

**TOWN OF LA CONNER
PLANNING COMMISSION MEETING
September 20, 2022**

The meeting of the La Conner Planning Commission was called to order at 6:00 p.m. Commissioners present: Bruce Bradburn, Marna Hanneman, Carol Hedlin, Liz Theaker and John Leaver.

Staff Present: Planner Michael Davolio and Administrator Thomas

This was a hybrid meeting held in person and electronically by Zoom. Information to join was posted at Town Hall, the published Agenda and on the Town Website.

PUBLIC COMMENT:

Resident Jim Matthews & Kai Ottesen questioned when public comments would be for the agenda items. Commissioner Hanneman explained public comments at the beginning of the meeting is for non-agenda items. Public Comments for the code updates will be during the Public Hearing under New Business.

Planner Davolio explained tonight's vote on the code amendments is for the recommendation to Town Council. The public will have another opportunity to speak on the issue at the next public hearing during the September 27, 2022, Town Council meeting, before Council votes on the decision.

Resident Bob Raymond read his statement on his experience at the Communication Forum. He felt there was valuable takeaways for the Town and it was a model for public input and important policies, creating balance between the administration, Council and the Planning Commission.

MINUTES:

Minutes of the August 16, 2022 Meeting:

Commissioner Hedlin moved to approve the Minutes of the August 16, 2022 Meeting. Motion seconded by Commissioner Theaker. Motion carried 5/0.

OLD BUSINESS:

Review of Draft Fire and Parks Impact Fees Ordinance.

Planner Davolio explained these impact fees would help the Fire and Parks Department in needs due to growth issues in Town. For Fire Impact Fees, every proposed development would be subject to them. Parks Impact Fees would only be subject to residential development. However, he has had some comments that short time rental developments, which is a commercial use, also involves people that use our parks and could be included in the Parks Impact Fees. A public hearing is scheduled at the next Council meeting for public comment and review of the Planning Commission's recommendation. After the Council acts, there is a mandatory sixty day review by the State Department of

Commerce. Sometime in December, it will come before Council as an ordinance for approval, as well as the adoption of the fees.

Planner Davolio will be working with other departments to develop this year's Capital Facility Plan's Budget. The 2023 impact fees will be based on that adopted budget, for recommendation to Council. The fees will be subject to review and amendment annually.

Commissioner Leaver moved to recommend the Fire and Parks Impact Fees as stated to the Town Council with the amendment to include short term rentals. Motion seconded by Commissioner Bradburn. Motion carried 5/0.

NEW BUSINESS:

Public Hearing – Updates to the Uniform Development Codes and Zoning. Commissioner Hanneman opened the Public Hearing at 6:22 p.m.

Heather Rogerson from the Port of Skagit spoke on the Port's request for the industrial zoning code change to a specific portion of the 13 acres. They plan to come back in November for an open house and encouraged the public to send them comments. The changes are focused on the Maritime Industrial sector and the needs for buildings to accommodate the existing and future boat builders.

Developer Greg Ellis discussed his plans for the development of six tiny houses behind Pioneer Market. The plans have been approved, but after a year of trying to presale the homes, he has not had one sale. He is teaching the kids how to build portable tiny homes at the school and asked the Commission to consider allowing portable tiny homes on a lot.

Resident Kia Ottesen discussed the proposed agricultural setback decrease from 25 feet to 15 feet for decks and patios. His concern is the possible conflict it would bring between farmers and residents and would like to see a more compressive plan.

Jeremy McNett of 11717 Hummingbird Lane, Anacortes spoke in favor of the code amendments and stated change can be difficult but it can also be good. He suggested to keep an open mind.

Resident Debbie Aldrich felt there should be no height increase unless we can support the Fire Department with adequate trucks, ladders and a boat to meet the needs of the taller buildings. She also is against short term rentals.

Resident Amy McFeely spoke against the proposed reduced agricultural setbacks that were originally 50 feet. She also discussed the need to consider cooling elements, sustainable energy and sustaining bio-fisheries in all plans. Further, she requested the Port to provide a digital representation of their plan with economic and environmental needs for the community. She feels development has been put before the safety of the citizens and first responders and requested the Planning Commission not to approve the proposed code amendments.

Georgia Johnson is against the height increase and the proposed new road. They should have to comply with all standards and is concerned of the impact of the new road.

Resident Maggie Wilder stated the proposed code amendments were generated from special interests and do not represent the desires of the people that live here. Also, she does not understand why there is a proposed increase on building heights when the fire department can only accommodate a 30 foot building. She is against the agricultural setback decrease as well.

Resident Jim Matthews stated there needs to be a minimal lot size for tiny houses and one parking spot per two homes in inadequate. He is against the 60 for height increase at the Port and questioned the Port on why they didn't set aside funds to replace the docks.

Resident Stuart Welch discussed the Port project. They are a public entity and should be paying for fire protection to accommodate the proposed 60 foot buildings, as well as the fire boat, not the residents. He also is against the decreased agricultural setback as it will cause conflict between the farming and the home owners. Sidewalks are another issue and referred to them as sidewalks to nowhere. A front yard loses 8 feet to accommodate a sidewalk.

Resident Bob Raymond asked the Port if the industrial was dependent on the revenues of the commercial. It was confirmed no they are completely separate. Also, he discussed the viability of the farmland, all the work Skagitonians to Preserve Farmland has done in the last 33 years and is against reducing the agricultural setback.

Zack Battle of Mavrik Marine is in support of the Port initiatives, the Town, the farmers and the code changes.

Resident Dave Hedlin of the Hedlin Farm urged caution and careful thought on the decrease of the agricultural setback as everything has consequences. He maintains a 20 foot buffer to drive on, and when it reduced from 50 feet to 25 feet he moved back to accommodate it to be a good neighbor. He is a certified organic farmer, and is concerned on what people spray in their yards.

Resident Linda Talman spoke against the agricultural setback decrease and discussed the map in the packet regarding the former Hedlin property on Maple Avenue. It does not indicate the public portion of the property, it just calls it residential. Finally, she does not mind putting a boat builder in a 60 foot building, but it should be considered on a case by case basis. She also recommends to go back to having the Planning Commission meeting twice a month.

Commissioner Hanneman closed the Public Hearing at 7:22 p.m.

Commissioner Hanneman would like to remove Chapter 15.42 Port Industrial Zone changes as there has not been enough input and remaining questions to take a vote on it.

Planner Davolio suggested delaying the decision for the entire code amendments and having a special meeting in two weeks for more time to review the changes. At that time, if the Commission so chooses, a public hearing can be held as well for further public comments.

He also had a discussion with the Fire Chief, and he is fine with the 60 foot height increase as long as it is a single story building, which is what the Mavirk building is. He is concerned on dealing with these on a case by case basis, as every one of them would need a variance, which requires them to show a hardship. If you can build on the lot less than 60 feet, you don't have a hardship and you don't qualify for a variance. This is the same argument he has with the 25 foot agricultural setback decrease. He added this to the code because in the time before he became the Planner, there were several variances granted to extend their patios within the 25 foot setback. They didn't have a hardship and should not have been granted a variance. Because of the code, he would deny future requests, so his thought was the code should be re-examined to set what is appropriate.

Discussions included needing more time to review the issues, requiring the Port to provide what their plans are for both the industrial and commercial zones, to answer questions such as how many 60 foot building are they considering. Also this is a long term vision, not a short term vision. What this Town will look like in 25 plus years.

Heather Rogerson of the Port of Skagit responded, stating there is no plan for the commercial zone at this time. They are working through feasibility and to understand what might be possible through input from the Town. For the industrial zone, there is no plan on paper for the 60 foot tall buildings. The market is moving towards larger boats and they want to accommodate that. She offered to have a tour for everyone interested to see what the Port is working with and what is possible.

It was decided to schedule the Special Meeting on October 4, 2022. Also discussed was to schedule a second special meeting to tour the Port.

Commissioner Hanneman moved for the Planning Commission reconvene on October 4, 2022, at 6:00 p.m. to continue the Public Hearing on the 2022 Code Amendments. Motion seconded by Commissioner Theaker. Motion carried 5/0.

Planner Davolio stated he would accept written comments ahead of time and would forward them on to the Commissioners.

It was requested to have the written comments available to the public. Planner Davolio stated anyone that would like to have the comments emailed to them, should put their name and email on the attendance list and he will consider them as parties of record. All written comments must be received no later than September 29, 2022, to be included in the October 4, 2022, meeting.

CLOSING COMMENTS:

Discussions included the pros and cons of development in the Town, the urban growth areas outside of Town and updating the Zoning map.

The next Planning Commission meeting will be on October 4, 2022, at 6:00 p.m.

With no further business the meeting ended at 8:24 p.m.

Chair

Date