner will consider minor modifications, substitutions and other methods deemed appropriate to meet the stated intent. The action of the planner shall be final.

## **PLANNING COMMISSION VS. HEARING EXAMINER**

### **15.130.030 Planning commission – Authority.**

- (1) The planning commission shall review and approve, approve with conditions, or deny Type III permit applications which are not consolidated with Type IV or Type V permit applications. Reference LCMC [15.135.050](#) for permit classifications and procedures.
- (2) The planning commission shall review and make a recommendation for approval, conditional approval or denial to the hearing examiner on Type III permit applications which are consolidated with Type IV or Type V project permit applications. The recommendation shall be made following a public meeting.
- (3) The planning commission shall hold at least one public hearing before taking the following actions:
  - (a) Approving, approving with conditions or denying Type III permit applications not consolidated with Type IV or Type V permit applications.
  - (b) Recommending a plan change/general zone change request.
  - (c) Recommending text amendments to the comprehensive plan and uniform development code or land use ordinances.
  - (d) Any inconsistency between the duties conferred upon the planning commission herein and those duties delegated to the hearing examiner in Chapter [15.12](#) LCMC, as amended, shall be construed in favor of providing jurisdiction to the hearing examiner at the exclusion of the planning commission.

### **15.135.020 Designation of administrator.**

- (1) The planning director shall review all permit applications to determine that the requirements of this code are met.
- (2) The proposal shall be reviewed under the applicable standards of this code and all documents received and prepared related to the proposal shall be filed in a permanent record maintained at Town Hall.
- (3) The planning director shall issue a certificate of authorization for a use or development activity when all project permits required for the use or development activity have been issued or when other applicable development requirements for issuance are completed. [Ord. 743 § 6, 1999.]

### **15.135.050 Process classification and procedures.**

- (1) Classification. Project permits shall be classified by the planning director as Type I through V according to Table A, below.

**Table A – Permit Classifications**

<b>I Administrative</b>	<b>II Planning Director</b>	<b>III Planning Commission</b>	<b>IV Hearing Examiner</b>	<b>V Town Council</b>
Building and construction permits; LCMC <a href="#">15.135.020</a>	Land use review of permitted and accessory uses exempt from SEPA; LCMC <a href="#">15.135.120</a>	Demolition permits for Type I and II structures; Chapter 15.112 LCMC		Non-area wide rezone; LCMC <a href="#">15.125.080</a>
Lot line adjustments; LCMC <a href="#">15.125.050</a>	Temporary structures; LCMC <a href="#">15.110.030</a>	Historic design review of major new construction; LCMC <a href="#">15.50.060</a>	Conditional use permits; LCMC <a href="#">15.135.190</a>	Final plat; Chapter 15.30 LCMC
Sign permits; Chapter 15.115 LCMC		Tree removal permits (excluding residential outside the HPD); Chapter 15.60 LCMC		Shoreline permit revision;
Demolition permits for Type III structures; Chapter 15.112 LCMC	Critical areas; Chapter 15.65 LCMC	Temporary use permits; LCMC <a href="#">15.110.050</a>	Preliminary plat approval; Chapter 15.30 LCMC	
Home occupation permits; LCMC <a href="#">15.110.070</a>	Short plat; Chapter 15.30 LCMC			
Floodplain permits; Chapter 15.70 LCMC	Binding site plan; Chapter 15.55 LCMC		Shoreline conditional use permits;	
Change of use; LCMC <a href="#">15.125.020</a>	Administrative variance; LCMC <a href="#">15.125.040</a>			
Historic design review of minor new construction; LCMC <a href="#">15.50.060</a>	Administrative conditional use permits; LCMC <a href="#">15.20.055</a>		Shoreline variances;	
Shoreline exemptions;			Variances; LCMC <a href="#">15.125.040</a>	
	Shoreline substantial development permits		Appeals of planning commission and administrative decisions; LCMC <a href="#">15.12.110</a>	
Accessory uses; LCMC <a href="#">15.40.030</a>			SEPA appeals; LCMC <a href="#">13.10.090</a>	
			PURD; Chapter 15.25 LCMC	

(2) Procedures. Type I through Type V shall be processed pursuant to the procedures outlines in Table B, below.

**Table B – Review Procedures**

Process Type	I	II	III	IV	V
Recommendation made by	N/A	N/A	Planning commission, if consolidated with Type IV or V permit applications	Planning director or planning commission	Planning commission
Final decision made by	Planning director, public works director or designees	Planning director or designee	Planning commission unless consolidated with Type IV or V permit applications	Hearing examiner	Town council
Notice of application	No	Yes <sup>1</sup>	Yes	Yes	Yes
Open record public hearing	No	Only if appealed, open record hearing before hearing examiner	Yes, before planning commission unless consolidated with Type IV or V permit applications	Yes, before hearing examiner for final decision	Yes, before hearing examiner for recommendation
Closed record appeal/final decision	Only if appealed, a closed record hearing before the hearing examiner, except that appeals of a building official order shall be remanded to the Skagit County building appeals board	No	Only if appealed, closed record hearing before hearing examiner	No	Yes, before town council
Judicial appeal	Yes	Yes	Yes	Yes	Yes

1. Type II – Open Record Public Hearing. For administrative variance and administrative conditional use applications, a public hearing before the hearing examiner may be requested by the applicant, interested parties, or the planning director.

**SUBDIVISIONS**

**15.30.050 Application procedure.**

- (1) Any person wishing to divide land under the provisions of this code shall submit an application, on a form provided by the town, to the town planner together with a fee set by the town council, a preliminary plat, and information including, but not limited to the following:
  - (a) A survey map of reproducible material, at least 18-inch by 24-inch in size with two-inch margins, signed by a registered land surveyor and eight copies containing:

- i. Name, address, and telephone number of property owner of record or certified designated agent, the developer and the land surveyor and/or registered engineer preparing the plat map;
- ii. Legal description of the property;
- iii. Existing zoning classification;
- iv. Date, scale of not less than 100 feet to the inch, and north arrow;
- v. Benchmarks and ground elevation at mean sea level when all or a portion of the plat is located in the floodplain and land contours with intervals of five feet;
- vi. Boundary lines of entire tract to be platted, individual lots and easements with approximate acreage and square footage of the whole tract and portion to be platted;
- vii. Number and dimensions of lots, building setback lines, and density;
- viii. Location, name and width of any existing easement, street and right-of-way within the subdivision/short subdivision and 200 feet thereof, grades, profiles and cross-sections of proposed streets, vehicular and pedestrian circulation patterns;
- ix. Location of fire hydrants within 1,000 feet of the lot;
- x. Location of any existing structures;
- xi. Availability and location of utilities including water, sewer, and storm water drainage;
- xii. Parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of property owners of the subdivision or short subdivision or dedication, or for open space;
- xiii. Location in respect to shorelines of La Conner;
- xiv. Acknowledged signatures of property owners and notary public stamp;
- xv. Signature block for approval of public works director, town planner, and/or town council.

(b) Evidence of title.

(c) If lots are to be served by a private street, copies of applicable covenants or documents with provisions covering, but not limited to, ingress, egress, utility easements, and maintenance shall be furnished to the town and recorded to or simultaneously with the subdivision or short subdivision.

(d) Unless an applicant for preliminary plat approval requests otherwise, the preliminary plat shall be processed simultaneously with applications for, variances, planned unit developments, site plan approvals, shoreline substantial development, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

(e) Development schedule.

(2) The planning director shall affix a file number to the preliminary plat and the date it is received.

**15.30.100 Agency recommendations for final approval.**

1. Each preliminary plat submitted for final approval by the town council shall be accompanied by recommendation for approval or disapproval from the following:

(a) Hearing Examiner

- (b) Town planner
  - (c) Public works director;
- (2) The terms of the recommendations shall not be modified without the consent of the applicant.

**15.30.130 Final plat/short plat – Written approval and filing.**

- (1) Upon approval of the subdivision or short subdivision, the approving authority shall inscribe and execute its written approval on the face of the plat. For short subdivisions, final approval shall be evidenced by signature of the town planner and public works director. For subdivisions, signature authority shall be the mayor.
- (2) The original final plat/short plat shall be filed for record with the Skagit County auditor and a copy filed with the county assessor.
- (3) At least one reproducible copy of the plat/short plat shall be submitted to the town for record. Additional copies shall be furnished to the town as required.

**15.30.160 Specifications.**

- (1) If the preliminary plat is approved, the developer, before requesting final approval, shall carry out minimum improvements in accordance with this code by actual installation to the satisfaction of existing town standards (American Public Works Manual).
- (2) Plans for improvements shall be prepared by a qualified engineer, registered in the state of Washington. Two sets of prints of the proposed plans and specifications for all improvements shall be filed with the public works director. One set of “as built” plans and specifications, certified and signed by an engineer registered in the state of Washington shall be filed with the public works director prior to acceptance by the town council of any improvement installed by the developer.
- (3) In lieu of the completion of the improvements required, the developer may furnish the town a surety bond or a certificate of deposit to ensure the actual construction of the improvements according to town standards. The bond shall be in the amount of 120 percent of the estimated cost of the improvements, to cover inflation. The amount and time limitation of the bond shall be determined by the public works director and/or town planner, subject to approval by the town council.
- (4) No building shall be permitted on any lot or in any area of a subdivision if the proposed construction would require extension or enlargement of existing sanitary sewer systems, water lines, storm and surface drainage systems and other utility systems, resulting in higher net public costs, unless compensation or equivalent services are provided.

**15.30.230 Maintenance of corporate streets and property owned by a private community organization.**

All corporate roads, easements, community utilities and properties shall be maintained by the owners of the property served by them and kept in good repair. It must be demonstrated to the satisfaction of the public works director, town planner, and the town council prior to the recording of final plat that:

- (1) There is a workable organization to guarantee maintenance with a committee or group to administer the organizational functions.

- (2) There is a means for assessing maintenance costs equitable to property owners served by the private facilities.
- (3) Corporate roads shall be labeled on the face of the final plat as a "Corporate Road" and designated as Tract "A." Under the dedication section of the final plat, it shall be shown that Tract "A" is to be held in individual ownership by the owners of the lots served by the corporate road.
- (4) Roads to be retained under corporate control shall show the following construction and maintenance obligations clause under the dedication section of the final plat:

The cost of construction and maintaining all roads not herein dedicated as "town roads" and all access roads to the plat, unless the same are dedicated as "town roads," shall be the obligation of all of the owners of the lots in the plat and/or of any additional plats that may be served by said roads, streets, and/or alleys, and that obligation to maintain shall be concurrently the obligation of any corporation in whom title of said roads, streets and/or alleys beheld. In the event that the owners of any of these lots or the corporate owners of any of the roads, streets and/or alleys of this plat or any additional plats served by these roads, streets, and/or alleys shall petition the town council to include these roads, streets, and/or alleys in the road system, said petitioner shall be obligated to bring the same to the town standards in all respects prior to acceptance by the town.

- (5) In no case shall the town accept a dedication or any obligation as to any such road, street and/or alley until the same and all roads, streets, and/or alleys connecting the same to the town road system have been brought to town road standards.
- (6) If permission is obtained for the use of corporate roads or easements by means of approval of the town council, each lot shall have an equal and undivided interest in such road or easements.
- (7) Where a new road connects to an existing concrete or blacktop or similarly surfaced road, the new road shall have surfacing similar to that on the existing road from the intersection of the old road surface to the right-of-way line of the existing road. The new surfacing shall be on a transition grade, approved by the public works director.

#### 15.10.125 Bed and breakfast.

"Bed and breakfast" means a use carried on in a structure designed for residential purposes which provides overnight accommodations plus breakfast and occasionally family-style meals for guests, in an owner-occupied home that provides up to three rooms for this purpose. The occupying owner(s) must own a majority interest in the residence or a majority interest in the entity that owns the residence upon which the bed and breakfast is located. The bed and breakfast is not allowed to be located in a detached building accessory to the primary structure designed for residential purposes.

#### 15.10.650 Lot of record.

"Lot of record" means any platted lot of the town of La Conner the boundaries of which were approved by the planning commission, previous boards of adjustment or the appropriate approving authority at the time of creation and are recorded in the county auditor's office.

**Chapter 15.107**  
**AUTOMATIC FIRE SPRINKLER SYSTEMS**

The proposal is to repeal this section in its entirety. The Section is out of date with the current building codes and it never should have been included in Title 15 in the first place. It should be in Title 13. Changes to Title 13 are not subject to Planning Commission review.