

PLANNING COMMISSION MEETING

March 21st, 2023

The meeting of the La Conner Planning Commission was called to order at 6:01 p.m. Commissioners present: Carol Hedlin, Bruce Bradburn, Marna Hanneman and John Leaver, Liz Theaker

Staff Present: Planner Michael Davolio, Assistant Planner Ajah Eills.

PUBLIC COMMENTS:

Debbie Aldrich urged people to go back and look at the videos from the Hearing Examiner cases in 306 Center Street. She said that they will tell you a lot and let you know what was said by everyone. She said that all citizens should watch the videos and think about what they see. She thought it had all gone wrong and that the evidence is there.

Linda Talman stated she met today with Eills, Davolio, and Kathy Shiner. She said that they talked about the project and asked about soil testing, what would happen, and when and how they would find out. Talman stated that she would share the information with her citizen group. She thanked the staff for putting together a list of conditions on the project. Stated the meeting was a good time for all.

Marna Hanneman said that as more homes turn over in the La Conner Historic Preservation District, realtors aren't telling the people buying the homes that they are in the Historic District. She asked if we could put together an informational notice to send to realtors to make sure they let the buyers of the houses know.

Davolio stated that we do have realtors call the office sometimes, and if they are inquiring about a property that is in the Historic Preservation District, then the staff informs them of this.

Hanneman stated that a notice would still be nice to have to send out.

Talman agreed, and stated that information about tree management should also be passed around to those in the Historic District. Trees need to be replaced, and those taken out at a nearby intersection have not be replaced. She said that she has watched the Parks Commission minutes and they have not reflected the tree issue.

Davolio stated that the town is working on replacing trees that were illegally taken down and is currently in the process of getting an estimate on the replacement.

Leslie Smith agreed that information should be sent out, and added that it is much nicer to be pro-active and not re-active about these regulations.

William Smith stated that the streets are being gradually elevated through successive paving, and that this issue had been previously brought up. He asked if the commission had any thoughts around this issue.

Hedlin stated that she does not think the commission had any thoughts, and asked Davolio for his thoughts.

Davolio said that it was more the domain of the Town Council.

Hedlin agreed, and said that sounded accurate.

W. Smith said that he just wanted to keep advocating for the issue and wanted to make sure it did not get lost.

Hedlin stated that they should do something if there is a solution.

Gary Nelson mentioned that he had brought this up previously, and the reason he brought it up was that his shop is now roughly 12 inches below the street. He would like to raise his shop but it is non-conforming to setback requirements and he would like to do it without encumbrances. If forced to conform to setback requirement he would lose about 3.5 feet of his shop. He asked if 306 Maple is going to build sidewalks on both sides of the street and expressed concern that the runoff would negatively affect his property.

Davolio invited Nelson to come in for a pre-application meeting.

Nelson stated that he was familiar with the process.

Minutes from the February 21st, 2023 Planning Commission Meeting:

Commissioner Leaver moved to accept the minutes of the February 21st, 2023 meeting as amended. Motion seconded by Commissioner Bradburn. Motion carried 5/0. The following corrections were offered to the minutes:

Page two: "sperate" → "separate"

"Government keep" → "Government would keep"

"considerations were" → "considerations that were"

"applicante" → "applicant"

“applicate” → “applicant”

Page three: “and will” → “and fees will”

“development” → “building”

“application” → “applications”

Page four: “Leave” → “Leaver”

“Harald” → “Herald”

OLD BUSINESS:

306 Center Street:

The Hearing Examiner returned a decision allowing the 306 Center Street project to continue. The appeal period expired March 1st and no appeal was filed. The applicant has been made aware of the conditions of approval to continue. More soil testing has been done in the area of the mobile home. The Town has not received this report yet. The Town cannot proceed until the report has been received from the applicant. The Town will review the report(s) as they come in.

Staff introduced an action plan for Community Outreach and asked the council for formal approval.

Commissioner Hanneman asked to include Channel Cove and the Swinomish Tribe.

Eills responded that the report on Sea Level Rise was sent to the Swinomish Tribe, and that the Town could include Channel Cove in outreach.

Davolio brought up developmental regulations on Adult Businesses and alerted the Planning Commission that regulations on Adult Businesses would be put before them soon.

William Smith asked if there was a history of applications for adult businesses.

Davolio responded that in the last few weeks the Town did receive one inquiry about a potential Adult Business in La Conner, but has not heard anything since.

Commissioner Hedlin stated that she has not heard anything about this in Town.

Commissioner Bradburn mentioned that impact fees may be a deterrent for the business.

Commissioner Theaker moved to approve the community outreach plan.
Commissioner Bradburn moved to second.

Commissioner Theaker questioned the ability of staff to hang doorknob notices given limited staff capacity.

Commissioner Hanneman mentioned that this had come up in the last Town Council meeting, and at that time both the Town Council and the Planning Commission indicated their willingness to help hang the notices. The community outreach plan was approved unanimously.

NEW BUSINESS:

Staff Report: Limedock Building Apartment Development

Staff presented on the application submitted by the owners of the Limedock building and their architect. Although there is currently a plaque on the building that claims historical status, further research by staff indicated that the building has been mislabeled and is not historic. The Planning Commission was asked to review the application as a conditional use permit to convert second floor office space into apartments, as the Historic Design Review process no longer applies. Previously, a caretaker's apartment was approved with an accompanying variance for parking requirements. The applicant indicated that two dwelling units are currently on the property, but town records only show one permitted dwelling unit. When staff spoke with the current tenants at the Limedock building, they indicated that there were three residences in the building, with one person perhaps living out of an office. There was also mention of short-term rentals being run in the property. The main concern that Town staff had are that fire improvements requested in 1985 have not been completed yet, and must be done ASAP by the new owners. The applicant also included a small coffee stand jutting out from the building on the plan submitted with their application, but staff determined that the addition would reduce landscaping, and would not be allowed because the area allowed for building on the lot had been maxed out already. The department did not make a recommendation on the application.

Peter Anderson, the applicant's architect, spoke and confirmed the existence of two stand-alone residences, a series of offices on the second floor, and that the first floor of the building is all retail space. He explained that the building is built around a central atrium, and that he has been in the building to measure many times. When the owners purchased the building, they felt as though the office space was underutilized, and that residential space would be better. Anderson stated that he is aware that fire sprinklers will be required and the owners are prepared to install the sprinklers. The owners felt the businesses don't get a lot a draw, so the coffee shop walk-up was conceived of in order to establish a presence on the street. There was also a desire to replace the gated entrance with a closed glass door in order to have more security. Anderson proposed three exterior changes in all: the coffee shop, the addition of dormers, and the glass door.

Davolio noted that other residents said someone was living on the offices on the second floor.

Anderson stated he is unaware of that.

Davolio asked for additional clarification around the residences in the building.

Anderson stated that he is asking for two addition residences in addition to the two that are there now.

Commissioner Hanneman asked if the building would be able to handle the load of two new residences.

Anderson said that it should as the conversion from office to residential is a reduction of the structural load on the building. He said that a marine engineer would have to be involved, as well as the DNR when they look at addressing the pier and DNR lease.

Commissioner Hanneman said that there is often a notable sewer smell at the building, which prompted her question.

Anderson said that a civil engineer would be needed for the project, and that they would be looking into next steps.

Commissioner Theaker asked if ingress/egress will only be on the west side.

Anderson replied that yes, they would be potentially removing the east stair.

Commissioner Bradburn inquired about the availability of bathrooms in the dwelling units.

Anderson replied that each will have bathrooms.

Commissioner Theaker asked how the current residents feel.

Anderson said that they seemed fine with it, as far as he knew.

Commissioner Hanneman said that she was nervous about the parking situation, particularly off-street parking.

Davolio explained the parking conversion ended up covering the parking requirement.

Commissioner Hanneman asked if the residences were currently occupied.

Anderson replied that they were.

Commissioner Hanneman said that she understood the parking was technically covered, but is still concerned for the spring, summer, and fall.

Davolio stated that the applicant must revise the application to account for the unpermitted residence and that that would trigger the parking requirement again.

Anderson said that because he had formal plans of the building with both residences included, he had assumed they were permitted residences.

Commissioner Leaver asked if the current parking spots were in the parking lot north of the building with the rest on the street.

Anderson replied that there was no onsite parking at all.

Davolio reexplained the parking conversion.

Anderson said that he would check where the residents are currently parking.

Commissioner Bradburn felt that this was too preliminary for the commission to act on. There are too many unanswered questions. Both the residential uses and the parking should be clarified. The Commission is not ready to act in his opinion.

Commissioner Hedlin agreed with Commissioner Bradburn. She asked if there would be four residences on the second floor of the building.

Anderson replied yes.

Gary Nelson said that the third floor has been used as a residence.

Anderson clarified the floor plan of the building.

Nelson stated that he and his wife run two businesses out of the building that would be displaced. He is dumbfounded that the Town would allow commercial uses to be converted to residential uses in a commercial zone. The building must be rebuilt because the alterations are so expensive. He stated that the building was historic, and did not care what the historical registers say. He thought the marine engineer would be a good idea. He believed that we are slowly chipping away at this town. He does not think we need more residences. He thought that we need more businesses, and an influx of jobs to build the tax base. He stated that during storms the building moves a good four inches, and said he really believed that we do not need more people living above the water.

Commissioner Leaver inquired about Nelson's businesses.

Nelson explained that it is a construction office and he thought that given the time table required for the alterations, the businesses on the first floor will go out of business or leave and then the first floor will be left empty.

William Smith asked about the pier and town requirements for stewardship, and stated that he has also witnessed the building moving.

Linda Talman said that the building is historic regardless of the plaque, and said that she has watched cars pull into and circle the area with no place to park. She is very concerned about the short-term rentals and said they were not allowed.

Davolio clarified that short-term rentals are permitted by right in the commercial district.

William Smith asked for clarification from Davolio.

Davolio explained the zoning and use rights around town.

Commissioner Hedlin suggested that the Planning Commission would have to come back to this.

Davolio said that he believed so.

Commissioner Leaver asked if sprinkling would solve the fire concerns.

Davolio responded that yes, meeting today's fire code requirements would also meet the 1985 ones. If it takes too much time, we may need to expedite it.

William Smith mentioned that there was an automatic procedure to evaluate the load on the building.

Davolio clarified that it was not automatic and would have to be initiated.

Nelson expressed concern over the load placed on the water system by the fire sprinklers.

Davolio said that he would look into it.

Nelson said that the sprinklers at Center Street would impact this, and questioned what would happen if they go off at the same time. This seemed to be a lot of impact on the water adding up in a small area of town.

Davolio stated that the town would review all systems in conjunction with the fire department and public works.

Debbie Aldrich asked if the plans were available on the website.

Eills responded yes, in the Planning Commission packet for this meeting.

Commissioner Hanneman moved to continue the review for an additional 30 days. Commissioner Bradburn seconded the motion.

Commissioner Leaver asked what would happen in that time.

Davolio said that the town would talk with the applicant about the concerns and gather more information from public works.

Davolio also clarified that the first meeting of the month of the Planning Commission would be primarily related to the comprehensive plan update, and the second would be typical business.

Commissioner Hanneman asked if thirty days would be enough time.

Davolio stated that he did not want to push it off any further.

Anderson said that he thought thirty days would be good, but that in the course of answering questions some items may require a longer review time.

The motion to extended review for thirty days passed unanimously.

Eills presented data from the Sea Level Rise and Impact on La Conner staff report. She emphasized that the information and projections contained within the report assumed no mitigation strategies would be used by the town.

Commissioner Hanneman mentioned the 2017 climate charrette which contained many creative solutions to look into.

Commissioner Theaker mentioned that adaptation pathways could work.

William Smith asked for examples of mitigation work around the country.

Eills further explained potential strategies contained within the report, and also mentioned that communities around the United States use measures which include diking, sea walls, elevating structures, and sometimes abandonment.

Commissioner Hedlin thanked the Planning Department for creating the report.

Commissioner Bradburn mentioned that one of the reasons the December 27th flood was so bad was because of the extremely and historically low air pressure, which caused about an additional foot of flooding.

W. Smith asked if anyone was prepared to abandon town. He said that some cities in Europe are building docks and floating cities.

Bill Reynolds stated that the 2017 charrette included that option, but it was very expensive.

Commissioner Hedlin stated that dikes are difficult to figure out and manage.

W. Smith agreed and said that he had spoken with farmers dealing with this issue. Commissioner Bradburn mentioned that the combination of saltwater and freshwater that we have in La Conner is a problem, especially for the farmland.

Commissioner Hedlin remembered a very long time ago the dikes burst and you could kayak through La Conner. She said that it is a tricky subject, especially when discussing funding.


Leslie Smith said that this begs the question about the town's responsibility in allowing projects to move forward when we know this information.

There was overlapping conversations on the tape.

Commissioner Hedlin called for any closing comments. There were none.

Commissioner Bradburn made a motion to adjourn. Commissioner Hanneman seconded. The meeting adjourned at 7:28 pm.

Chair



Date 4-17-23