



TOWN OF LA CONNER PLANNING COMMISSION

Meeting Notice

May 20 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 May 6, 2025 meeting.

IV. Old Business

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

V. New Business

1. Draft Review: LCMC Code Changes as required by GMA.

VI. Closing Comments:

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

**TOWN OF LA CONNER
PLANNING COMMISSION MEETING
May 6, 2025**

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

Commissioners present: John Leaver, Cynthia Elliott, Carol Hedlin, Youth Advisor Maxwell Page

Commissioners absent: Sommer Holt, Bruce Bradburn

Staff: Michael Davolio, Ajah Eills

PUBLIC COMMENT

Linda Talman shared that she was thinking about development and how little focus was given to non-motorized transportation, including bikes. She would like there to be more focus on bike infrastructure, including bike racks.

A brief discussion on bike racks commenced.

Kathy Shiner inquired about 306 Center Street and when the approved development would begin construction. Staff said that it was up to the applicant, and clarified that building authorizations from La Conner are good for five years.

MINUTES:

Commissioner Elliott moved to approve the minutes from the April 15, 2025 meeting. Seconded by Commissioner Hedlin. **Motion to approve the minutes carried unanimously.**

PRESENTATION:

Staff presented the new informational sign for Old Log Park highlighting the museum in La Conner. Dorothy Bird, who helped design the copy, explained the design process, and stated that the reference to the Swinomish Hats across the Channel will be removed because the Swinomish Tribe is installing an informational sign in Gilkey Square about them. Commissioner Leaver moved to approve the sign copy with edits as stated in the meeting. Seconded by Commissioner Hedlin. **Motion to approve sign copy with edits stated carried unanimously.**

OLD BUSINESS:

There were no updates for the Public Participation Program or the Comprehensive Plan.

Staff presented definitions they would like to add to the La Conner Municipal Code. Commissioner Elliott moved to recommend approval of the definitions. Commissioner Hedlin seconded. **Motion carried unanimously.**

Staff presented zoning for the South Commercial zone. Discussion about height limits and design review commenced. Kathy Shiner shared concerns regarding height limits and short-term rentals. Discussion about short-term rentals commenced. Staff suggested a minor clarifying addition to the zoning language. Commissioner Elliott moved to recommend approval of the South Commercial zone with edits as stated in the meeting. Commissioner Hedlin seconded. **Motion carried unanimously.**

Staff presented zoning for the Port Commercial zone. Commissioner Hedlin moved to recommend approval of the Port Commercial zone. Commissioner Elliott seconded. **Motion carried unanimously.**

NEW BUSINESS:

Commissioner Leaver opened the public hearing for LU25-17HDR. There were no public comments. Staff presented the staff report about the project, which was regarding exterior changes to 512 S. 1st Street. The applicant spoke further about the project. There was a brief discussion. The applicant was not certain about the exact sign placement, so the Commission only considered the color change and internal bar top for approval. Staff stated that the sign would go through an administrative approval process once the applicant has finalized their choice. Commissioner Leaver closed the public hearing. Commissioner Elliott moved to recommend approval of the color change and internal bar top in regards to LU25-17HDR. Commissioner Hedlin seconded. **Motion carried unanimously.**

COMMISSIONER COMMENTS/STAFF COMMENTS:

There were no Commissioner comments.

With no further business Commissioner Hedlin moved to adjourn the meeting at 6:50 p.m. Seconded by Commissioner Elliott. **Motion carried unanimously.**

Chair

Date

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff
SUBJECT: LCMC Development Regulation Changes
DATE: May 20, 2025

Presented here are edits to the La Conner Municipal Code. Each of these edits is the result of a state legislative action; La Conner is required to incorporate these edits in order to be in compliance with the GMA. More details are included in red in the attachment. Please come ready to vote on these code changes.

La Conner Municipal Code, Chapter 13 and Chapter 15 Developmental Regulation Changes
Required for Comprehensive Plan Update:

Additions Highlighted and Underlined.

~~Strikethroughs removed.~~

LCMC Chapter 13.40 IMPACT FEES

13.40.030 Assessment of impact fees.

(1) Effective February 1, 2023, the town shall collect impact fees, based on the fee schedule of the town of La Conner, from any applicant seeking development approval from the town for any development activity within the town.

(2) Except when fees are deferred as provided for in 13.40.030(7). the fire impact fee and/or the park impact fee shall be imposed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit, or pursuant to an independent fee calculation accepted by the director, and adjusted for any credits. When fees are deferred as provided for in 13.40.030(7). the assessment will be based on the fees in effect at the time of payment.

(3) The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.

(4) Applicants that have been awarded credits prior to the submittal of the complete building permit application shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the fee payer at the time the building permit is issued.

(5) The town shall not approve the issuance of a building permit by Skagit County unless and until the impact fees have been paid or credit(s) awarded.

(6) Impact fees assessed for Accessory Dwelling Units shall not be greater than 50% of the fees that would be imposed on the principal unit.

(7) An applicant for a single-household home may request to defer the collection of impact fees until final inspection.

This change is already reflected in our Fee Schedule, but has not been formally added to our development. Required by RCW 36.70A.681, 2023 HB 1337.

13.40.120 Review and update of impact fees.

(1) The fee rate schedules set forth in the fee schedule of the town of La Conner shall be reviewed by the council no later than two years after the effective date of the attached fee rate schedule, and no more than every two years thereafter. The review by Town Council shall include an assessment for proportionality, in order to develop an impact fee rate scheduled to produce a proportionally lower impact fee for smaller dwelling units.

(2) The fee schedules set forth in the fee schedule of the town of La Conner shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan.

Required to be added by RCW 82.02.060, 2023 SB 5258.

LCMC Chapter 15.10 Definitions:

15.10.232 Community Residential Facility

Any dwelling licensed, certified or authorized by State, Federal or local authorities as a residence for children or adults with physical; developmental or mental disabilities; dependent children or elderly individuals in need of supervision, support and/or independent living training; domestic violence shelters, and rape relief shelters. Does not include halfway houses, or secure community transition facilities.

15.10.232 Community Treatment Facility: Any dwelling or building licensed, certified or authorized by State, Federal or local authorities as a residence and treatment facility for children or adults with mental disabilities, alcoholism or drug abuse problems, needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis. Does not include detoxification centers, halfway houses, crisis residential centers or secure community transition facilities.

15.10.422 Essential Public Facilities

Essential Public Facilities are public facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

15.10.922 Public Service Facility: Any building or infrastructure essential to government services provided by the Town of La Conner to the public (i.e. schools, police and fire service). This does not include facilities within the public rights-of-way.

15.10.1031 Secure Community Transition Facility: A residential facility for persons civilly committed and conditionally released to a less restrictive alternative under RCW 71.09. A Secure Transition Facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. These facilities include, but are not limited to, the facilities established pursuant to RCW 71.90.250 and any community-based facilities established under RCW 71.09 and operated by DSHS or under contract to DSHS.

The above definitions are already in our Comprehensive Plan, Chapter 10, Essential Public Facilities. They need to be added to the LCMC for internal consistency.

Chapter 15.20 RESIDENTIAL ZONE

15.20.050 Conditional use permits.

The following uses and structures are permitted in an RD Zone by conditional use permit (Type IV permit):

- (1) Pre-school and day care centers, subject to applicable building codes, lot size and coverage standards, parking, loading/unloading and signage requirements, and state (DSHS) licenses and certifications;
- (2) Churches; provided, that all structures are set back at least 25 feet on all sides for abutting property lines and abutting residential and public use zones;
- (3) Rest/convalescent/nursing homes; provided, that all structures are set back at least 25 feet on all sides from abutting property lines and abutting residential and public use zones;
- (4) Private or public lodges, clubs and community organizations;
- (5) Antennas plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 square feet;
- (6) Parks, playgrounds and recreation uses such as tennis courts, athletic fields, pools and restrooms for use of the general public; provided, that subject property is under lease to or otherwise under complete control of the town of La Conner. Conditional use permits will be revoked when not under the control of the town of La Conner;
- (7) Along Maple Street only, medical and dental uses; provided, that no medical or dental use may be located within 400 feet of another such use.

(8) Community Residential Facilities:

(9) Public Service Facilities:

Already zoned as such in Comprehensive Plan, Chapter 10, Essential Public Facilities. Must be added to the LCMC for internal consistency.

Chapter 15.35 COMMERCIAL ZONE

15.35.030 Conditional uses.

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

- (1) Transitional housing and housing for people with functional disabilities;
- (2) Dwelling units, attached or unattached, are not to exceed 49 percent of the square footage of the building(s), for all uses, of the properties of a development on the ground floor. Dwelling units located above the ground floor are not limited in square footage except that the maximum floor area for all development (commercial and residential) must not be more than two times the property area. Residential uses in the commercial zone to the extent practical must have their access located to the rear or side of the structure where they are located. Residential uses in the Commercial Zone shall not exceed a density of 18 dwelling units per acre of land.
- (3) 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 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;
- (4) Veterinary clinics, animal hospitals and animal grooming parlors provided the facility has no outside kennels;
- (5) Antenna plus antenna mounts of more than 20 feet in height, four feet in width and of bulk area more than 16 feet;
- (6) Parks, playgrounds and recreation uses such as athletic fields, tennis courts, pools and restrooms as accessory uses; provided, that subject property is under lease or otherwise under

the control of the town of La Conner. Conditional use permits will be revoked when not under the control of the town;

(7) Heavy equipment sales;

(8) Churches; provided, that all structures are set back at least 25 feet on all sides from abutting property lines and abutting residential zones; and provided, that church use is not allowed in the Commercial Zone portion of the historic district listed on the National Historic Register, which includes Commercial Street, South First Street, Washington Avenue and the western side of South Second Street; and provided, that all parking requirements must be met. The church use does not qualify for “in-lieu-of” fee.

(9) Short-Term Rentals. The short-term rental unit must also comply with all the provisions of this code that pertain to residential conditional uses in the Commercial Zone.

(10) Secure Community Transition Facilities, provided that they are located outside the Historic Preservation District. Secure Community Transition Facilities shall not be permitted within the Historic Preservation District.

(11) Community Treatment Facilities, provided that they are located outside the Historic Preservation District. Community Treatment Facilities shall not be permitted within the Historic Preservation District.

(12) Community Residential Facilities;

(13) Public Service Facilities.

Already zoned as such in Comprehensive Plan, Chapter 10, Essential Public Facilities. Must be added to the LCMC for internal consistency.

Chapter 15.40 INDUSTRIAL ZONE

15.40.040 Conditional uses.

The following structures and uses are permitted by conditional use permit:

(1) Antennas plus antenna mount of more than 20 feet in height, four feet in width and of bulk area more than 16 feet

(2) Secure Community Transition Facilities;

(3) Public Service Facilities.

Already zoned as such in Comprehensive Plan, Chapter 10, Essential Public Facilities. Must be added to the LCMC for internal consistency.

Chapter 15.45 PUBLIC USE ZONE

15.45.020 Permitted uses.

(1) Public schools subject to the following conditions:

- (a) Minimum setback – 35 feet from any adjacent lot;
- (b) Minimum setback – 45 feet from any public right-of-way;
- (c) Minimum setback – 25 feet from all agricultural lands;
- (d) An abutting area of at least one-fourth acre devoted to playfields;

(2) Memorial buildings, community, senior, and performing arts centers, and museums;

(3) Governmental buildings and public service facilities, including police and fire stations, office buildings, public libraries, and utilities;

Already zoned as such in Comprehensive Plan, Chapter 10, Essential Public Facilities. Must be added to the LCMC for internal consistency.

Chapter 15.65 ENVIRONMENTALLY SENSITIVE AND CRITICAL AREA LANDS

The following are suggestions from Lex Clark, Iasis Grandlund, Daniel Radice, Lael Williams, the Winter/Spring Western Washington University intern team. Staff has reviewed the edits. The edits are based on the Critical Area Checklist from the Department of Commerce. These recommendations were previously presented to the Planning Commission on March 18th. Here is the integration into LCMC of the suggestions.

15.65.070 Specific requirements – Nontidal wetlands.

(5) Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology publication No. 14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

(a) For wetlands that score 6 or more for habitat function, the buffers in Table 1 can be used if both the following criteria are met:

- (i) A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other priority habitats as defined by the Washington State Department of Fish and Wildlife (WDFW). The latest definitions of priority habitats and their locations can be found on the WDFW Priority

Habitat and Species List (2008: updated 2023) and the WDFD Priority Habitat and Species (PHS) Map on the Web. are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm>.

15.65.075 Critical Habitat and Compliance with NMFS BiOp

(1) All development activities within areas identified as Fish and Wildlife Habitat Conservation Area's must comply with the provisions of the Puget Sound Biological Opinion. This includes but is not limited to the establishment of buffers, mitigation of critical habitat impacts, and restoration of habitat functions, to ensure the ecological integrity of these areas are maintained or enhanced.

(a) Fish and Wildlife Habitat Conservation Areas (FWHCA) do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(2) Priority habitats are defined as habitat types or elements with unique or significant value to a large number of species. An area identified and mapped as priority habitat has one or more of the following attributes:

- comparatively high fish and wildlife density
- comparatively high fish and wildlife species diversity
- important fish and wildlife breeding habitat
- important fish and wildlife seasonal ranges
- important fish and wildlife movement corridors
- limited availability
- high vulnerability to habitat alteration
- unique or dependent species

(a) The city shall consult with NMFS for any projects that may affect priority habitats, or endangered species. This consultation may include the issuance of a Biological Assessment and a determination of potential effects on species listed in the Biological Opinion.

(b) If the proposed development poses a risk to endangered species or their habitat, mitigation measures may include habitat restoration, creation of new riparian buffers, and funding for conservation projects.

15.65.120 Nontidal wetland application.

(5) The town, after according consideration to the comments of the general public, other affected municipalities and counties, and federal and state agencies with jurisdiction over the area in question, shall issue a nontidal wetland permit only if it is found that the regulated activity is determined to be in the public interest in accordance with those standards listed below and that the applicant has demonstrated by a preponderance of evidence that the regulated activity:

- (a) Is water-dependent or requires access to the nontidal wetland as a central element of its basic function, or is not water-dependent but has no practical alternative.
- (b) Will result in minimum feasible alteration or impairment to the nontidal wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, and hydrological conditions.
- (c) Will not jeopardize areas with which anadromous fish, endangered, threatened or sensitive species have a primary association and/or their habitat such as those designated and mapped by the Washington State Department of Fish and Wildlife, Priority Habitats and Species Program. ~~the continued existence of species that appear on federal or state endangered or threatened species lists.~~

15.65.140 Permit conditions.

- (1) The hearing examiner or planning director shall attach such conditions to the granting of a special use permit as deemed necessary to carry out the purposes of this code. Such conditions may include but are not limited to:
 - a) Limitations on minimum lot size for any regulated activity;
 - b) Requirements that structures be elevated on piles and otherwise protected against natural hazards;
 - c) Modification of waste disposal and water supply facilities;
 - d) Imposition of operational control, sureties, and deed restrictions concerning future use and subdivision of lands, such as flood warnings, preservation of undeveloped areas in open space use, and limitation of vegetation removal;
 - e) Dedication of easements to protect wetlands;
 - f) Establishment of vegetated buffer zones separating and protecting the nontidal wetland from proposed activities in accordance with the Department of Ecology's "Wetlands in Washington State – Volume 2: Guidance for Protecting and Managing Wetlands (2005)";
 - g) Erosion control and storm water management measures;

- h) Setbacks for structures and restrictions on fill, deposit of soil, and other activities in the nontidal wetland;
- i) Modification in project design to ensure continued water supply to the nontidal wetland and circulation of water;
- j) Creation or restoration of an area of nontidal wetland;
- k) Development of a plan to guide actions involving the creation of a new wetland or the restoration of a damaged or degraded wetland.
- l) Other mitigation actions as determined to be needed

(2) A qualified expert may determine that, based on unique features of the particular critical area or of the proposed development, additional mitigation measures are necessary to adequately protect the function of the critical area or to prevent risk of a hazard. Such additional mitigation measures may be imposed provided the additional mitigation is based on best available science.

(3) If the applicant proposes to change the critical area or its required condition, then the applicant shall demonstrate, based on best available science, why the proposed condition is sufficient to provide equal or better protection of the critical area function or provide no increased risk of a hazard from the critical area.

15.65.145 Reasonable use exception.

If the application of this chapter would result in denial of reasonable and economically viable use of a property, then a landowner may seek a reasonable use exception from the standards of this chapter. Reasonable use exceptions shall only apply to legal lots of record established prior to the effective date of this chapter. Reasonable use exceptions are intended as a “last resort” when no plan for mitigation can meet the requirements of this chapter and allow the applicant a reasonable economically viable use of their property. Reasonable use exceptions may only be granted under the following conditions:

(1) The application of this chapter would deny all reasonable and economically viable use of the property and there is no reasonable and economically viable use with a lesser impact on the critical area than the use proposed; and

(2) The proposed development does not pose a threat to the public health and safety; and any proposed modification to a critical area will be evaluated through consideration of a site assessment and mitigation plan prepared by the applicant’s qualified consultant pursuant to the requirements of this chapter, and will be the minimum necessary to allow reasonable and economically viable use of the property; and

(3) Reasonable use determinations may be issued with conditions of approval, including modifications to the size and placement of structures and facilities to minimize impacts to critical areas and associated buffers. Mitigation requirements may also be imposed to ensure that all impacts are mitigated to the maximum extent feasible.

15.65.150 Nontidal wetland restoration and creation.

As a condition of a permit issued or as an enforcement action under this code, the town may require that the applicant engage in the restoration or creation of nontidal wetlands in order to offset, in whole or in part, the losses ensure no net loss in nontidal wetlands resulting from an applicant's or violator's actions. In making a determination of whether such a requirement will be imposed, and, if so, the degree to which it would be required, the planning director will consider the following:

Chapter 15.125 HARDSHIP RELIEF – DISCRETIONARY PERMITS

15.125.090 Comprehensive plan adoption and amendment – UDC amendments.

2) The town council will consider amendments to the comprehensive plan not more than annually except for emergencies. For the purposes of emergency comprehensive plan amendments under RCW 36.70A.130(2)(b), an emergency shall be limited to events or conditions that:

- i. Pose an imminent threat to public health, safety, or welfare (such as natural disasters, catastrophic infrastructure failures, or major environmental hazards);
or
- ii. Are necessary to address unanticipated changes in state or federal law or court decisions that directly affect the jurisdiction's land use planning or regulatory framework and require prompt action; or
- iii. Involve the correction of a clear and substantial error or omission in the comprehensive plan that, if left unaddressed, would create significant adverse impacts on the public or expose the city to legal liability.

An emergency shall not include conditions that are foreseeable or that arise due to the city's failure to plan adequately or manage known risks, nor shall it be used to circumvent public participation or the annual docketing process required under the Growth Management Act. Formal application for comprehensive plan amendments shall be submitted by January 15th for consideration the following year. Application for preapplication review is recommended to occur by November 1st of the prior year. Comprehensive plan amendments shall be given the highest priority in the planning commission's work program, and review shall be initiated within the second quarter of the work year.