



TOWN OF LA CONNER PLANNING COMMISSION

Meeting Notice

April 15th, 6PM

Upper Maple Center, La Conner WA, and Livestreamed
Information is below and on the Town Website

Skagit County Washington
Incorporated 1890
www.townoflaconner.org

Agenda

I. Convene

II. Public Comments (Topics not otherwise on the Agenda) – Time Limit 3 Minutes

III. Minutes: Approve Minutes from the April 1, 2025 meeting.

IV. Old Business

1. Status Report – Public Participation Program
2. Status Report – Comprehensive Plan Periodic Update

V. New Business

1. Public Hearing: LU25-14HDR 128 S. 1st Street
2. Public Hearing: LU25-15HDR 709 S. 2nd Street
3. Draft Review: LCMC Code Change – Definitions, South Commercial Zone and Port Commercial Zone

VI. Closing Comments:

Live Streaming Info: <https://laconnerwa.portal.civicclerk.com/>

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff
SUBJECT: Comprehensive Plan Update
DATE: April 15, 2025

On April 8th, the Town Council gave approval for the preliminary draft of the Comprehensive Plan to be sent to Commerce for the 60-day state review. There will be changes before the Plan gets finalized and adopted by the Town Council – some of these changes will come from State Agencies, others may come from public comments received on the Plan. Because of state procedural requirements, we will be holding the state required formal public hearing on the Comp Plan while it is with Commerce for the 60-day review period. Our goal is to integrate comments received from various parties before presenting another draft of the plan, which is why you do not see a draft before you today. The next draft of the Comp Plan you will see will likely be in June because of the review period. In the meantime, we will be focusing on development regulations.



Town of La Conner

Post Office Box 400
La Conner, Washington 98257

Staff Report

TO:	Planning Commission
FROM:	Michael Davolio, AICP, Planning Director
	Ajah Eills, Assistant Planner
APPLICANT:	Nikki Fallis and Laura Palmer
PROPERTY OWNER:	Gerald Blades Estate
PROJECT LOCATION:	128 S. 1 st Street, La Conner WA,
DATE:	April 9, 2025
APPLICATION FILE#:	LU25-14HDR
	Historic Design Review

PROJECT DESCRIPTION

The application is for review and approval of a brig demolition and other exterior changes to 128 S. 1st Street.

The property is 128 S. 1st Street, La Conner, WA, parcels P74456 and P74104. The property is a commercial building that hosts several businesses. The applicant is the owner representative. It is within the La Conner Floodplain and within 200ft of the shoreline. It is within the Historic Preservation District, and is governed by La Conner Municipal Code (LCMC) 15.50.

The changes proposed are to remove the “brig” structure and install decking and a fence to match the surrounding area. The support beams and decking underneath the brig are in unsafe condition, and need to be replaced. The brig would have to be removed in order to do these safety replacements. Instead of replacement, they are applying to replace this with a railing and decking that matches the existing boardwalk. This is detailed in the attachments, which were submitted by the applicant. The applicant has not indicated if this section of the boardwalk will retain seating.

FINDINGS of FACT

1. The subject property is located within the town’s Commercial Zone. The existing use is allowed in the Commercial zone, and no change of use has been proposed.
2. The subject property is located within a floodplain. The subject property is located within 200’ of the shoreline. The changes fall under WAC exemptions for normal repair and maintenance, so a shoreline exemption permit is required. This work will take place over navigable waters, so an Army Corp of Engineers section 10 permit may be required, as determined by the Army Corp. The applicant will be required to follow environmental protocols as determined by the Army Corp and DNR. SEPA determination will be required.
3. The following sections of the Town of La Conner Municipal Code apply to this application:
 - Chapter 15.30 Commercial Zone
 - Chapter 15.50 Historic Preservation District
 - Shoreline Master Program
4. The subject property is located within the Historic Preservation District. The proposed changes are to an existing property within the District.

5. The proposed change will result in landscape changes, and decreased shaded eating space.
6. The proposed palette is compatible with existing historic paint colors on the building.
7. Dimensional Requirements: Section 15.35.040 of the LCMC sets forth dimensional standards. The proposed building is consistent with the town's height limits and setback restrictions.
8. The development, as proposed, meets the requirements of all relevant codes and statutes.

Staff Recommendation:

Staff recommends that this application be approved, pending review and comment by the Planning Commission. It is further recommended that the following conditions be attached to the approval of this proposal:

1. All contractors and subcontractors must be licensed to conduct business in the Town of La Conner.
2. The permit holder must provide contact information on all contractors and subcontractors to the Town of La Conner prior to commencement of construction.
3. All contractors and subcontractors must report sales tax transactions within the Town of La Conner. The La Conner sales tax number is 2905.
4. All of the work performed shall be fully consistent in terms of colors and materials with the information provided in the applicant's submittal.
5. A Shoreline Exemption permit, DNR authorization, and a Section 10 Army Corp of Engineers permit (or an alternative permit as designated by the Army Corp of Engineers) be obtained prior to starting work.

Nothing in this approval shall be construed to exempt the proposal from any Federal, State or local regulations.



Michael Davolio, AICP
Town of La Conner



Replace (2) Beams under the Shack and
replace Decking at edge of water, just under
Shack edge.



Beam to replace at edge of decking.



Remove Entire Brig and Roof.

Remove current plywood and replace wood deck, same as shown in photo.

Install new Railing in place of Brig.

Railing is to be put in same location of Brig with Gate installed for Privacy and access.

← This is the wood decking we will use



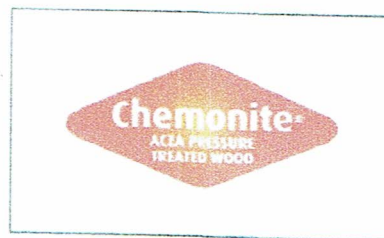
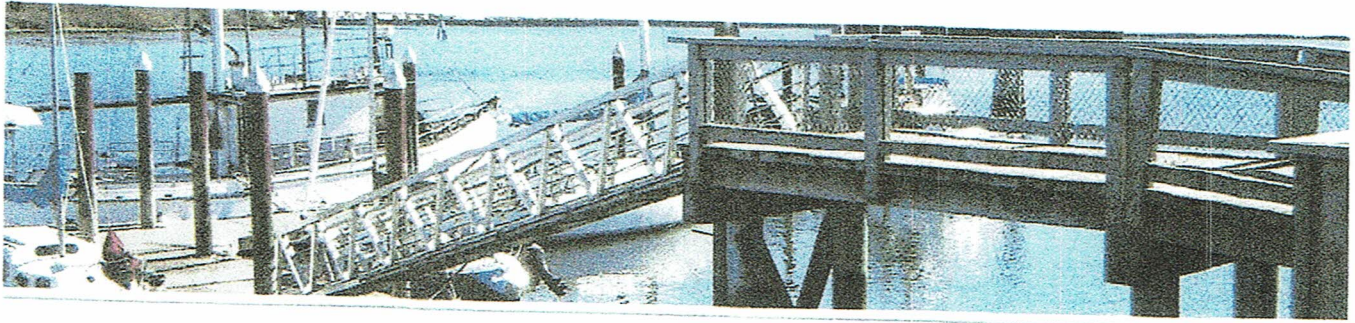
Example of Railing to be used in place of Brig
Mimic Northside Railing shown in photo here.

One panel would be used as a Gate.

Chemonite®

Home / Pressure Treatments / Chemonite®

Color: Brown



Chemonite® wood has been safely and successfully used since the 1940's in commercial and industrial applications. It is leach-resistant in water and ground.

⊕ Inventory

Chemonite® is the registered trade name for wood protected by ACZA, ammoniacal copper zinc arsenate, against termites and fungal decay. The treatment was originally developed, and remains today, as a waterborne system which can consistently meet recognized standards of penetration and retention in otherwise difficult-to-treat wood such as coastal Douglas fir.

Chemonite® wood offers all of the appealing characteristics of wood along with prolonged service life. It is protected against the major causes of wood degradation: fungal decay, termites, and marine organisms, and studies indicate resistance to carpenter ants, woodpeckers, and fire. It has protection both above ground and in ground contact, as well as in fresh and salt water.

Advantages of ACZA Preservative

- Protects against fungal decay and insect attack, even Formosan termite.
- Effectively penetrates coastal Douglas fir.
- Long history of successful use.
- Studies indicate resistance to carpenter ants, woodpecker damage, and fire.
- Provides protection at all levels of exposure — above ground, ground contact, fresh water and salt water.
- May be stored, handled, and worked like untreated wood.
- Recognized by model building codes.
- Leach-resistant.
- Can be painted or stained.
- Leaves surface free of chemical deposits.

Applications

Chemonite® wood is especially appropriate for industrial, utility, marine, and heavy construction applications, where coastal Douglas fir or other refractory species are used, or where longevity is a concern. Typical applications include:

- Utility poles — distribution & transmission
- Building poles
- Foundation piling
- Marine piling — fresh or salt water
- Sawn timbers or supporting columns used for bridges, barns, homes, or other uses.
- Agricultural posts

- Post frame construction
- Highway construction
- Railroad crossties

Use & Handling

Construction: Bracing with round timber piles rather than sawn timbers is recommended for marine construction below high tide. All untreated wood exposed by cutting or drilling should be adequately field-treated. Avoid removing the outer shell of wood where treatment is heaviest and decay-resistance greatest. It is recommended that all structures be prefabricated before treatment; minimize problems by specifying framing and boring before treatment whenever possible.

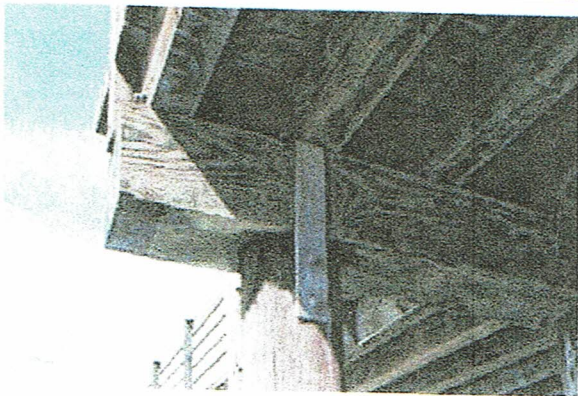
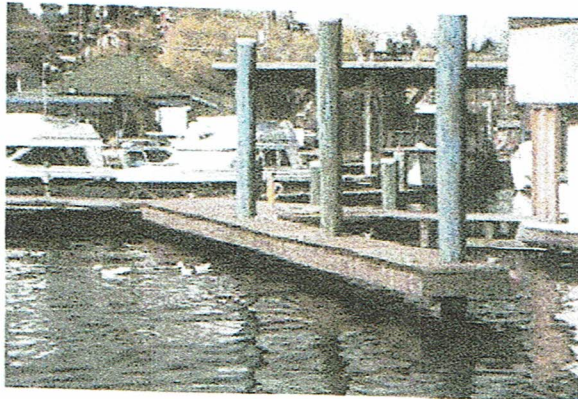
Worker Safety: Chemonite® wood can be stored, handled and worked like untreated wood. As with any wood, wear gloves to avoid splinters, wear eye protection and a dust mask when sawing, drilling and sanding. Wash hands before eating or smoking. Dispose of cut ends in a proper landfill. Treated wood should not be burned in open fires or in stoves, fireplaces or residential boilers. Treated wood from commercial or industrial use may be burned only in commercial or industrial incinerators or boilers in accordance with state and federal regulations.

Standards & Codes

ACZA is listed in the American Wood Protection Association (AWPA) Standard P22 (formerly P5) for Waterborne Preservatives. Wood treated with this preservative is accepted in AWPA Standard U1 for applications in Use Categories 1 through 5, that is, from interior applications to salt water immersion. Within the requirements of the standards, ACZA can be used to treat numerous species of wood, however its ability to penetrate makes it particularly useful in the treatment of coastal Douglas fir, for which it is most commonly used.

AWPA standards are referenced in government specifications and model building codes for treated wood products.

Chemonite® wood is also listed in standards of the Canadian Standards Association (CSA O80).



Best Management Practices (BMPs)

The Western Wood Preservers Institute, in conjunction with industry representatives, users, and scientists, developed BMPs to help insure fixation of preservative chemical in treated wood prior to shipment. In the fixation process, some preservative components bond to the wood while others form

insoluble precipitates. Specification of BMPs results in wood with a very high percentage of fixed preservative, and may also reduce shipping weight.

BMPs have been established for Chemonite® treated wood. Details are available on the [WWPI website](#) or by contacting a producer.

Incising

In many western species, penetration improvement methods are employed to improve the depth and uniformity of preservative penetration into wood. Most commonly this is seen as a pattern of slits ("incisions") on the surface of lumber. Full-length incising and deep-incising are other methods, as are radial-drilling and through-boring, used mostly for poles and piling.

Although these methods can improve preservation, they can result in a strength reduction for the wood, depending on the pattern, size, and number of incisions. When treated sawn wood products have been incised, the reference design values must be multiplied by the incising factor, C_i , in accordance with section 4.3.8 of the National Design Specification for Wood Construction. A review of penetration improvement methods is recommended before insertion into a specification.

"Treated to Refusal"

This phrase — Treated to Refusal — indicates that the wood was treated under specific conditions until it refused additional preservative, a point usually below the requirements of industry standards. The result is wood that cannot be relied upon to last as long as wood that meets standards. Such wood does not comply with model building code requirements for treated wood. One reason for substandard material can be use of a preservative other than ACZA which is not suited for refractory (i.e., difficult-to-treat) species.

To assure yourself of properly treated wood, look for the logo of an ALSC-accredited inspection agency on lumber tags or ink stamps. The logo often

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appears beside a Checkmark symbol.

Recommended Hardware

Hot-dipped galvanized fasteners & connectors are recommended for use with Chemonite® ACZA-treated wood.

- Some hardware manufacturers recommend only stainless steel connectors. We recommend no less than post Hot-Dipped Galvanized, HDG, fasteners (meeting ASTM A 153) and connectors (ASTM A 653 Class G185 sheet), where there is contact with ACZA-treated wood. In all cases, be sure to observe building code requirements.
- In highly corrosive environments — such as exposure to salt air, industrial fumes, fertilizer storage, high humidity, and constant wetting — appropriate stainless steel should be used. For below grade Permanent Wood Foundations, building codes generally require stainless steel.
- Always use the same type metal for assembly of connectors and fasteners as dissimilar metals can accelerate corrosion. Aluminum or electroplated galvanized metals should never be used. These metals are not accepted by the building codes for use in exterior applications.

Douglas fir & other species

For its dimensional stability, high strength-to-weight ratio, nail-holding capability, and other properties, Douglas fir is prized as a structural lumber. It is not easily treated by waterborne preservative systems, but the ammonia and heat used in the ACZA treating process enable Chemonite® preservative to provide effective protection of the wood.

Douglas fir is not a true fir, but comprises several species in their own genus, *Pseudotsuga*. There are differences among these species and even within them. For some applications, AWP standards distinguish between coastal Douglas fir (grown between the Pacific Ocean and the summit of the Cascade Mountains) and interior Douglas fir.

ACZA treatment can also effectively protect other species, including red pine, eastern white pine, ponderosa pine, jack pine, spruce, western red cedar, northern white cedar, lodgepole pine, and even certain hardwoods.

Frequently Asked Questions

What is Chemonite® wood?

How is wood treated with ACZA?

Will the chemicals wash out in water or in the ground?

Does ACZA treatment change the color of the wood?

Does Chemonite® wood have an odor?

How do I treat "end-cuts"?

Does Chemonite® wood present a safety hazard?

Does ACZA treatment affect the strength of the wood?

Do nails hold well in Chemonite® wood?

Can Chemonite® wood be painted? If so, how soon after treatment?

Does the treatment affect the flamespread rating of wood?

How long will this treated wood last?

Will Chemonite® wood last if it's buried in the ground?

Is Chemonite® wood suitable for aquatic applications?

More Information



ACZA Treated Wood Spec Guide



Model Specification for Chemonite



Arch® H2O Water Block - Ready-to-Use and Concentrate



Chemonite® Brochure



Town of La Conner

Post Office Box 400
La Conner, Washington 98257

Staff Report

TO: Planning Commission
FROM: Michael Davolio, AICP, Planning Director
 Ajah Eills, Assistant Planner
APPLICANT: Brian Hedlund
PROPERTY OWNER: Brian Hedlund
PROJECT LOCATION: 709 S. 2nd Street, La Conner WA, P74044 and P74045
DATE: April 4, 2025
APPLICATION FILE#: LU25-15HDR
 Historic Design Review

PROJECT DESCRIPTION

The application is for review and approval of a shed relocation and other minor changes to the exterior property at 709 S. 2nd Street.

The property is 709 S. 2nd Street, La Conner, WA, parcels P74045 and P74044. The property is a single-household residential lot, owned by the applicant. It is not within the La Conner Floodplain or within 200ft of the shoreline. It is within the Historic Preservation District, and is governed by La Conner Municipal Code (LCMC) 15.50. The changes proposed are to replace an existing 96 square foot garden shed with a 160 square foot garden shed, and replace an existing fence. The existing structure is under 120 square feet in area, so a demolition permit is not required. The fence is a horizontal slat fence, allowed under the provisions of LCMC 15.50. The additional hedge will match the existing landscaping. The location proposed for the shed is to the side of the principle building and will be shielded from Douglas Street by a fence.

FINDINGS of FACT

1. The subject property is located within the town's Residential Zone. This building is allowed under the uses of the Residential Zone.
2. The subject property is not located within a floodplain. The subject property is not located within 200' of the shoreline. SEPA determination is not required.
3. The following sections of the Town of La Conner Municipal Code apply to this application:
 - Chapter 15.20 Residential Zone
 - Chapter 15.50 Historic Preservation District
4. The subject property is located within the Historic Preservation District. The proposed changes are to an existing property within the District.
5. The proposed changes would not have a negative impact on the main building, or on any surrounding property.
6. The proposed palette is compatible with existing historic paint colors on the building.

7. Dimensional Requirements: Section 15.35.040 of the LCMC sets forth dimensional standards. The proposed building is consistent with the town's height limits and setback restrictions.
8. The development, as proposed, meets the requirements of all relevant codes and statutes.

Staff Recommendation:

Staff recommends that this application be approved, pending review and comment by the Planning Commission. It is further recommended that the following conditions be attached to the approval of this proposal:

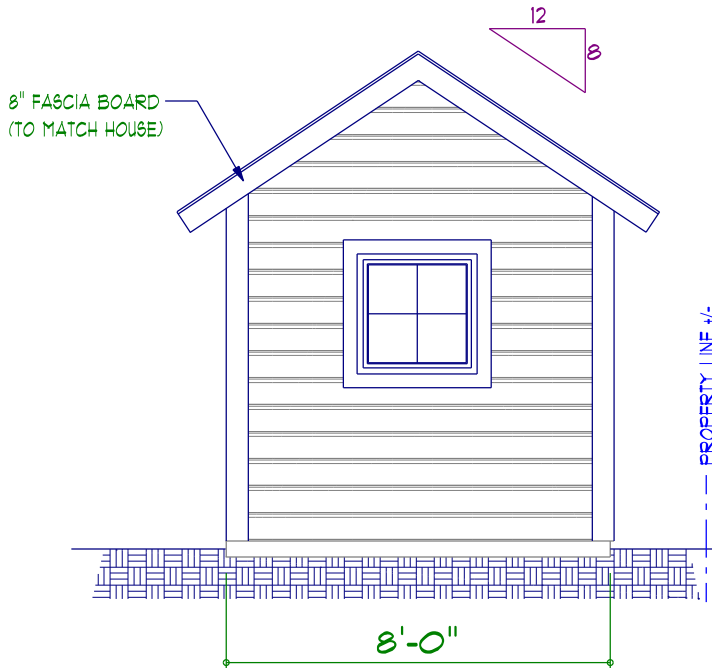
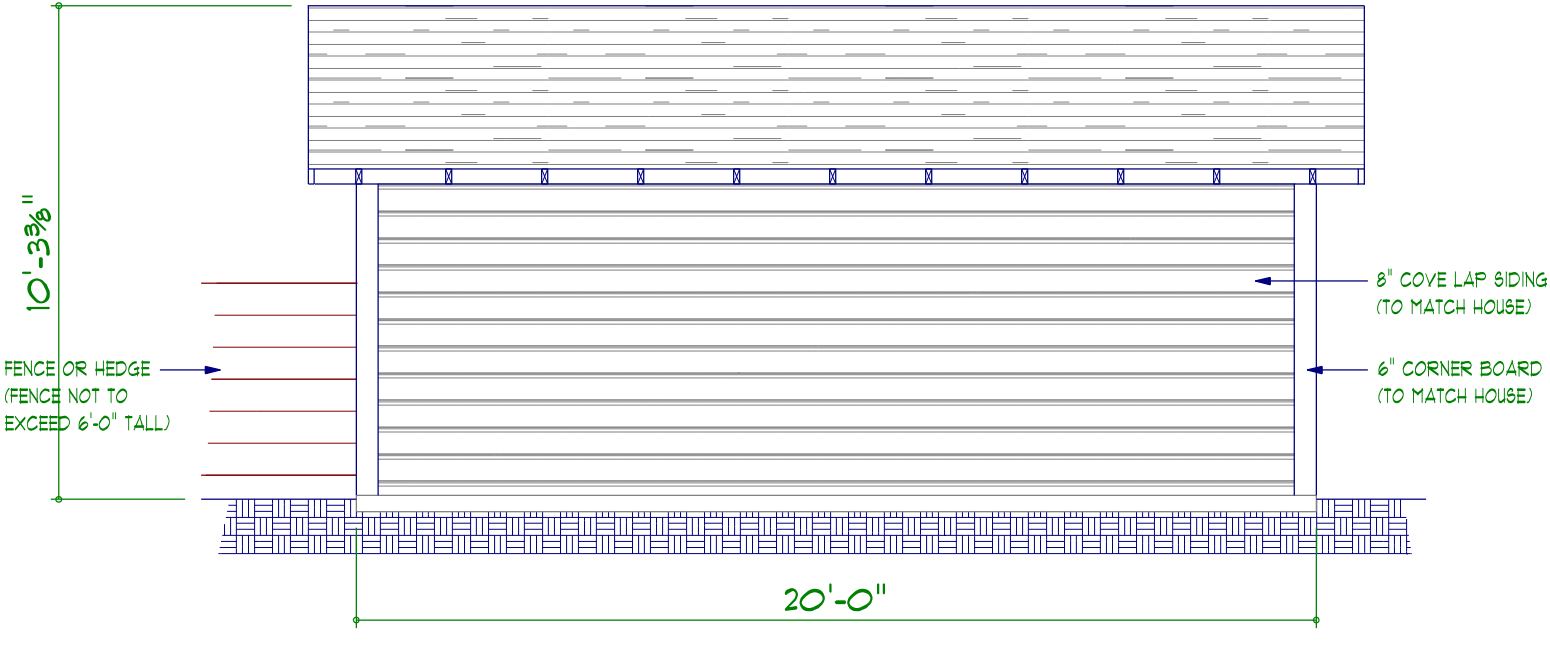
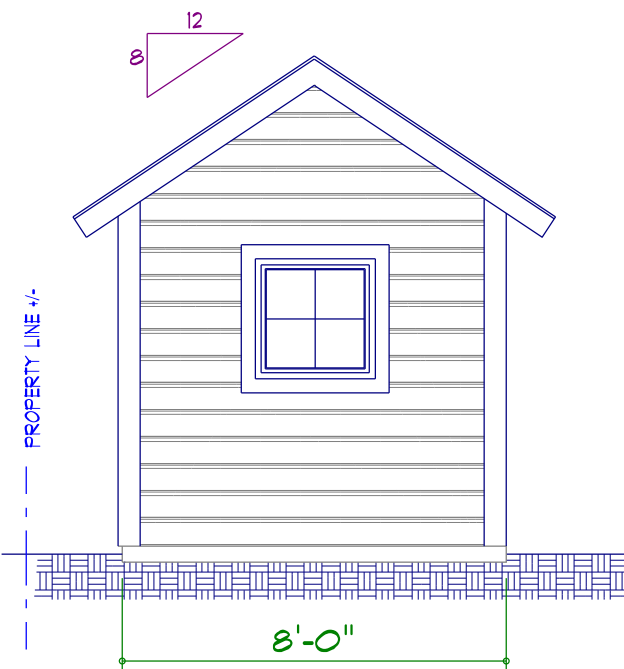
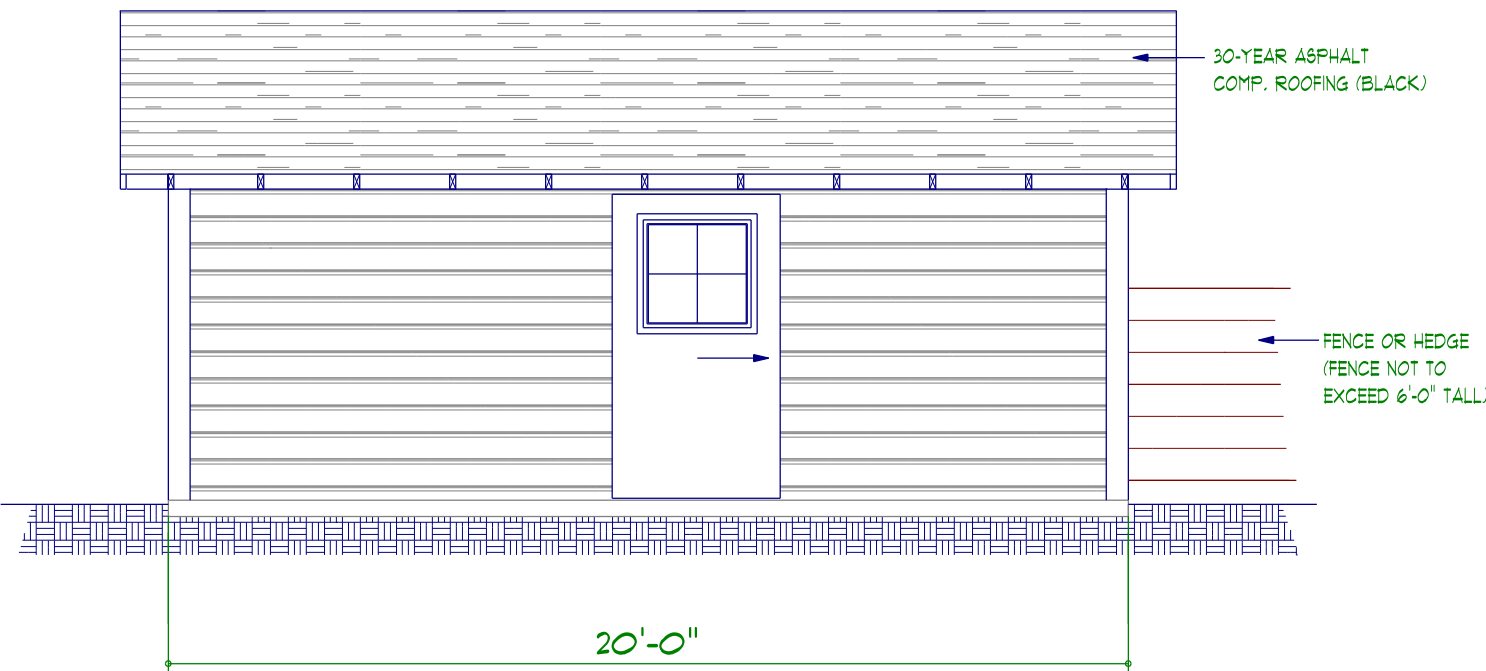
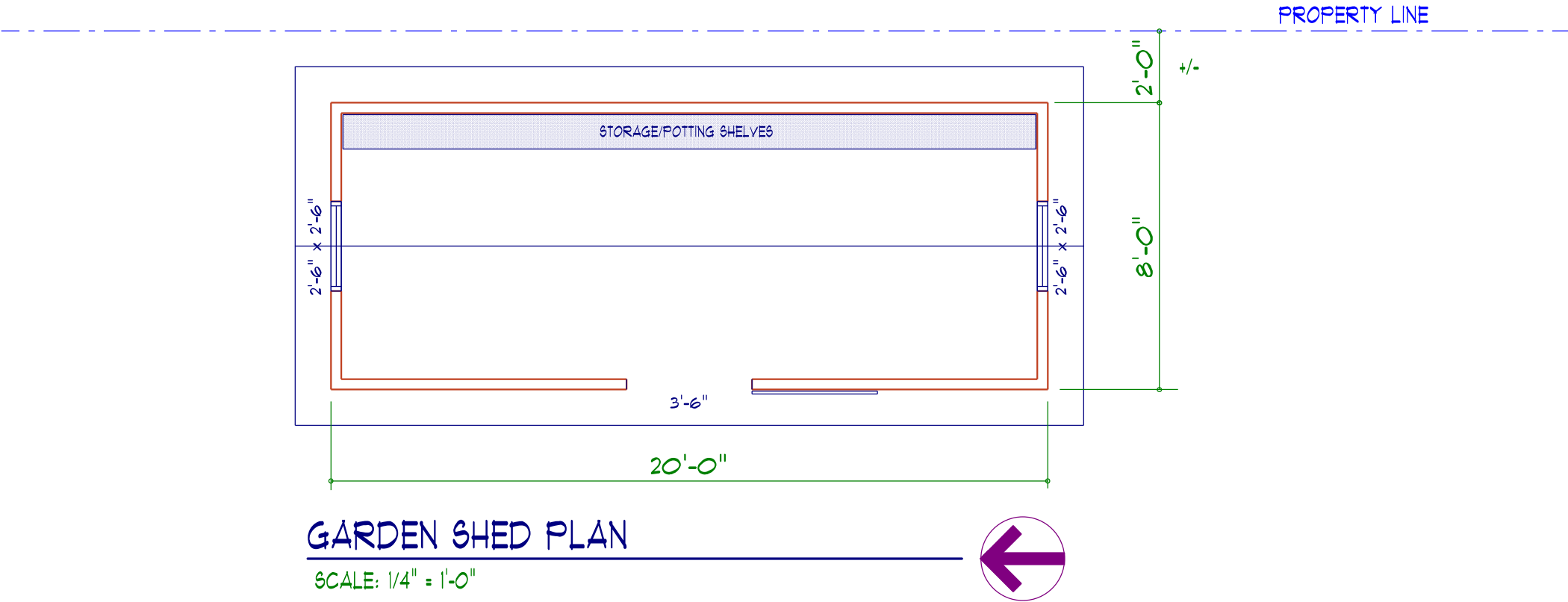
1. All contractors and subcontractors must be licensed to conduct business in the Town of La Conner.
2. The permit holder must provide contact information on all contractors and subcontractors to the Town of La Conner prior to commencement of construction.
3. All contractors and subcontractors must report sales tax transactions within the Town of La Conner. The La Conner sales tax number is 2905.
4. All of the work performed shall be fully consistent in terms of colors and materials with the information provided in the applicant's submittal.

Nothing in this approval shall be construed to exempt the proposal from any Federal, State or local regulations.



Michael Davolio, AICP
Town of La Conner

(ALLEY)



HORIZONTAL SLAT FENCE



ILEX CRENATA STEED HEDGE (MATCHES EXISTING)



PO Box 55
La Conner, WA 98251
360.466.2133 office
360.708.3646 cell
360.466.9168 fax
Project Design
& Planning

Hedlund - Garden Shed + Fence

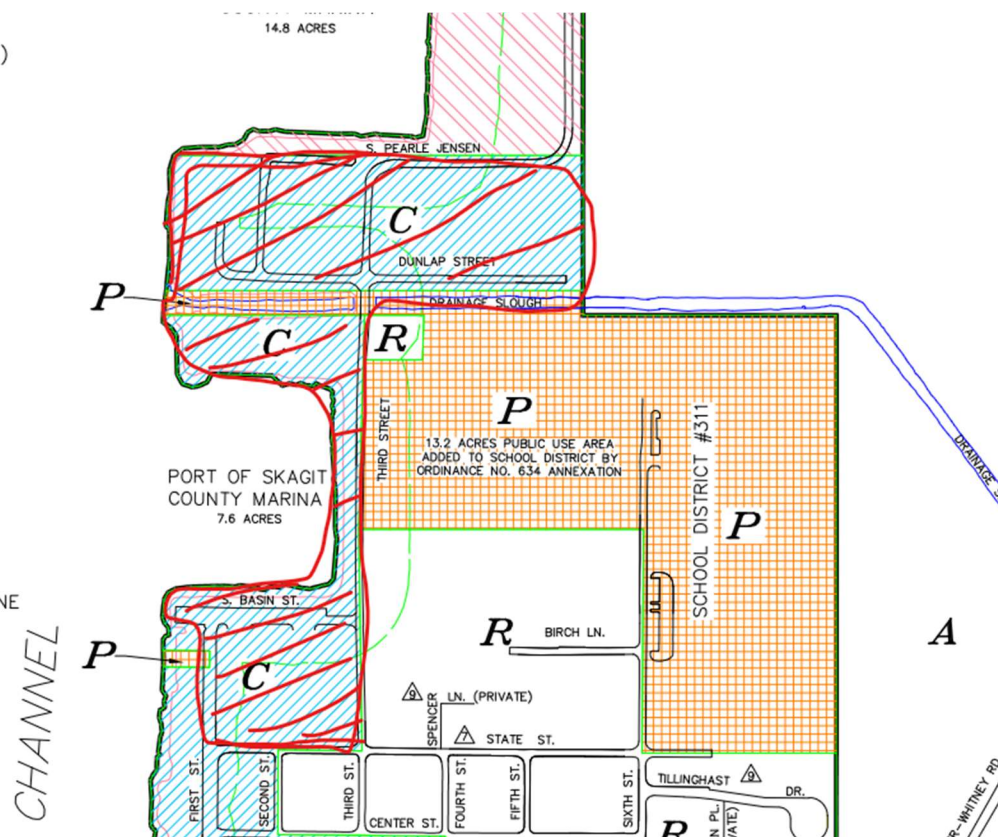
Project Description:
Remodel + dormer
addition
Site Address:
Brian & Lisa Hedlund
109 S. 2nd
La Conner, WA 98251
(360) 708-3646
Contractor:
Owner
Structural Engineer:
NA
ISSUE DATE
February 1, 2025
SHEET
A3.1
GARDEN SHED +
FENCE PLAN
SCALE: 1/4" = 1'-0"

DOWN:

ON
IITS
,
ON
OR

2006

CHANNEL



Chapter 15.10 Definitions

15.10.507 Green Roofs:

“Green Roofs” are planted over existing roof structures, and consist of a waterproof, root-safe membrane that is covered by a drainage system, lightweight growing medium, and plants.

15.10.1222 Usable Public Open Space

Usable Public Open Space are those areas which have appropriate topography, soils, drainage and size to be considered for development as active and passive recreation areas for all members of the public. Detention areas may be considered under this category providing the design of the area incorporates enhancement features making the detention area an amenity. Recreational facilities such as playground equipment, ball fields, court games, picnic tables, pedestrian and bike trails, garden areas, and enhanced stream corridors may be considered as meeting part of the open space requirement.

Chapter 15.36 SOUTH COMMERCIAL ZONE

Sections:

15.36.010 Purpose.

15.36.020 Permitted uses.

15.36.030 Conditional uses.

15.36.035 Mixed income affordable housing requirement

15.36.040 Design and site plan review.

15.36.050 Dwelling unit density bonus.

15.36.060 Dimensional standards.

15.36.070 Nonconforming structures and change of use in the South Commercial Zone.

15.36.010 Purpose.

The South Commercial Zone lies at the intersection of commercial, residential, public, and industrial uses, and at the southern terminus of the National Historic Preservation District (HPD). Therefore, the allowed uses in this area must take into account the transition from and to these diverse uses. The uses permitted in the South Commercial Zone are not intended to compete with the existing commercial uses located on South First Street, but to complement those uses.

15.36.020 Permitted uses.

The following are permitted uses within the South Commercial Zone, by certificate of authorization:

- (1) Child care facilities;
- (2) Commercial, trade, or art schools;
- (3) Community centers, special events facilities, and fraternal lodges;
- (4) Entertainment facilities such as performing arts, theaters, dance, music, and rehearsal studios;
- (5) Farmer’s and art markets and special outdoor events and gatherings;
- (6) Financial institutions;
- (7) Food service establishments;
- (8) Lodging establishments including short-term residential uses associated with trade or art schools or special event facilities;
- (9) Marine facilities and other uses that are water-related or water-dependent;

- (10) Medical offices and clinics;
- (11) Playgrounds, picnic areas, outdoor swimming pools, and water-oriented recreational uses;
- (12) Plant nurseries and gardens including green rooftops and rain gardens;
- (13) Professional offices;
- (14) Public use facilities including pedestrian street activity areas;
- (15) Retail sales of perishable or nonperishable goods;
- (16) Service businesses including excursion boats and tours, canoe and kayak rentals;
- (17) Residential uses, except that single- household structures are prohibited. Residential units shall be limited to the upper floors of a commercial building when the building has frontage on South First Street.
- (18) Live-work buildings where residential uses are located on upper floors;
- (19) Liveaboards;
- (20) EV charging stations.

15.36.030 Conditional uses.

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

- (1) Light industrial uses, and those commercial uses which would create noise, light, odors, traffic congestion or dust not normally associated with commercial operations, provided that:
 - (a) The operational characteristics are compatible with surrounding uses;
 - (b) There shall be no fire, explosion or safety hazards;
 - (c) There shall be no production of noise at any property line with any use in the transitional district in excess of the average intensity of street and traffic noise found in the district;
 - (d) Pollution, noise, 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;
- (2) Rest homes and adult family homes;
- (3) Taverns, nightclubs, and dance halls when located in a building that also contains residential uses.

15.36.035 Mixed income affordable housing requirement

Mixed use and residential structures must allocate 15% of the total proposed residential units in the structure for permanently affordable low income (30-80% of Skagit County Average Median Income (AMI)) households. Permanent controls may take various forms including:

- (a) Continued ownership of the dwelling unit by the project applicant with the occupants leasing the dwelling unit back from the project applicant;
- (b) A deed/subsidy covenant, purchase/sale agreement, or other similar mechanism, which require that the dwelling unit be sold only to qualified purchasers who meet the affordability requirements;
- (c) A requirement that the project applicant can only transfer the dwelling unit to another entity that meets the requirements of this section; and/or
- (d) Other methods approved by the town attorney to ensure that the projects' dwelling unit remains permanently affordable in accordance with the definition of affordable housing.

15.36.040 Site plan review.

Site plan review is required for all projects and proposals for development within the South Commercial Zone.

- (1) Purpose. The purpose of site plan approval shall be to ensure that the site plan of the proposed development is compatible with adjacent zones and uses, and complies with the policies and regulations

of the town of La Conner. Site plan elements subject to this section include, but are not limited to, site layout, building orientation, pedestrian and vehicular access, signage, landscaping, natural features on site, screening and buffering, parking and loading, illumination, and flood management. Site planning requires the horizontal and vertical arrangement of these elements to be compatible with the physical characteristics of the site and surrounding area. Site review does not include design review, which addresses the aesthetic considerations of architectural style, exterior treatment and space configuration. Site plan review should occur at the early stage of development when the scale, layout, and scope of a project are known.

(2) Intent. The intent of site plan review is to ensure that new construction and additions respect the scale, forms, and proportions of the Historic Preservation District, to protect neighboring owners and uses by ensuring that reasonable provisions have been made to provide continuity with adjacent neighborhoods, and to promote the coordination of public and quasi-public elements such as walkways, boardwalks, paths, driveways, and landscaping with other development. Also, to be considered is the convenience and safety of vehicular and pedestrian movement within the site and to adjacent properties, and a minimization of potential conflicts that might otherwise be created by a mix of uses within the zone.

(3) Review Criteria. The town shall review and act upon site plans based upon total site considerations and the following criteria of this section. These criteria provide a frame of reference for the applicant to develop a site. They are not intended to be inflexible or discourage creativity and innovation.

(a) General Criteria.

- (i) Conform to the goals and policies of the elements of the comprehensive plan;
- (ii) Mitigate impacts to surrounding properties and uses;
- (iii) Provide safe and efficient vehicle and pedestrian circulation.
- (iv) Anticipate and manage floodplain impacts on the site and structures.

(b) Specific Review Criteria.

- (i) Commercial service and refuse areas shall be screened from view;
- (ii) Multiple buildings on the same site should incorporate elements such as plazas, walkways, and landscaping along pedestrian pathways to provide a clear view of destinations;
- (iii) The plan assures adequate public access to street rights-of-way and shoreline;
- (iv) Parking space allocations for mixed-use and residential uses within the floodplain shall be provided on-grade under the building to minimize flooding impacts, or sited to the sides and rear of the property to minimize impacts on streetscape;
- (v) Consider placement and scale of proposed structures in relation to the adjacent properties and natural characteristics of the site to avoid over-concentration or the impression of oversized structures;
- (vi) Limit paved and impervious surfaces, where feasible, to minimize runoff;
- (vii) Incorporate bio-swales, rain gardens, cisterns, green roofs, and other green measures to collect, filter, and retain stormwater runoff on the site;
- (viii) Consider the installation of solar panels on rooftops and providing EV charging stations to reduce energy requirements.

(4) Applicability.

- (a) The provisions of the site plan review section shall apply to any site development activities that include new construction, additions that alter the building footprint, landscaping, street or road development, parking and pedestrian walkways.

(b) Exceptions to these requirements include plans for interior remodels or demolition.

(5) Review Procedures.

(a) Preapplication Conference with Planning Staff. Early preapplication conferences are encouraged to provide an indication of developers' intentions and an opportunity for town staff to provide feedback to the applicant on design and site plan review issues.

(b) Sequence to Other Permit Activity. The planning commission, prior to shorelines review or any hearing examiner review, will conduct the design and site plan review simultaneously.

(c) Public Notice and Departmental Comment Period. The design and site plan review is a Type III permit activity and will require notice as per LCMC [15.135.110](#), public notice requirements. Departmental heads will review and provide comment in preparation for the planning department reports to the planning commission.

(d) Revisions and Plan Modifications. Minor modifications may be reviewed for administrative determination by the planning director if the modifications involve less than 10 percent of the area or scale of the approved plan or if the modification does not have a significantly greater impact on the environment and facilities than previously approved, or if the modifications do not alter the boundaries or building footprints of the approved plans. Major modifications involving more than 10 percent of the plan area or scale or that have a significant impact to the environment, facilities or boundaries must be reviewed and approved by the planning commission prior to modification of the original plan.

15.36.045 Design Review

Design review is a Type III permit activity with regard to all projects and proposals for development within the South Commercial Zone. The provisions of the design review section shall apply to new construction, additions, or material change to the exterior appearance of all structures, and any new development within the South Commercial Zone. Design review and site plan review will occur concurrently. While the south commercial area is not located within the historic district, it is located adjacent to the town's HPD on South First Street. Therefore, to preserve the integrity of the HPD and values of adjacent properties, the commercial development of properties adjacent to the HPD shall undergo design review to ensure compatibility.

(1) Design Review Purpose and Intent.

(a) To ensure a smooth transition from the architecture and building styles of the historic district of South First Street to a commercial zone adjacent to residential, public use, and industrial zones.

(b) To ensure that new construction and additions are consistent with the scale, forms and proportions of the adjacent Historic Preservation District.

(c) To develop building uses that extend the First Street identity.

(d) To avoid repetitive or monolithic designs.

(2) Design Criteria.

(a) In mixed-use buildings, uses shall be mixed vertically and horizontally on the same lot.

(b) For buildings with multiple uses on First Street, the commercial uses shall be ground floor fronting the street with residential uses on the rear of the property and upper floors.

Commercial uses may extend to the upper floors. However, residential uses shall not be located on the ground floor fronting First Street.

(c) Vertically mixed buildings shall provide articulation between commercial and residential levels by changing materials, color, intermediate cornice line, recesses, or roof decks that serve residential units.

(d) Buildings shall represent an architectural scale consistent with streetscape historic scale, forms, and proportions of buildings on the South First Street historic district.

(f) Buildings, storefronts, and entrances shall incorporate variations in height, modulation, color, and building material.

(g) Mechanical equipment on any roof shall be screened from view of adjacent residential units and the public street, and shall not exceed the height limits as set forth in LCMC 15.36.060(6).

15.36.060 Dimensional standards.

(1) Minimum lot size – None.

(2) Maximum lot size – None.

(3) Maximum lot coverage for buildings and impervious surfaces shall be 80 percent if the structure incorporates a green roof but 70 percent otherwise.

(4) Minimum landscaping area – 20 percent of the lot area where the structure incorporates a green roof but 30 percent otherwise, with required public access. When the landscaping area also meets the definition of “Usable Public Open Space” as defined in this code, minimum landscaping area may be reduced to 25 percent by aggregating usable public open space within the South Commercial Zone subject to an approved master development plan.

(5) Minimum Building Setback – There are no minimum building setbacks required. However, building setbacks that enable greater public use of and access to sidewalks are encouraged.

(6) Maximum Building Heights –

(a) For buildings with frontage on South First Street, the maximum building height shall be 30 feet. Normal apertures associated with providing access to green roofs shall not be considered when determining maximum height.

(b) For all other buildings maximum height shall be 45 feet.

(c) In the 100-year floodplain, the height shall be measured from one foot above the base flood elevation to the highest point on the building.

(7) Awning/Canopies. Awnings or canopies shall have a minimum of eight feet clearance from the ground.

15.36.070 Nonconforming structures and change of use in the South Commercial Zone.

Nonconforming structures or uses within the South Commercial zone shall not be permitted if the use or structure has been abandoned for a period of more than six months.

Chapter 15.37 PORT COMMERCIAL ZONE

Sections:

[15.37.010 Purpose.](#)

[15.37.020 Permitted uses.](#)

[15.37.030 Conditional uses.](#)

[15.37.040 Dimensional standards.](#)

[15.37.050 Recreational vehicle parks.](#)

15.37.010 Purpose.

The purpose of the Port Commercial Zoning District is to allow for a variety of water-related and other commercial and residential uses and facilities for Port businesses and employees, visitors, and others to gather, work, shop, entertain and reside. This district is intended to provide for a range of commercial uses and services to meet the everyday needs of industry and residents, to provide employment opportunities, and to provide goods, services, and lodging for travelers and tourists to the area complimentary to the services provided in other Districts. Only those uses that comply with the Shoreline Master Program are allowed in the 200-foot shoreline jurisdiction.

15.37.020 Permitted uses.

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

- (1) Day care facilities, such as nurseries, day care centers, and day use facilities for aged people, primarily serving employees of local businesses;
- (2) Commercial or trade schools, such as art, dance, music, martial arts;
- (3) Commercial kitchens
- (4) Water-related uses;
- (5) Multi-household residential uses, including adult family homes;
- (6) EV charging for vehicles and vessels;
- (7) Farmer's markets, seafood markets;
- (8) Financial institutions;
- (9) Food service establishments;
- (10) Medical offices and clinics;
- (11) Lodging establishments;
- (12) Marine facilities including marine-related fuel sales;
- (13) Recreational uses;
- (14) Plant nurseries;
- (15) Professional offices;
- (16) Public use facilities, including but not limited to, parks, floats, parking lots, libraries, and government offices and buildings;
- (17) Recreational vehicle parks, in accordance with the terms set forth in **Section 15.37.050**.

- (18) Retail sales establishments with outdoor sales and lots;
- (19) Retail sales of perishable or nonperishable goods;
- (20) Service businesses;
- (21) Taverns, bars, lounges, night clubs and dance halls, subject to the limitations set forth 15.37.030
- (22) Veterinary clinics, small animal hospitals, and grooming parlors provided the facility has no outside kennels;
- (23) Liveaboards, allowing both long-term and short-term rentals; and
- (24) Live-work buildings.

15.37.030 Conditional uses.

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

- (1) 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 Port 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.
- (2) Antenna plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 feet;
- (3) Heavy equipment sales; and
- (4) Buildings up to 60 feet in height, subject to approval of Town fire chief for buildings over 45 feet in height.
- (5) Night clubs and dance halls, when located in a building that also contains residential uses.

15.37.040 Dimensional standards.

- (1) Minimum lot size – None.

(2) Maximum lot coverage for buildings and impervious surfaces shall be 80 percent. Maximum coverage may be increased subject to an approved master development plan.

(3) Minimum landscaping area – 20 percent of the lot area. Minimum landscaping area may be achieved by aggregating landscaping within the Port Commercial District subject to an approved master development plan. When the landscaping area also meets the definition of “Usable Public Open Space” as defined in this code, minimum landscaping area may be reduced to 15 percent by aggregating usable public open space within the Port Commercial District subject to an approved master development plan.

(4) Minimum Building Setback -- The provisions of LCMC [15.50.120](#) notwithstanding, if the property is adjacent to a Residential Zone, the side yard setback shall be 10 feet and the rear yard setback shall be 25 feet.

(5) Setbacks from agricultural land shall be a minimum of 25 feet from any property line bordering agricultural lands. This setback requirement is not applicable if the adjoining agricultural land is owned by the Port of Skagit County.

(6) Maximum building height – within the south port commercial overlay (**staff note: purple on the below map**) 30 feet, subject to the approval of the Town fire chief, 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; 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, with conditional use allowing for up to 45 feet. Within the north port commercial overlay (**staff note: red on the below map**) 45 feet, subject to the approval of the Town fire chief, 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; 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, with conditional use allowing for up to 60 feet.

(7) Awning/Canopies. Awnings and canopies shall be subject to the standard outlined in the latest adopted edition of the Uniform Building Codes and may require a building permit and inspection. Awnings/canopies shall have a minimum of eight feet clearance from the ground.

15.37.050 Recreational vehicle parks.

(1) All recreational vehicle camping facilities shall comply with applicable local, county, state and federal rules and regulations.

(2) Landscaping. The part of the campsite which is not intended to be occupied by the recreational vehicle or used for a parking space shall be landscaped.

(3) Parking Requirements. In addition to the recreational vehicle parking pad, a minimum of one vehicular parking space per campsite shall be provided on-site.

(4) Accessory Uses. The following uses and services may be provided at a scale intended to serve the tenants of the recreational vehicle camping facility:

- (a) A caretaker/manager residence or office;
- (b) Recreational areas and equipment;
- (c) Clubhouses;
- (d) Tourist information centers;
- (e) Laundry, restroom, and shower facilities;
- (f) Storage and/or maintenance buildings.

(5) Access and Circulation. The location of access driveways shall be subject to approval by the planning and public works departments. Any driveway, or portion thereof, which does not provide for continuous circulation shall not exceed 600 feet, and shall be terminated with a turnaround having a diameter of at least 60 feet. The minimum driveway width for two-way traffic shall be 24 feet, or not less than 32 feet if parking is permitted on the margins of the road. The minimum driveway width for one-way traffic shall be 16 feet, or not less than 24 feet if parking is permitted on the margins of the road. Driveways shall be hard surfaced.

(6) Screening.

(a) The requirements of this section are intended to provide sound barriers and reduce the visual impacts and incompatible characteristics of:

- (i) Abutting properties with different land use classifications;
- (ii) Service areas and facilities, including loading and storage areas;
- (iii) Any other use or area as required under this chapter.

(b) Landscaping. Screen planting adjacent to residential properties shall consist of evergreen trees, such as fir, cedar, pine, etc., planted a maximum of 15 feet on center; deciduous trees for seasonal color and texture; and medium-sized shrubs (three to five feet at maturity) and ground cover plants at a density to form an effective barrier to cover 85 percent of the ground surface within two years. If trees are planted on the front property line or within a right-of-way, attention shall be paid to ensure that street safety signs are not obscured.

(c) Dimensional Requirements. The size of the planting area shall be as specified below, based on the type of screening used:

- (i) Minimum Width. Screening area shall be 10 feet wide unless the use of a fence or wall is incorporated into the screening, as provided under (ii) and (iii) below.

(ii) Fence Alternatives. If a fence option is selected, the width of the screening area may be reduced to five feet. The fence shall be constructed of wood and sight-obscuring.

(iii) Wall Alternative. If a wall at least five feet high is to be used for screening, the screening area may be reduced to two feet. Climbing plants and vines shall be used to add texture and soften the appearance of the wall. Screen walls shall be constructed with masonry, block, or textured concrete, subject to design approval by the Town Planner.

(7) Maintenance. Storage of materials or equipment shall be within enclosed structures. Trash receptacles shall be provided in convenient locations for use by guests of the park, and in such number and of such capacity that there is no uncovered accumulation of trash at any time.

(8) No person shall occupy space within a recreational vehicle park for more than 60 days in a 90-day period, unless approved by the Marina office. Check that this was still applicable given the changes discussed at the recent retreat they had.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX END OF ZONING CODE: NOTES BELOW XXXXXXXXXXXXXXXXXXXXXXXX

Sketch of zoning map adjustments:

