

MEETING NOTICE

TOWN OF LA CONNER PLANNING COMMISSION

Tuesday, June 6, 2023 6:00 p.m.

Location

Lower Maple Center
104 Commercial Street, La Conner, WA
And by Zoom
Information below and on the Town website

Agenda

1. CONVENE
2. PUBLIC COMMENT (Topics not otherwise on the Agenda) – Time Limit 3 Minutes
3. MINUTES
 - ❑ Approve minutes from the May 16, 2023 meeting
4. OLD BUSINESS
 - Status Report: 306 Center Street
 - Status Report: Public Participation Program
 - Comprehensive Plan Update: Discussion of Transportation Element
5. NEW BUSINESS
 - Introduction: Short Term Rental Regulations
6. CLOSING COMMENTS

Zoom

Topic: Planning Commission Meeting

Time: Jun 6, 2023 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://phaudowud-online.zoom.us/j/87588605640?pwd=aXFzNkswNGxpMENNTmRCMFNRbG9KQT09>

Dial by your location

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

Meeting ID: 875 8860 5640

Passcode: 993636

**TOWN OF LA CONNER
PLANNING COMMISSION MEETING
May 16, 2023**

The Planning Commission meeting was called to order at 6:00 p.m.

Commissioners present: Carol Hedlin, Marna Hanneman, Bruce Bradburn, John Leaver

Commissioners absent: None

Staff: Michael Davolio, Ajah Eills

PUBLIC COMMENT:

No public comments.

MINUTES:

Commissioner Leaver moved to approve the minutes from the May 2, 2023 meeting with corrections. Seconded by Commissioner Bradburn. Commissioner Hedlin requested that additional detail be added to the minutes. Motion carried unanimously.

OLD BUSINESS:

Staff reported that the applicants for the 306 Center Street project had submitted the soil testing results, although they had not been reviewed by staff. The applicant plans to apply for building permits before the end of June.

Staff presented the final door hangers for the Public Participation Program. The hangers will be distributed within the next week.

Staff presented on the update to the transportation element, and included information about parking around town, the possibility of expanded multi-modal pathways, and a potential collaboration with the school districts around safe walking routes to school.

Commissioner Hanneman stated that about half of the parking available at the Port was now numbered and there is a pay station at the front of the parking lot.

Planner Davolio thanked Commissioner Hanneman for bringing this to staff attention, but as it is all private port-owned property they are allowed to do so. Davolio also mentioned that La Conner Maritime was planning on installing solar panels on their property.

Mollie Rights inquired about the soil report from the 306 Center Street project. Planner Davolio stated that staff had just received the report that same day and had not yet thoroughly gone over it.

NEW BUSINESS:

Chair Hedlin opened the Public Hearing for the proposed Adult Business regulations. Planner Davolio introduced the regulations, as well as written public comments from the Port.

Commissioner Hanneman clarified that the Port's comments, which indicated that the Port does not feel that adult business is an acceptable use within the Port Industrial zone, will not present a problem in implementing the regulations.

Commissioner Bradburn stated that the Planning Commission is an advisory body, and it would be Town Council that makes the final decision.

Commissioner Hedlin mentioned that La Conner has a high percentage of children and families.

There were no public comments.

Commissioner Bradburn thanked Davolio and Eills for researching and developing the regulations.

Commissioner Bradburn moved to recommend that the Town Council approve the adult business regulations. Commissioner Hanneman seconded. The motion carried unanimously.

CLOSING COMMENTS:

Commissioner Hanneman asked how many Town Survey responses were recorded. Assistant Planner Eills stated that there were around 70 responses the last time she had looked.

Commissioner Bradburn suggested that the Planning Commission set up a Comprehensive Plan Update work process.

Planner Davolio stated that the parking study would be ready for the next meeting.

Commissioner Bradburn mentioned that the Library was proving to be a great success, citing a recent school event that occurred there.

The next Planning Commission meeting will be on June 6, 2023.

With no further business Commissioner Hanneman moved to adjourn the meeting at 6:34 p.m. Seconded by Commissioner Bradburn. Motion carried unanimously.

Chair

Date

Soil Report 306 Center Street - Summary

306 Center Street has been the site of soil analysis in 2003, 2005, 2022 and 2023. The report by Dixon Environmental Services outlines the previous soil analysis in detail before reporting the recent results.

By 2003, at last 6 underground storage tanks previously associated with fuel stations had been removed from the property or from the south adjacent parcel. These fuel stations were also reportedly equipped with above ground bulk fuel tanks.

In 2003, after removal of the tanks, roughly 127 tons of contaminated soil was removed from the former tank area. The specific contaminants were: gasoline-range petroleum hydrocarbons (GRPH) toluene, ethylbenzene, and xylenes.

In 2022, Dixon Environmental Services analyzed the findings of the past soil analysis and the historical use of the property to determine that a focused investigation of the southern property line would allow evaluation of the known releases, as well as evaluation of the potential impacts of the above ground fuel tanks previously on the property. Borings B1 – B6 were taken at this time, and tested for contaminants. Only boring B3 revealed contaminants, with unacceptable levels of both GRPH and benzene being present. These results indicated that the soil had mostly likely been impacted by the above ground fuel tanks, but not significantly impacted by the underground storage tanks. The presence of a manufactured home prevented further exploration north. *See Figure 1 for boring locations.*



October 2022, the manufactured home was removed from the property. On March 7th, 2023, Dixon completed 6 additional borings (B7 – B12) designed to test for soil contaminants spread westerly, northerly, and easterly. Only B8 revealed contaminants above acceptable levels, containing both GRPH and oil-range petroleum hydrocarbons (ORPH). B8 also had detectable levels of DRPH, ethylbenzene, and xylenes, but the levels were below the threshold for clean-up as specified in the Model Toxics Control Act. No other boring revealed detectable contaminants. *See Figure 1 for boring locations.*

The soil affected by the contaminants will be removed and properly disposed of in a suitable Subtitle D landfill as required by the Hearing Examiner.

Figure 1: This photo shows the 12 boring sites where soil samples were taken in 2022 and 2023. The borings marked in red (B3 and B8) indicate contaminants detected in the soil.

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff
SUBJECT: Short-term residential uses
DATE: May 26, 2023

During the 2022 review of the town's Municipal Code, the issue of short-term residential uses was raised. After brief discussion, it was agreed that this subject should be deferred to 2023, with the expectation of a broader public discussion on this matter. At that time, there was a suggestion that short-term residential uses should be permitted in the Residential Zone to enable property owners to enjoy the maximum use of their land. Another argument was made that short-term rentals would have a negative impact on residential neighborhoods.

The draft language proposed would have limited short-term residential uses to not more than 30 days in any calendar year. The thought behind this restriction was that it would enable homeowners to rent their homes during vacation periods.

Under our current regulations:

- Rooming houses and bed-and-breakfast facilities are permitted in the Residential Zone by an administrative conditional use permit;
- Short-term residential uses are permitted in the Commercial zone, by right; and
- Accessory Dwelling Units (ADUs) are not allowed to be used for short-term residential use.

For the purposes of discussion, the staff puts forward the following language, as was proposed in 2022:

Definitions

15.20.1032 Short-term residential use. The temporary use of a residential property for a period of not more than thirty (30) days. In the Residential zone, short-term residential use is not permitted more than once in any calendar year. Any short-term residential use is subject to payment of a hotel/motel tax to the Town of LaConner.

15.20.030 Permitted uses.

(6) Short-term residential uses.

This suggested language is for discussion purposes only, and does not represent a recommendation of the staff at this time. There are reasonable arguments to be made on all sides of this issue before any decisions are made.