

**MEETING NOTICE**

**TOWN OF LA CONNER PLANNING COMMISSION**

**Tuesday, June 20, 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 June 6, 2023 meeting
4. OLD BUSINESS
  - Status Report: 306 Center Street
  - Status Report: Public Participation Program
  - Comprehensive Plan Update: Discussion of Transportation Element
  - Ongoing Discussion: Short Term Rental Regulations
5. NEW BUSINESS
  - Tiny Home Contract Rezone (Applicant dependent)
  - Report on Legislative Actions: Part 1
6. CLOSING COMMENTS

Zoom

Topic: Planning Commission Meeting

Time: Jun 20, 2023 06:00 PM Pacific Time

<https://phadowud-online.zoom.us/j/86003765360?pwd=Z2pnajdGV1hIUmk3Q1hZcmJFR3ZoZz09>

Meeting ID: 860 0376 5360

Passcode: 427767

**TOWN OF LA CONNER  
PLANNING COMMISSION MEETING  
June 6, 2023**

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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

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**PUBLIC COMMENT:**

Jim Mathews expressed disbelief at the plans Greg Ellis had submitted at the last Town Council meeting, specifically about the parking in the right-of-way.

Planner Davolio stated that the town is waiting for additional information from the applicant.

Commissioner Hanneman stated that she had recently attended the North-West Planners Forum, and it was very informative with several good speakers. She will pass along relevant information to the town staff.

**MINUTES:**

Commissioner Bradburn moved to approve the minutes from the May 16, 2023 meeting with corrections. Seconded by Commissioner Leaver. Motion carried unanimously.

**OLD BUSINESS:**

Staff reported that they had received the soil report from the 306 Center Project, and have published both the report and a one-page summary on the town's website. The report satisfies the Hearing Examiners requirement for additional soil testing. The applicant will have to schedule a pre-construction meeting with public works before beginning construction.

William Smith asked who would be responsible for supervising the removal of the contaminated soil.

Davolio stated that the applicant would be required to have an engineer on site to supervise the work.

Debby Aldrich asked who issued the building permit and if there would be a comment period.

Davolio stated that the county does; the town issues a concurrent review letter. There will be no comment period.

Jim Mathews asked who provides the concurrent review letter.

Davolio stated that the planning department does.

Debby Aldrich asked if the Department of Ecology knew about the site.

Davolio said yes, the Town sent them a SEPA.

Jim Mathews noted that the applicate had originally applied for a variance for height, and asked who would be monitoring this for compliance.

Davolio stated that the town does, the planning department, public works, the fire department, and code enforcement.

Staff reported that the door hangers were hung, and the survey has received 64 responses so far. Staff plans to keep the survey open through the end of June. An email list will likely be created. Council member MaryLee Chamberlain had a positive experience hanging the door hangers, and has communicated with staff the efforts of the Communication Committee, which will be included in the comprehensive plan update.

Rene Mathews asked for an explanation of the door hangers.

Staff explained that it was a survey that was hung on residences around town.

There was no update on the Transportation Element.

### **NEW BUSINESS:**

Staff presented potential short-term rental regulations, and stated that this topic often brought out a lot of conversation. People are on all different sides of this issue, and there are many discussions to be had. This is a starting point.

Commissioner Hanneman stated that the City of Granite Falls has eliminated all short-term rental uses in the commercial zone. She acknowledged that this is a controversial topic.

Davolio stated that Coupeville has done the opposite, eliminating all short-term rental use in the residential zone.

William Smith stated his belief that short-term rentals undermine community structure, especially in residential zones.

Commissioner Bradburn expressed that he was concerned the regulations are too restrictive.

Marilyn Thostenson asked if BnB's were allowed in town.

Davolio replied they were allowed by conditional use permit.

An ongoing conversation ensued about the possibility of short-term rentals undermining community structure, and the challenges of enforcement. Mention was made that neighbors may be helpful in enforcing it.

Commissioner Hanneman mentioned that there were less than 100 available beds for short-term rentals, and questioned where people would stay during festivals.

Commissioner Leaver stated that he was required to provide parking for his BnB that is within his house. Other houses have many cars on the street. He provides tax money to the town and the state.

William Smith stated that short-term rentals erode the soul of the town.

Mollie Rights questioned how the oversight of this would work, and mentioned that they house she currently owns was used as an AirBnB prior to their purchase of it.

Commissioner Hanneman stated that ADU's would not be able to be rented short-term.

William Smith asked how we could examine the number and types of way that AirBnB's do not serve the town. Mentions that he lived next to one BnB that had a party atmosphere.

Both Commissioner Hanneman and Planner Davolio mentioned that BnB's are required to pay hotel/motel taxes. Hanneman went on to mention an old community plan for revitalizing the space around the Moore Clark building.

Marilyn Thostenson agreed that the old plan would have enhanced the town.

Commissioner Bradburn asked if the building had been condemned.

Marilyn Thostenson mentioned that they had spent money to clean it up when they purchased the property.

Eills mentioned that the town had sent a "dangerous building" letter to the owners of the building.

There was a discussion regarding restrictions on second and third homeowner ship within La Conner based on some choices made by municipalities around the country. Hanneman mentioned that this discussion had occurred before.

William Smith asked if there was a general town consensus that AirBnB's damage the town?

The Commission responses that there is not currently that consensus, other community members chimed in that renters' shop in the stores, eat in the restaurants, and enjoy the town.

It was decided that more discussion is needed before any action is taken.

**CLOSING COMMENTS:**

William Smith asked if the town has given any thought to limiting construction because of the flooding.

Commissioner Hanneman response that we had not.

William Smith responds that he doesn't understand why the town can not or will not limit construction given that it will be in danger from the flood levels.

Gerald George responds that the Emergency Management Commission (EMC) is currently trying to address the level of the December 2022 flood.

Jim Mathews stated that he was deeply impacted by the flood and the water that impacted him was pumped out from the La Conner Retirement Inn.

There was scattered conversation about the flooding and the flood risk as related to new construction and developments. The EMC regards the flood risk as absolute. There was discussion about building materials, building moratoriums, how to make concrete decisions about flood protection, FEMA maps, historical dike removal, and "100" year floods.

Commissioner Hedlin stated that flooding will be continually addressed moving forward.

The next Planning Commission meeting will be on June 20, 2023.

With no further business Commissioner Hanneman moved to adjourn the meeting at 6:57 p.m. Seconded by Commissioner Bradburn. Motion carried unanimously.

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Chair

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Date

## MEMORANDUM

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TO: Planning Commission  
FROM: Michael Davolio, AICP, Planning Director,  
Ajah Eills, Assistant Planner  
SUBJECT: Summary: 2023 Bill Updates and La Conner Implications Part 1  
DATE: June 16, 2023

Bill Number: HB 1110

Effective Date: July 23, 2023

Bill Summary: Adds definitions for “middle housing”, “cottage housing”, “courtyard apartments”, “single-family zones”, “stacked flat”, and “townhouses”. Adds density requirements for cities with a population of over 25,000, and cities with a population of under 25,000 within contiguous urban growth area with the largest city in a county with a population of more than 275,000. Any city included under these requirements must develop authorizations for additional density, with the State requiring anywhere from 2-6 units per residential lot, depending on population size and willingness of the developer to include affordable housing. A separate provision allows cities to adopt these density requirements in at least 75% of lots primarily dedicated to detached single family units as an alternative. This bill also requires that cities allow at least 6 out of 9 middle housing types in order to achieve this density. This bill also strikes down certain parking requirements if the lot is within a half mile of a major transit stop, and disallows development regulations for middle housing that are more restrictive than those allows in detached single-family residences. This bill also allows cities to seek approval from the department (the Department of Commerce) for alternative local actions that substantially meet the requirements of this act. Any amendments to development regulations or non-project actions taken in order to comply with this bill are exempt from administrative and judicial appeals.

TOLC Required Actions: La Conner does not fall within any of the population parameters of this bill that would require the specific actions listed, but we could still make changes that follow the spirit of bill and are substantially similar to this bill. One easy way to do this would be to adopt and allow for multiple types of middle housing in all residential zones. The Planning Department is already expecting to address density contradictions between multi-family zoning and single-family zoning during the next UDC update, which would be an excellent time to fit middle housing into our code. TOLC has no major transit stops, so many (if not all) of the reductions in parking requirements would not apply to any of the lots in La Conner. Essentially, this bill is

By Ajah Eills, 6/15/2023

designed to allow more housing types and more density. As La Conner is already aware of the need for more housing types and more density within the Town borders, this bill will support La Conner in making these changes.

Bill Number: HB 1337

Effective Date: July 23, 2023

Bill Summary: This bill requires that cities and counties allow 2 ADU on any single-family residential lot within an urban growth area. It removes parking requirements based on a distance from a major transit stop, requires that cities allow conversion of non-conforming building into ADUs, prevents cities from requiring owner occupation, and prevents cities from prohibiting the sale of a condo unit independently of a principal unit based solely on the fact that it was originally built as an ADU.

TOLC Required Actions: This bill only affects single-family lots in an Urban Growth Area. La Conner doesn't have any UGA's, so there are no required actions. However, in the spirit of the bill, several of the recommend actions could suit La Conner. Allowing two ADU's per lot and allowing the conversion of non-conforming buildings would allow La Conner to use existing lots and buildings to strategically build density and affordable housing. Other regulations, such as allowing ADUs up to a lot line of a public alley way, and not establishing a maximum that is less than 1,000 square feet, may also be beneficial to La Conner.

Bill Number: HB 1293

Effective Date: July 23, 2023

Bill Summary: Requires that cities only apply "clear and objective" development regulations governing exterior design. This does not apply to locally designated Historic Preservation Districts.

TOLC Required Actions: None, La Conner does not evaluate projects outside the HPD for exterior design. Also, the design standards applied within the HPD would be considered clear and objective under the parameters stated within HB 1293.

Bill Number: HB 1042

Effective Date: July 23, 2023

Bill Summary: Requires that cities allow the addition of housing units in an existing building envelope at a rate of 50% more than what is allowing at the underlying zoning in commercial

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and mixed-use buildings, provided that the building is in a zone that permits multi-family housing. It does not allow cities to require parking for the additional housing units, or require that existing housing units within the building be brought up to current energy code, as long as the existing housing units are not converted into new dwelling units.

TOLC Required Actions: La Conner only permits multi-family zoning within a residential area, so this would only apply to the existing commercial and multi-use buildings within La Conner's residential zone. However, La Conner could open up the commercial zone to multi-family housing in order to allow more middle housing space. In that case, this would have a much larger impact. Some of the regulations included within the bill, such as the allowance of non-conforming buildings to be converted to ADU's, may be policies that would be beneficial for La Conner to adopt within the Residential Zone as well.

Bill Number: HB 1181

Effective Date: July 23, 2023

Bill Summary: Requires provisions for climate change to be added to the Comprehensive plan, including a section on both Mitigation and Resilience.

TOLC Required Actions: La Conner has already planned for the addition of climate elements in the Comprehensive Plan update. To that end, La Conner has collaborated with WWU students, who prepared recommendations over the course of their semester related to a potential climate element and other changes to our comprehensive plan that would encourage climate adaptation. La Conner expects to receive a full report within the next week from WWU related to this.

Bill Number: HB 1170

Effective Date: July 23, 2023

Bill Summary: Requires the Department of Ecology to work with various state, county, local, and tribal governments to update the 2012 Integrated Climate Response Plan. The bill also provides provisions for working to secure funding for climate related actions through the office of financial management.

TOLC Required Actions: La Conner will collaborate with other local government and the department of ecology in order to ensure that updates to the 2012 Integrated Climate Response Plan are relevant and useful to La Conner.