

## **Follow-Up Questions:**

### **Why can't current zoning RE: Commercial designation be changed?**

To put an answer in context, it is helpful to first explain the Town's obligations under state law. The Growth Management Act ("GMA") is a series of state statutes that requires certain cities and counties, including La Conner and Skagit County, to develop a comprehensive plan to manage their population growth. Comprehensive plans are the centerpiece of local planning efforts. The GMA establishes the primacy of the comprehensive plan as the centerpiece of local planning that articulates the goals, objectives, policies, actions, and standards that are intended to guide day-to-day decisions by elected officials and local government staff.

A mandatory element of the comprehensive plan is the land use element, which sets the direction of future growth in a community. RCW 36.70A.070. Comprehensive plans must be reviewed and amended as necessary at least every 8 years, but no more frequently than once every year. RCW 36.70A.130. Development regulations, such as zoning requirements, must implement the comprehensive plan. RCW 36.70A.120.

Towns, cities, and the county in which they are situated must coordinate their comprehensive plans. RCW 36.70A.100. To facilitate this requirement, counties, in cooperation with cities and towns within their boundaries, are responsible for establishing "countywide planning policies" (sometimes referred to as CPPs) that create a framework for where population growth and infrastructure investment will be directed within a given county. RCW 36.70A.210. Under the GMA, the state Office of Financial Management develops population projections for the state and each county. Each county is then mandated to determine, in consultation with cities and towns, where that growth will be directed to occur. Once these growth projections are adopted, then the county and cities are to use them in their comprehensive planning processes and make sure that their plans can accommodate the projected level of growth. RCW 36.70A.115.

With that background in place, the answer to this question is that while development regulations (including zoning) may be revised, to do so it is first necessary to amend the comprehensive plan in accordance with the timing requirements as described above. Thus, it would be necessary to process an amendment through the Town's annual amendment process, which requires review by the community and the state. In addition, any revisions to the comprehensive plan or development regulations must remain consistent with the requirement to accommodate projected growth. To do so, it would be necessary to accommodate growth in another area of the Town.

**We have the regulations at county, state and local levels. What is the vision and how will we achieve that in La Conner?**

As noted immediately above, the Town’s comprehensive plan represents community resident’s vision of La Conner for a 20-year planning period. It outlines the goals, objectives, policies, actions and standards that help guide the day-to-day decisions of elected officials and town staff. The Town’s first comprehensive plan that was developed under the GMA was adopted in 1995, and was reviewed and significantly amended in 2002 – 2003, 2005, 2008, 2011, and 2018. Additional minor amendments occurred in other years since 1995. The most recent amendments, in 2021 and 2022, updated the Transportation Element and added a Parks and Recreation Element.

La Conner’s Planning Commission, working with Town staff, established procedures for early and continuous public participation in the development and amendment of the Town’s comprehensive plan. Those procedures provided for the broad dissemination of comprehensive plan proposals and alternatives, the opportunity for written comments, public meetings, provisions for open discussion, and consideration of and response to public comments.

Turning to the Housing Element of the Comprehensive Plan, that portion describes certain goals of the Town, including the goal of encouraging “public and private creation of affordable housing opportunities to meet the needs identified for all economic segments of the community.” See,

<https://www.townoflaconner.org/DocumentCenter/View/425/Chapter-6---Housing-Element>

To help accomplish this goal, the Town adopted the following policies in the comprehensive plan:

6C-1 Encourage cost effective development of affordable housing that is compatible with surrounding and adjacent neighborhoods.

6C-2 Encourage Planned Unit Residential Developments (PURDs) for both large and small tracts of land in residential zones to promote more economical and efficient use of the land.

6C-3 Consider needs related to government assisted housing, group homes and foster care facilities.

6C-4 Encourage the development of affordable housing which is compatible with the density, character and scale of existing residential areas.

6C-5 Allow manufactured homes throughout residential zones and encourage integration into the general neighborhood environment rather than concentrate in one area.

6C-6 Work with State agencies and local non-profits to provide opportunities for self-help housing development, Ensure affordable housing availability for local working families and seniors.

In the question below, we discuss methods of achieving these goals.

**What is La conner doing to accommodate affordable housing given the current housing developments that are planned for the affluent only?**

First, it is necessary to define what we are talking about when we discuss “affordable housing.” Affordable housing is commonly defined in terms of housing costs as a percentage of household income. Housing is considered unaffordable when a household’s monthly housing costs exceed a certain threshold — most commonly 30 percent of gross income — thereby reducing the budget available for other basic necessities.

As reflected by the goals set out in the Town’s Comprehensive Plan (see next above), the Town has established the goal of encouraging the development of affordable housing. Although the town is a regulatory body and must accomplish its goals and objectives primarily through regulation (i.e., the Town does not directly build or otherwise provide housing), there are a number of planning tools that the Town has either enacted or is currently studying that can encourage the development of affordable housing.

**ENACTED**

Accessory Dwelling Units (“ADU). ADU’s are a relatively easy method of increasing housing density, and providing housing for those who require a moderate amount of space. They provide an affordable place to live, and provide income to property owners. La Conner has recently taken steps to limit the requirements imposed on ADU’s.

Permit Streamlining. Permit processing for certain types of desired development can be expedited as an incentive. Tools include centralized counter services, pre-application conferences, permit checklists, or fast-tracking applications. La Conner contracts with Skagit County to perform building permit review and inspections, and Skagit County has implemented permit processing improvements.

Minimizing Impact Fees. Impact fees are one-time charges imposed by a local government on new development to pay for a reasonable portion of the costs of providing public services to the development. Impact fees are typically charged for streets, fire, parks, and

schools. Of these categories, La Conner has only charged school impact fees (which are transferred to the school district to be used in future school improvements.)

Reduced Setbacks. The Town has also reduced the minimum lot size and reduced setbacks, to allow housing density to be increased thus allowing more housing units to be built on available land. As we all realize, single-family houses use more land per home than other housing types, and in La Conner, where land is expensive, building multiple homes on a given lot is the most direct way to reduce housing costs because it spreads the cost of land across multiple homes.

## BEING STUDIED

Inclusionary zoning and Density Bonuses. Inclusionary zoning refers to municipal planning ordinances that require a given share of new construction to be affordable by people with low to moderate incomes. In Washington, inclusionary housing programs must offer density bonuses or other incentives to offset the developer's project costs and “compensate” for the requirement to provide affordable units. In effect, the density bonuses incentivize property developers to provide a public benefit in exchange for the capacity to build more square footage/ housing units than normally permitted. This approach enlists private sector help in contributing to the affordable housing supply and reducing segregation of affordable and market-rate housing.

Minimum Density. Minimum densities can assure that land is developed efficiently and that future urban densities are not precluded by current development. Some cities may use floor area ratios (which limit the total floor area of development) or form-based codes (which regulate only the size and shape of the building envelope) to control the scale of development instead of placing a cap on the number of housing units allowed per acre.

Multifamily housing. Multifamily development can be a source of affordable and diverse housing at an appropriate scale. Multifamily development can be effective in expensive housing markets where developers can maximize the number of dwellings on high-cost land.

Flexible development standards. Local governments can choose to allow lot size averaging or reduced setbacks. Zero lot line development, eliminating or reducing off-street parking requirements in certain areas, or relaxing other standards to reduce overall costs for developers can balance the intent of the regulations with the need for affordable housing.

Manufactured housing. All jurisdictions must ensure that manufactured housing is not treated differently than site-built housing. Municipalities can impose requirements for a permanent foundation, skirting, or compliance with design codes, but they must allow a manufactured home to be sited on a single family lot. Manufactured units can also be a cost-effective way to add detached ADUs in existing development.

Publicly owned land for affordable housing: The state constitution allows local governments that want to support the development of affordable housing to provide gifts to the “poor and infirm.” They can choose to provide underused publicly owned land or infrastructure to help affordable housing. RCW 39.33.015 sets out procedures for the transfer of public property for a public benefit, specifically affordable housing.

### **How does La Conner collaborate with Swinomish on growth?**

An important goal of the GMA is to coordinate comprehensive plans among adjacent jurisdictions. The act requires the coordination of those plans that are adopted pursuant to state law or with “counties or cities” that share a common boundary. See RCW 36.70A.040. However, the town and Skagit County derive their authority to plan from state-enabling legislation, while tribal nations, including the Swinomish, derive authority from their inherent sovereignty, treaty-based rights, and federally conveyed rights. Thus, and despite the presence of tribal treaty rights and interests in areas subject to GMA planning that may be adversely affected by local government plans and policies enacted under the GMA, tribes have been precluded from the state’s vision for coordinated planning because they are not subject to the state’s law. However, in 2022 the state legislature passed HB 1717 which is intended to encourage cooperation in land use planning.

Briefly, the bill provides a process in which a federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process and coordinate with the counties and cities required to plan under the GMA. Once a local government receives notice from a tribe whose reservation or ceded lands are in the county that the tribe has a planning process or will initiate a parallel planning process, the local government must enter into good faith negotiations with the tribe to attempt to reach a mutually acceptable memorandum of agreement regarding collaboration and participation in the planning process. HB 1717 was recently signed by Governor Inslee, and has not yet taken effect, and so it is still too early to know if any tribes will wish to coordinate planning efforts.

### **0.7% housing stock growth rate does not account for the # of people residing in each house. Whatever working average per household you choose (1.5? 2.1? etc.) how does that compare to your 1.25 % population growth rate?**

The 0.7% housing stock growth rate over the past 4 years amounts to 16 housing units, or an average of 4 units/year. In Skagit County, the average household size is 2.6 people. Between 2015 and 2036, the Town’s population was expected to increase by 329 people. The expected population in 2036 will require an additional 126 housing units. This growth rate, and average

household size means that the Town will need to add an average of 6 housing units/year between 2015 and 2036.

**Where is the planning for the impact of climate change in Growth Management?**

The GMA, adopted initially in 1990, did not include the concept of climate change. Recent legislative efforts have attempted to add responding to climate change as one of the GMA goals, but so far those attempts have not been successful. The discussion taking place over these legislative efforts has addressed two different aspects: planning for steps to minimize further climate change, and planning for the impacts of climate change.

Minimizing climate change was addressed in HB 1099, which would have updated the GMA to respond to climate change through statewide targets reducing greenhouse gas emission (GHG) and per capita vehicle miles traveled (VMT). The bill directed the departments of Commerce and Ecology to write an array of policies based on what available science suggests will decrease GHG and VMT. Local governments would then choose which policies to adopt as part of their comprehensive plan. However, the legislature failed to pass that measure.

Planning for the impacts of climate change has taken place primarily in the land use planning context. Under the GMA, the Town is prohibited from expanding its UGA into the floodplain (although certain exceptions may apply). In accordance with FEMA requirements, the Town restricts new development and substantial improvements (remodels) to prevent flood damage. The Washington energy code imposes significant energy saving requirements on new construction. The Town's primary focus of planning for the impacts of climate change has been the potential for sea level rise, and the possibility of flooding along First Street.

**There are now several methods available to increase farm production efficiency. Can we consider annexing farms to the north with doubling production and expanding the city?**

No. Under the GMA, cities and towns located in counties that plan under the Growth Management Act may annex only property that is located within their designated urban growth areas. The Town's UGA does not extend to the north.

**RE: Center Street - if so many people oppose a project that meets code - is the code correct?**

Whether a code provision meets the objectives of the adopter of the code (here, the La Conner Town Council) is a subjective question that cannot be answered by any one person.

**The Port of Skagit - La Conner Marina - will go through a strategic plan process. There is lots of possibility for the Port and Town to jointly plan housing goals, How will the town participate?**

At this juncture, it is too early to speculate what planning options are available. We anticipate discussions with the Port of Skagit will outline how the Port wishes to proceed. Depending on the outcome of those discussions, we would expect there to be a planning process followed that incorporates opportunities for staff review and a public process that allows residents to comment.

**What holds up developing property on the south side of downtown. The old warehouse, now surrounded by fencing?**

The decision to develop property always resides with the property owner. The Town is prepared to offer information concerning development code requirements and infrastructure issues, but we are not able to comment on a particular property owner's circumstances.

Addressed:

**Is there a plan for restricting more short term rentals, like Air Bnb and VRBO. Apartments would meet the need of lower income**

No. Section 15.110.080 (10) of the La Conner Municipal Code provides that "In those instances where accessory dwelling units are rented the intent is for them to be used for long-term rental, month to month or longer. Use as short-term (less than 30 days) rentals or nightly rentals shall not be allowed."

**Michael mentioned there was no option for the town other than selling the Hedlin property, but did not say why? Why?**

In the summer of 2019 the Town was approached by members of the Hedlin Family with an offer to buy the parcel of land on Maple Ave. known as the Hedlin Ballfield, which the town had leased from the family for decades. After looking at the deal, the council declined the offer as it was not financially feasible for the Town. Grants were researched, but grants for land purchases are difficult to come by. Fearing that the entire property could be sold and developed, the town's administration came up with a plan to isolate a minimum of 20,000 sq. ft. as a park, and the remaining 60,000 sq. ft would be sold for development. A purchase price of \$625,000.00 was established (the appraised value of the property was \$700,000.00.) The Town entered into an option agreement that allowed the Town to market the 60,000 to a developer. When the option was exercised and the property sold, the purchase price paid by the developer covered the purchase price of the property. Taken together with the option payments, the Town's responsibility to the Hedlins equaled \$699,000.00. The town was able to sell the property to a homebuilder for \$800,000.00. After all costs and commitments, the town realized a surplus of approximately \$8,064.27, which was used to fund future park development and associated costs.

The Town's 2020 budget anticipated revenues of \$4,773,818 and expenditures of \$5,823,569, for all funds (including utilities), leaving an ending fund balance of \$2,940,981 (including required reserves.) The funds available were insufficient to purchase the property, and it would have been ill advised to take on that amount of debt.

**Has town had conversation with Port about housing potential for La Conner on Port land?**

Yes, the Town has had preliminary conversations.

**What is the difference between a small town and a city, and How do we keep La “Conner a small historic town and preserve it like Hal says? (for Scott Thomas and Michael Davolio).**

In the legal context, and by state statute, “A town has a population of less than fifteen hundred at the time of its organization and does not operate under Title 35A RCW.” RCW 35.01.040. On the other hand, “A second-class city is a city with a population of fifteen hundred or more at the time of its organization or reorganization that does not have a charter adopted under Article XI, section 10, of the state Constitution, and does not operate under Title 35A RCW.” RCW 35.01.020. Title 35A RCW is the optional municipal code. Any incorporated city or town may become a noncharter code city under that tile, and there are no population requirements. In Skagit County, Anacortes and Mount Vernon reorganized as code cities a number of years ago; Burlington and Sedro-Woolley reorganized as code cities within the past decade, and Concrete, Hamilton, Lyman and La Conner remain towns.

The historic preservation and planning contexts are more difficult to apply. If growth is difficult to accommodate in a city such as Seattle, it is more so in small, rural communities that do not have access to the same level of resources. Planning commentators have suggested that if communities want to maintain their rural character, they should pursue three goals:

- Support the rural landscape by creating an economic climate that enhances the viability of working [agricultural and natural resource] lands.
- Help existing places thrive by taking care of assets and investments such as downtowns, Main Streets, existing infrastructure, and places that the community values.
- Create great new places by building vibrant, enduring neighborhoods and communities that people, especially young people, do not want to leave.

How do we accomplish that? The following are several steps that have been proven to work:

- Mix land uses.



- Take advantage of compact design.
- Create a range of housing opportunities and choices.
- Create walkable communities.
- Foster distinctive, attractive communities with a strong sense of place.
- Preserve farmland, natural beauty, and critical environmental areas.
- Strengthen and direct development toward existing communities.
- Provide a variety of transportation options.
- Make development decisions predictable, fair, and cost effective.
- Encourage community and stakeholder collaboration in development decisions.

### **What is considered affordable housing?**

As noted above, affordable housing is generally defined as housing whose monthly costs do not exceed more than 30% of the household's budget. Affordable housing can occur in many styles, such as single-family homes, multi-family homes, manufactured homes, apartments, or condominiums.