

TOWN OF LA CONNER
SPECIL PLANNING COMMISSION MEETING
October 4, 2022

The meeting of the La Conner Planning Commission was called to order at 6:00 p.m.
Commissioners present: Bruce Bradburn, Marna Hanneman, Carol Hedlin, Liz Theaker
and John Leaver.

Staff Present: Planner Michael Davolio and Administrator Thomas

This was a hybrid meeting held in person and electronically by Zoom. Information to join was posted at Town Hall, the published Agenda and on the Town Website.

PUBLIC COMMENT:

Resident Linda Talman questioned how we are moving forward from the committees to the Town with the code amendment process. Planner Davolio explained everything that has been recently received will be placed on the Agenda for the 2023 Code Amendments. Anyone that wants to submit something in that regard has until January 31st, 2023. He has eliminated the 60 day window for suggestions and will accept them through the year, but after January 31st, it will go on the next years agenda.

Resident Debbie Aldrich asked if the Commission received her letter. Commissioner Hanneman confirmed it was in the packet.

OLD BUSINESS:

Continuation of the Public Hearing Regarding the Municipal Code Amendments.

6:10 p.m. Commissioner Hanneman opened the Public Hearing.

Resident Greg Ellis requested the Commission to consider approving the changes he requested to the tiny house code, so he can commit to creating affordable portable tiny homes.

Cassandra Sanders spoke on the need for affordable housing and supports the potential tiny homes project.

Heather Rogerson representing the Port of Skagit stated the Port letters were submitted. She also wanted it clarified the zoning requests are from the Port, not Planner Davolio.

Resident Maggie Wilder discussed the following:

- She felt the Port's presentation was very poor and vague.
- We are using an outdated zoning map from 2006
- The Port should submit a plan that includes the larger buildings.
- She would like our Town planning to be forward thinking about climate change and future industry.
- The need for a citizen's initiative on planning in La Conner.

Planner Davolio stated 2006 was the last time the zoning map was updated, so that is the most recent map. One of the changes showing on the map is the change from public to residential that was approved by Council over a year ago.

Resident Jim Matthews agreed with the Ports proposed changes in use. However, 15.42.010 included items that were not associated with maritime manufacturing and services and should be removed. He felt variances in height restrictions could set a precedence, but feels a strong maritime economy benefits the Port and our community. He advised the Planning Commission should be involved in the process and not just in an advisory position.

Resident Kai Ottesen expressed his concern on the decrease of the agricultural setback as it opens the door to future reductions. He urged the Commission to maintain the current 25 foot setback.

Resident Gary Nelson stated the parking issues we have had since 1984 are the same problems we have now. The code currently has one parking stall per 1200 square feet, which makes no sense. In regards to the decrease of the agricultural setback, we need to give the farmer the respect to continue farming without people complaining their houses are getting dirty. He doesn't feel the current 25 feet is enough.

Resident Debbie Aldrich questioned if the contractors of the Maple Avenue project have applied for variances on setbacks after other projects they have completed. Planner Davolio stated he is not aware of any variances by the Maple Avenue property owners, however there are people that live on Maple Avenue that have expressed an interest in building a patio. He has advised them to wait on submitting an application until after the final code amendments are made. Also, a variance is not an option unless they prove a hardship as set by State law and numerous court decisions.

7:10 p.m. Commissioner Hanneman closed the Public Hearing.

2022 Code Changes:

2.07.030 – Planning Commission Meetings. It was requested to go back to two meetings a month. Commissioners decided to maintain one meeting a month because it is cost prohibitive to pay staff, there is always the option to schedule a special meeting if needed and normally the regular meetings are short in time.

The Commission decided to remain with one scheduled meeting a month.

15.05.070 – Rules for Interpretation

(6) All activities that are not permitted as a right or by permit shall be prohibited.

Adding a 6th zoning district P) Port Industrial.

The Commission accepted the addition of the 6th zoning district as presented.

15.10.1197 – Tiny Home (Definition).

Planner Davolio explained this is from State regulations and zoning regulations in other communities.

The Commission accepted the definition for tiny houses as presented.

15.10.1117 - Story (Definition)

15.10.1118 – Story above grade plane (Definition)

Planner Davolio explained the definition for both sections will make it clear three story residential buildings are not permitted in the Residential Zone. The definitions come from the National Building Code.

The Commission accepted the definitions 15.10.1117 and 15.10.1118 as presented.

15.12.090 – Time periods (Procedures)

15.12.100 – Decision (Reconsideration)

Planner Davolio explained both sections were amended to clarify the time period is measured by business days, not calendar days.

The Commission accepted sections 15.12.090 and 15.12.100 as presented.

15.20.100 – Tiny home standards

Commissioners did not agree with (2) Parking - a minimum of one parking space per two dwelling units.

It was the consensus of the Commission to accept 15.20.10 with the change of (2) Parking - A minimum of one off street parking space per dwelling unit.

15.25.010 - Purpose

Encouragement of the development of affordable housing styles, such as tiny home developments was added. It was clarified tiny homes is just an example and having a broader discussion on this would be helpful.

The Commission accepted the addition to 15.25.010 as presented.

15.25.030 – Permitted Uses

Under Planned Unit Residential Development, tiny home residential units was added.

The Commission accepted the addition to 15.25.030 as presented.

15.25.130 – Density Increases

Density restriction changed from 5000 square feet to 4000 square feet, with the exception of tiny home developments.

The Commission accepted the change to 15.25.130 as presented.

15.35.030 – Conditional Uses

Added Residential uses in the Commercial Zone shall not exceed a density of 18 dwelling units per acre of land.

The Commission accepted the addition to 15.35.030 as presented.

15.105 Landscaping

15.105.020 – Applicability

The addition of This exception does not preclude landscaping requirements for plats or shot plats.

The Commission accepted the addition to 15.105.020 as presented.

15.20.060 Single-family dwelling units (Dimensional standards)

4) Agricultural setback: 25 feet. **The addition of uncovered patios and porches/decks may extend into the agricultural setback, provided they meet a 15 foot rear setback requirement.**

It was the consensus of the Commission to leave the 25 foot setback as is, and remove the addition of the 15 foot agricultural setback exception for uncovered patios, porches and decks.

15.20.070 - Manufactured (factory-built) home standards

The addition of This minimum width standard shall not apply to tiny homes, as defined in Section 15-20.100

The Commission accepted the addition to 15.20.070 as presented.

Chapter 15.42 – Port Industrial Zone

15.42.010 – Purpose. No discussion

15.42.020 – Permitted Uses.

Planner Davolio explained this is a refinement of the permitted uses in our existing industrial zone. Discussions included:

- Clarification of plans for public transportation system terminals. The Port has no plans yet.
- Concern of aquaculture and seafood processing. Confirmed by Planner Davolio any aquaculture processing would undergo very strict State protocol.
- Processes in place to protect the water and agricultural land. It was confirmed certain businesses would be required to have specific permits from the Department of Ecology and other ecology agencies, depending on the use.

The Commission accepted 15.42.020 as presented

15.42.030 – Accessory Uses. No discussion

15.42.040 – Conditional Uses.

Add a number (2) and insert (5) (a) through (e) from 15.42.050 Maximum building height.

It was the consensus of the Commission to accept the addition to 15.42.040 as discussed.

15.42.050 – Dimensional Standards

Discussions Included:

Not in favor of the blanket 60 foot height increase because there is not a specific master plan and to require the process as a variance for anything over 40 feet. Planner Davolio explained variances are off the table. By State and court decisions, you have to show a hardship not caused by the applicant for a variance. He suggested the request for the 60 foot height increase to be determined through the conditional use process rather than a variance

It was the consensus of the Commission to

1) Leave the industrial maximum height at 40 Feet as it is now.

2) Under Agricultural Land it should say “front side rear 25 feet” and remove except for decks, uncovered patios and porches.

3) Remove (5) (a) – (e) Maximum building height and add it to 15.42.040-Conditional Uses.

Planner Davolio explained the Conditional Use process. The request goes before the Planning Commission for recommendation to the Hearing Examiner for final decision. He also is concerned businesses will seek other location options if a variance is required.

15.42.051 – Dimensional standards, office. No discussion.

15.50.120 District/Neighborhood.

Added (C) On the waterfront side of the First Street, rear yard access must be approved by the fire chief for fire safety. The decision of the fire chief is not appealable. Planner Davolio explained this was a change requested by the Fire Chief.

The Commission accepted the addition to 15.50.120 as presented.

Chapter 15.65 Specific Requirements – Nontidal Wetlands.

Planner Davolio stated this comes directly from our Shoreline Master Plan. It has been added to avoid any potential misunderstanding.

The Commission accepted Chapter 15.65 as presented.

UDC Amendments Related to Sign Regulations – Chapter 15.10 Definitions. & 15.115 Signs

The Commission accepted Chapter 15.10 and 15.115 as presented.

Zoning Map

The Commission accepted the updates and changes to the Zoning Map as presented.

There was further discussion on the option for a conditional use for requested height increases. Commissioner Theaker questioned if the process was mandated by the State or Town Council. Planner Davolio will review our Comprehensive Plan as well as the State regulations.

Recap on Changes:

15.20.100 Tiny Homes Standards

Changed from one parking space per two dwelling units to one off street parking space per dwelling unit.

15.20.060 Single-family dwelling units (Dimensional standards)

Leave the 25 foot setback as is, and remove the addition of the 15 foot agricultural setback exception for uncovered patios, porches and decks.

15.42.040 – Conditional Uses

Add a number (2) and insert (5) (a) through (e) from 15.42.050 Maximum building height.

15.42.050 – Dimensional Standards

1) Leave the industrial maximum height at 40 Feet as it is now. Anything over requires a conditional use permit.

2) Under Agricultural Land it should say “front side rear 25 feet” and remove except for decks, uncovered patios and porches.

3) Remove (5) (a) – (e) Maximum building height and add it to 15.42.040-Conditional Uses.

Planner Davolio suggested adding language stating any conditional use requested in the Port Industrial District will be decided by the Planning Commission. It would still be subject to an appeal, which would go to the hearing examiner. Administrator Thomas explained the Planning Commission would have to follow the regulations and assume a different role. He will look into the availability of training through our insurance company.

The Commission approved the addition suggested by Planner Davolio.

Commissioner Hedlin moved to approve the 2022 Code Amendments with the revisions and the addition of the suggested language by Planner Davolio. Motion seconded by Commissioner Bradburn. Motion carried 5/0.

CLOSING COMMENTS:

Commissioner Hanneman expressed her appreciation for all the advice received from Planner Davolio and the citizen’s input. She stressed to be kind; it is not personal in any way. It is what we need to do for future generations, not for short term.

There were further comments on the definition of progress and concern on additional traffic from the increase of business at the Port.

The next Planning Commission meeting will be on October 18, 2022, at 6:00 p.m.

With no further business the meeting ended at 7:33 p.m.

Chair

Date