

MEETING NOTICE

TOWN OF LA CONNER PLANNING COMMISSION

Tuesday, August 1, 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 July 18, 2023 meeting
4. OLD BUSINESS
 - Status Report: Talmon Development
 - Status Report: Public Participation Program
 - Comprehensive Plan Update: Discussion of Transportation Element
 - Ongoing Discussion: Short Term Rental Regulations
 - High Density Housing Discussion
5. NEW BUSINESS
 - Report on Legislative Actions: Part 2: Housing Impacts
6. CLOSING COMMENTS

Zoom

Topic: Planning Commission Meeting

Time: Aug 1, 2023 06:00 PM

Meeting ID: 875 8860 5640

Passcode: 993636

Join Zoom Meeting

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

TOWN OF LA CONNER
PLANNING COMMISSION MEETING
July 18, 2023

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

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

Commissioners absent: None

Staff: Michael Davolio, Ajah Eills

PUBLIC COMMENT:

Chip Hall, who owns property on First Street, spoke to make the Planning Commission aware of the ongoing dispute with DNR regarding the DNR leases next to 317 N. 1st St and 319 N. 1st St. He got approval for a marina building in 2021 and is concerned that the DNR lease will block access to the potential marina.

Jean Wharton, who lives on Second Street, expressed concern about the Town's treatment of trees. She reported seeing many trees being strangled by ivy around Town, and stated that heat and carbon are everyone's problem, and even if the trees in question are on private property, the air itself is not private. She stated her belief that the Town should look into ways to get water to trees.

Marilyn Thostenson, who lives on Whatcom Street, expressed a memory of an old plan for the commercial transition area that was made in 1991. She said it was very forward thinking, but the council did not approve it. She would like to see a similar development take place now.

MINUTES:

Commissioner Leaver moved to approve the minutes from the June 20, 2023 meeting with corrections. Seconded by Commissioner Bradburn. **Motion carried unanimously.**

OLD BUSINESS:

There was no new information about the Talmon Development. Staff discussed a future meeting with the La Conner School District in order to present to students in the senior class as part of the Public Participation Program.

NEW BUSINESS:

Staff presented information on how the City of Kirkland plans for affordable housing units, how the MRSC recommends planning for affordable housing units, and potential ways these recommendations could be implemented in La Conner. Staff proposed potential High Density Residential Housing regulations. There was discussion of the proposed High Density Residential regulations. This discussion then led to a discussion of short-term rental regulations. No formal action was taken.

COMMISSIONER COMMENTS/STAFF COMMENTS:

Commissioner Holt expressed a belief that short-term rentals can undermine the safety and community of a neighborhood, and that short-term rentals should not be allowed in High-Density Residential areas. Commissioner Hanneman asked for clarification on the Commercial Transition zone, inquired about a potential trip to Langley, and requested that Staff begin to work with Skagit County on the possibility of establishing pre-approved building plans.

The next Planning Commission meeting will be on August 1, 2023.

With no further business Commissioner Leaver moved to adjourn the meeting at 7:15 p.m. Seconded by Commissioner Hanneman. **Motion carried unanimously.**

Chair

Date

MEMORANDUM

TO: Planning Commission
FROM: Michael Davolio, AICP, Planning Director
Ajah Eills, Assistant Planner
SUBJECT: High Density Residential Development Draft Proposal
DATE: July 14th, 2023

Please see attached the Planning Staff's latest revised draft proposal to amend the town's development regulations to allow high density residential development as a conditional use. Some amendment may need to be made to allow for flexibility on waiving of impact fees.

Definitions

15.10.512 High Density Residential Development.

“High density residential development” means a residential development designed and intended to provide housing for low to moderate income individuals and families. The purpose of high density residential development is to encourage the development of housing that would be affordable to lower and moderate-income individuals and families, and to provide more flexible design requirements to promote housing affordability. High density residential development may be permitted only if the applicant agrees that any future sale or rental price shall not exceed fifty (50%) percent of the average price of a dwelling unit in Skagit County at the time of the sale.

15.20.050 Conditional use permits

(8) High density residential development, as set forth in Section 15.20.100.

15.20.100 High density residential development standards.

(1) Minimum lot size – 20,000 square feet.

(2) Dimensional standards - The dimensional standards within the high density residential zone shall be the same as the dimensional standards as set forth in LCMC 15.20.060, except that the minimum lot size for any proposed high density residential development shall be twenty thousand (20,000) square feet. There is no maximum density limit.

(3) Allowed uses - The following uses are permitted within a high density residential development, by conditional use. The use of solar or other green energy sources is highly encouraged.

(a) Single-family dwelling units with not greater than 1,000 square feet of interior space;

(b) Multi-family dwelling units, provided that no dwelling unit is greater than 800 square feet of interior space;

(c) Tiny home developments;

(d) Buildings designed for the common use of all residents of the development;

(e) Open space, including playgrounds and garden spaces; and

(f) Covered parking areas.

(g) Up to twenty (20%) percent of the dwelling units in a high density residential development may be approved for short-term rental. However, the applicant must show a reasonable need for such usage.

(4) Uses not allowed - The following uses are not permitted within any high density residential development:

(a) Garages;

(b) Storage buildings.

(c) Dwelling units to be sold or rented at any price greater than 50% of the current market rate within Skagit County;

(5) Historic design review, if applicable – historic design review shall not be required for any high density residential development. However, if the site is located within the Historic Preservation District, no existing building shall be demolished or relocated to accommodate such development.

(6) Pre-application conference - before filing any application for a high density residential development the applicant shall submit preliminary plans to the planning department for staff information and review.

(7) Development plan

(a) Following the pre-application conference, the applicant shall submit a formal application for staff and planning commission review.

(b) The development plan shall include an application form indicating existing zoning, total site area, area of bodies of water (if any), and the gross area of the site. In addition, the development plan shall indicate the total number of dwelling units, the proposed residential density, the amount of usable open space, which shall not be less than thirty (30) percent of the overall site area, and the total number of on-site parking spaces, which shall not be less than 0.75 spaces per dwelling unit. On street parking shall not be included in the calculation of parking spaces.

(c) The application shall include a legal description of the site and a statement of present ownership.

(d) The development plan shall indicate intent as to final ownership, including plans for rental, sale or combination thereof.

(e) If the proposed site is within shoreline management jurisdiction an application for shoreline substantial development permit along with any other permits required, such as a floodplain permit or other local, state, or federal permits, shall be filed;

(f) An environmental checklist, as set forth by the State Environmental Policy Act (SEPA), shall be required.

MEMORANDUM

TO: Planning Commission
FROM: Michael Davolio, AICP, Planning Director,
Ajah Eills, Assistant Planner
SUBJECT: Report on Legislative Actions: Part 2
DATE: July 26, 2023

Bill Number: HB 1220 – This is a bill from 2021 that will affect La Conner’s Comprehensive Plan Update

Effective Date: July 25, 2021

Bill Summary: Adds definition for *moderate-income household*, *emergency housing*, and *emergency shelter*. Requires that jurisdictions “plan for and accommodate housing affordable to all economic segments...” where previously jurisdictions only had to “encourage the availability of affordable housing.” Requires that jurisdictions include in their housing inventory information about and capacity of moderate, low, very long, and extremely-low housing, as well as emergency housing, shelter, and permanent supportive housing. Requires that jurisdictions identify and document local polices and regulations that result in racially disparate impacts, implement polices and regulations that “address and begin to undo” those impacts, and establish antidisplacement policies. Requires additional policies and inventory for incorporated Urban Growth Areas.

TOLC Required Actions: TOLC will need to complete the housing inventory as designated in this bill, establish antidisplacement polices, and identity, address, and begin to undo polices with racially disparate impacts. The Department of Commerce has completed a webinar series for the Puget Sound region designed to help local municipalities begin this work. In addition, DOC is just starting an update series for jurisdictions updating their comprehensive plan in 2025, and staff will be attending this webinar series. La Conner could also adopt the definitions for moderate-income household, emergency housing, and emergency shelter into La Conner code.

Bill Number: HB 1474

Effective Date: July 23, 2023 except section 10: July 1, 2024

Bill Summary: Legislature finds that Washington has a history of racially discriminatory housing covenants, and that non-white Hispanic and Black populations have a significantly lower percentage of home ownership than white populations in Washington. Creates a covenant homeownership account and program act designed to provide funding, information, and services to qualifying applicates to help reduce the gap in home-ownership.

TOLC Required Actions: None; it is included on this list as the information may be helpful to applicable La Conner residents looking for housing support, and the Planning Commission may find it helpful to have this information to give to questioning community members.

Bill Number: SB 5258

Effective Date: July 23, 2023, except section 9: January 1, 2024

Bill Summary: Requires that impact fees assessed shall be proportional to the size of new housing units, with a lower fee for smaller housing units, and that all cities adopt a fee schedule that reflects this within 6 months of the date that the comprehensive plan update is due. Requires that all jurisdictions include procedures in their short plat regulations for the division of a parent lot into separately owned lots, with the portions of the parent lots not subdivided owned in common by the individual lot owners or a homeowner's association which is comprised of owners of individual lots. Includes stronger procedures for condominiums and individual owners to resolve construction defect claims.

TOLC Required Actions: Update La Conner's impact fee assessment and short plat application in order to ensure it complies with the requirements of the bill. It may also be worthwhile to put together a document that contains details on the HOA's within La Conner's borders.

Bill Number: SB 5374

Effective Date: July 23, 2023

Bill Summary: Allows cities under 25,000 people to adopt by ordinance the county's critical area ordinance (CAO), provided that the city incorporates future amendments to the CAO of the county. If a local jurisdiction has received grant funding for the comprehensive plan update, the county is entitled to the portion that would have been used to update the CAO.

TOLC Required Actions: There are no actions required by this bill, but it La Conner may find it useful to perform a cost/benefit analysis of keeping the current development code around critical area lands verses adopting Skagit County's CAO.