



## ***TOWN OF LA CONNER PLANNING COMMISSION***

### **Meeting Notice**

December 2, 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](http://www.townoflaconner.org)

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### **Agenda**

#### **I. Convene**

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

#### **III. Minutes:** Approve Minutes from the November 18, 2025 meeting.

#### **IV. Old Business**

1. Status Report – Public Participation Program.
2. Permit Application: Retro Diner Sign
3. Discussion of Sign Code
4. Discussion of Historic Preservation District code: Colors

#### **V. New Business**

#### **VI. Closing Comments:**

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

## TOWN OF LA CONNER PLANNING COMMISSION MEETING MINUTES November 18, 2025

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

Commissioners present: Tracy McCain, Maya Ojalehto, Bruce Bradburn, Sommer Holt, and Timothy Corey

Commissioners absent: None

Staff: Ajah Eills

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### **PUBLIC COMMENT**

Jerry George invited the Commission and planning staff to look at the construction happening at 306 Center Street, as he believes that it would be educational, and would allow both staff and the Commission to learn about potential consequences of development.

Linda Talman and Mollie Rights both spoke and shared stories of services having difficulty serving the homes around the 306 Center Street project due to construction impacts.

### **MINUTES:**

Commissioner Bradburn moved to approve the minutes with corrections and seconded by Commissioner McCain. **Motion to approve the minutes with correction carried unanimously.**

### **PERMIT APPLICATION:**

Staff gave an introduction to LU25-68S. Commissioners discussed the application at length. Discussion included the sign code regulations, past use of decorations, and the definition of “sign”. Commissioner Holt moved to deny the inflatables based on the code regulations that prohibit inflatable signs. Commissioner McCain seconded. Commissioners Holt and McCain voted yes on the motion to deny the inflatables. Commissioner Bradburn voted against the denial due to his belief that the inflatables should not be considered signs. Commissioner Corey voted against the denial. Commissioner Ojalehto abstained from the vote. **The motion to deny the inflatables failed.** No other motion on the inflatables was made by the Commission. The Commission requested input from the town attorney on this issue. Commissioner Bradburn moved to approve the sign change from “Sliders Café” to “Retro Diner”. Commissioner Holt seconded. **The motion to approve the sign change carried unanimously.**

### **OLD BUSINESS:**

Commissioners discussed the code edits in the Historic Preservation District (HPD) with a focus on color. Staff presented additional information. Commissioner McCain pointed out the variety of color options available. Commissioners discussed amending the code to allow all whites in both Sherwin Williams and Benjamin Moore paint collections, and all the colors within the Victorian, Colonial Revival, and Arts and Crafts Sherwin

Williams collections to be approved administratively, while allowing other colors to be permitted after a review by the Planning Commission. Staff will present code edits next meeting.

**NEW BUSINESS:**

None.

**COMMISSIONER COMMENTS/STAFF COMMENTS:**

None.

With no further business Commissioner Bradburn moved to adjourn the meeting at 6:48 p.m. Seconded by Commissioner Ojalehto. **Motion carried unanimously.**

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Chair

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Date

## MEMORANDUM

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TO: Planning Commission  
FROM: Planning Staff  
SUBJECT: Sign Permit Application – 313 Morris Street, Retro Diner  
DATE: December 1, 2025

This is a continuation of the previous discussion regarding the sign application at Retro Diner. The conditions that prompted the sign application, namely, the presence of the inflatable turkeys, are no longer present since Thanksgiving has passed. There is no further action that needs to be taken by the Planning Commission.

## MEMORANDUM

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TO: Planning Commission  
FROM: Planning Staff  
SUBJECT: Discussion on Sign Code  
DATE: December 1, 2025

During the 11.18.2025 Planning Commission meeting a discussion on the sign code occurred. While the exact conditions that prompted the discussion are no longer present, as Commissioner Holt noted in her attached communication, the conditions may occur again.

I would like to have a discussion with the Planning Commission as to if the sign code should be updated, informed by the conversation that occurred in previous meetings and the attached communications from Commissioners and Scott Thomas, the Town attorney.

Currently, the definition of “sign” is as follows:

**“15.10.1035 Sign.**

“Sign” means a publicly displayed advertising, directional, or informational notice, or any other device that may be displayed to attract attention to a business or event.”

For your convenience, below are our current sign regulations.

## **Chapter 15.115 SIGNS**

Sections:

[15.115.010 Purpose.](#)

[15.115.020 Applicability.](#)

[15.115.030 Signs exempt from certificate of authorization.](#)

[15.115.040 General requirements.](#)

[15.115.050 Total allowable sign area.](#)

[15.115.060 Number of signs allowed.](#)

[15.115.070 Allowable sign types.](#)

[15.115.080 Lighting.](#)

[15.115.090 Allowable design materials and maintenance.](#)

[15.115.100 Compliance.](#)

[15.115.110 Prohibited signs.](#)

[15.115.120 Nonconforming signs.](#)

[15.115.122 Inspection.](#)

[15.115.124 Maintenance.](#)

[15.115.126 Removal.](#)

[15.115.130 Appeal of planning commission or planning director decision.](#)

### **15.115.010 Purpose.**

The purpose of this chapter is to regulate signage in an effort to keep the town of La Conner a safe and attractive place in which to live and do business, to reserve and reflect the historic character of the community and assure consideration of:

- (1) Pedestrians, motorists, cyclists, visitors, residents, home occupations, shops, other buildings, and real property;
- (2) Safety through care in placement, sizing and illumination of signs so as to avoid visual clutter, distraction or obstruction of vision of pedestrians and motorists, or obstruction of right-of-way;
- (3) Economy for those erecting signs, or maintaining or modifying already-existing signs, through care in style and construction by providing adequate time to replace signs which do not comply with the new standards; by protecting property values; and by preserving the community character which attracts visitors and new residents and sustains business development;
- (4) Aesthetic benefits to business districts and the community at large through consistency in style, placement, scale and harmony of signs with buildings and natural settings;
- (5) Compatibility of signs with the architectural and historical qualities of La Conner;
- (6) General safety and welfare of the public, through fair and consistent enforcement of these sign regulations. [Ord. 1222 § 2, 2023; Ord. 671 § 7.1, 1995.]

### **15.115.020 Applicability.**

(1) This chapter shall apply to all signs as defined by this code except traffic signs erected under the authority of the town, signs directing traffic or parking on private property, signs stating business hours, vending machines, and state agency recommended signs. Private traffic and parking signs shall not exceed two square feet in area.

(2) The town council intends that to the fullest extent authorized by Chapter [47.42](#) RCW, the Highway Advertising Control Act – Scenic Vistas Act, now or as hereafter amended, shall also govern any street, bridge, pier or dock in the town of La Conner. [Ord. 1222 § 2, 2023; Ord. 671 § 7.2, 1995.]

### **15.115.030 Signs exempt from certificate of authorization.**

The following signs are exempt from the permit requirements of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

(1) Signs associated with active construction posted during the construction period, and 30 days after an occupancy permit has been issued, subject to the following:

(a) One unilluminated, double-faced sign is permitted for each public street upon which the project fronts;

(b) No sign shall exceed 24 square feet in area or eight feet in height, or be located closer than 20 feet from the property line of the adjoining property; and

(c) Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;

(2)(a) Signs up to eight square feet in area that are posted on developed residential property or buildings actively for sale, lease, or rental, limited to one sign per street frontage. Signs must be removed within 30 days of the sale, lease, or rental process being completed; and

(b) Signs up to 24 square feet in area that are posted on undeveloped residential property or commercial or industrial property or buildings actively for sale, lease, or rental, limited to one sign per street frontage. Signs must be removed within 30 days of the sale, lease, or rental process being completed;

(3) Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD), installed by a government entity, or authorized by the public works department;

(4) Signs required by law pursuant to LCMC [15.115.020](#);

(5) Temporary signs no larger than 16 square feet, to be removed within five days following cessation of the activity related to the sign. New businesses may have temporary signs in addition to their permitted signs, for a period of not more than 30 days from the date of their

opening. Temporary signs shall not incorporate or include flags, spinners, pennants, ribbons, balloons, or similar devices;

(6) Signs relating to construction in progress, which shall total no more than 16 square feet;

(7) Signs posted on or attached to the inside of store front windows; provided, that such signs do not occupy more than 40 percent of the window;

(8) Signs within a building (not in a window) that are not intended to be viewed from a public right-of-way;

(9) The flag of a government or noncommercial institution, such as a school. Such flags are not to exceed 48 square feet. Flags greater than 48 square feet are permitted in Commercial, Transitional Commercial, and Industrial Zones; provided, that any square footage of such flag greater than 48 square feet shall be applied to the overall permitted signage of the property;

(10) Window merchandise displays;

(11) Commemorative plaque signs, in compliance with LCMC [15.115.040](#);

(12) Signs required for the safe navigation of the Swinomish Channel;

(13) Vehicle signage, except that large, billboard-type signs are not permitted on vehicles;

(14) Official or legal notices issued and posted by any public agency or court; and

(15) Temporary signs shall not be placed on any sidewalk or other public right-of-way. [Ord. 1222 § 2, 2023; Ord. 1211 § 2(A), 2022; Ord. 1030 § 1, 2009; Ord. 963 § 2, 2005; Ord. 671 § 7.3, 1995.]

### **15.115.040 General requirements.**

(1) All signs to which this chapter applies shall conform to the general requirements set forth in LCMC [15.115.050](#) through [15.115.100](#) regardless of whether a certificate of authorization is required.

(2) The planning director shall review all sign permit applications for compliance with this code. At the discretion of the planning director, a sign permit application may be referred to the planning commission for final decision. [Ord. 1222 § 2, 2023; Ord. 1030 § 1, 2009; Ord. 671 § 7.4, 1995.]

### **15.115.050 Total allowable sign area.**

Includes all signs and all sides and stories of buildings unless otherwise exempted under LCMC [15.115.030](#).



(1) The total allowable sign area per building shall be the larger of 20 square feet or seven percent of any facade. Facade square footage shall be calculated as the vertical surface between the ground and roof line including all doors, windows, and parapet walls. Seven percent shall be determined by an as-built drawing or legal verification if deemed necessary by the planner or planning commission.

(2) A directory sign on a multi-business building shall not exceed five square feet per business to a maximum of 30 square feet per building and shall not be included in the total allowable sign area.

(3) Commemorative plaques or other signs in a residential zone shall be no larger than three square feet. [Ord. 1222 § 2, 2023; Ord. 671 § 7.4.A, 1995.]

### **15.115.060 Number of signs allowed.**

(1) Single Business Buildings. No more than three signs, one of which may be freestanding or projecting.

(2) Multi-Business Buildings.

(a) No more than one per business outside an entrance or dock, flat mounted or projecting.

(b) Additional signage per business is allowed if it is part of building directories.

(c) One building identification sign per side facing a public thoroughfare will not be counted in the seven percent allowable sign area.

(3) One flatly affixed commemorative plaque allowed per building. [Ord. 1222 § 2, 2023; Ord. 1132 § 3, 2015; Ord. 671 § 7.4.B, 1995.]

### **15.115.070 Allowable sign types.**

All signs shall conform to the height and setback requirements of the zone in which they are located. Signs may not exceed the height, width and depth of the building to which they are attached.

(1) Awning/Canopy Sign.

(a) Minimum eight feet clearance from ground;

(b) The entire awning shall not be considered a sign, except the face area of the awning to which the advertising copy is attached or placed, shall be considered a sign.

(2) Directional Sign.

(a) May be no more than nine square feet;

(b) Shall provide directions to public facilities such as restrooms, parks, parking lots, museums, and marinas;

(c) Directional signs may be off premises.

(3) Directory Sign.

(a) One per right-of-way or public access venue for multi-business buildings;

(b) Shall not exceed five square feet per business to a maximum of 30 square feet per building per directory;

(c) Shall not be included in the total allowable sign area;

(d) A business is allowed one off-premises sign in an approved directory with the written permission of the property owner.

(4) Freestanding Sign.

(a) May not exceed 10 feet in height;

(b) Shall have a landscaped area twice the size of the sign area at the base of the sign;

(c) Limited to one per building regardless of the number of businesses within the building;

(d) Not allowed if a building already has a projecting sign.

(5) Projecting Sign.

(a) Shall project no more than four feet from building;

(b) Must leave at least eight feet of clearance from the ground;

(c) Are limited to one per building entrance regardless of the number of businesses within the building or advertised on the sign;

(d) Are not allowed if the building already has a freestanding sign;

(e) If projecting over a public right-of-way, a hold harmless agreement must be provided to, and approved by, the town of La Conner;

(f) If the same copy is on both sides, count one side in the sign area allotment; if different copy is on both sides, count both sides in the sign area allotment.

(6) Window Sign.

(a) Window graphics may not occupy more than 25 percent of the total area of the window in which they are displayed.

(b) Not to be included in total sign area allotment.

(7) Sandwich Board Sign.

(a) Siting.

(i) Only one sign allowed per business on private property but not in a designated parking area or fire lane. The sandwich board sign can be no larger than two feet wide by three feet high;

(ii) Not included in the total sign allotment;

(iii) Not permitted on public property, except those businesses without adequate space on their property may place a sandwich board sign within the right-of-way (as close as practical to the business building), providing it can be placed in a safe location and meets the following requirements, as approved by the planning director:

(A) Must comply with the clear visibility triangle requirements set forth in LCMC [15.75.130](#).

(B) Ensure drive access aprons and ADA access are kept clear.

(C) Allow the minimum standard of four feet clear pedestrian passage on the sidewalks.

(D) No sandwich board signs on the boardwalk.

(8) Signs painted on walls.

(9) Official Community Event Banners.

(a) Banners may only promote official community events or events approved by the town council.

(b) Proposed banner design must be submitted to the planning department for approval at least six weeks in advance of the event.

(c) All approved banners must meet current banner specifications provided by the town public works department.

(d) Banner Message and Content.

(i) Primary content: event name and date;

(ii) Secondary content: sponsor logos only – fonts must be 50 percent of primary content font;

(iii) There should be no commercial content through sponsorship identity.

(e) Display Limitations.

(i) The banner may be displayed a maximum of three weeks prior to the event.

(ii) Where time conflicts occur, the town council will decide the priority display of the banners.

(f) Installation and Removal. All banner installations and removal will be conducted by the public works department staff.

(10) Flat affixed signs.

(11) Wayfinding Signs. Wayfinding signs are deemed essential to the orderly growth of the community, and especially the downtown area. Wayfinding signs shall be permitted for groups of three or more users, with designs and locations approved by the town council. When located on public property, users shall pay an annual fee to the town, which fee shall be established and amended from time to time by resolution of the town council. Users shall be selected on a first come, first served basis.

(12) Reader Board Signs. Reader board signs are intended to provide information to the community. Reader board signs are permitted only on public property. If an electronic message is used, that message is not defined as internally illuminated. [Ord. 1222 § 2, 2023; Ord. 1211 § 2(A), 2022; Ord. 1167 § 2, 2018; Ord. 1132 § 3, 2015; Ord. 1084 § 1, 2012; Ord. 1030 § 1, 2009; Ord. 963 § 2, 2005; Ord. 887, 2003; Ord. 671 § 7.4.C, 1995.]

### **15.115.080 Lighting.**

(1) Indirect lighting only allowed.

(2) Colored, flashing or intermittent lighting not allowed. Exterior neon signs are prohibited. [Ord. 1222 § 2, 2023; Ord. 887, 2003; Ord. 671 § 7.4.D, 1995.]

### **15.115.090 Allowable design materials and maintenance.**

(1) Signs shall be made of professional quality and durable materials, such as metal or wood.

(2) Sign design shall be consistent with the district and neighborhood when in the Historic Preservation District.

(3) Signs must be maintained and not left in disrepair, damaged condition, or in need of painting or material replacement. [Ord. 1222 § 2, 2023; Ord. 1030 § 1, 2009; Ord. 887, 2003; Ord. 671 § 7.4.E, 1995.]

### **15.115.100 Compliance.**

All signs requiring a certificate of authorization must comply with this code. No sign shall be permitted unless it conforms to the provisions of this chapter. Any sign located within the town's Historic Preservation District shall be made of materials compatible with the historic nature of the town and surrounding buildings, and colors selected from the historic palette. [Ord. 1222 § 2, 2023; Ord. 1030 § 1, 2009; Ord. 671 § 7.4.F, 1995.]

### **15.115.110 Prohibited signs.**

The following exterior signs are prohibited:

- (1) Abandoned signs or signs in poor repair. Obsolete signs shall be removed within five days following termination of use;
- (2) Bench signs;
- (3) Billboards;
- (4) Flashing, revolving or any other moving signs, including streamers, banner signs (except those approved as temporary signs), and sandwich board signs worn by a person. A clock with moving hands and a barber pole are permitted;
- (5) Off-premises signs except those exempted in LCMC [15.115.030](#) and [15.115.070](#)(3)(d) and directional signs;
- (6) Roof mounted signs, including any signs painted directly on a roof surface;
- (7) Signs which restrict the visibility of traffic or traffic control devices, which block fire lanes, create a safety hazard for pedestrian or vehicular traffic or block vistas, viewpoints, view corridors or visual access to the shoreline;
- (8) Signs attached to rocks, trees, utility poles, street signs or any other public property;
- (9) Backlighted signs;
- (10) Signs with colored lighting;
- (11) Portable signs other than sandwich board signs;
- (12) Any sign that is otherwise allowed, but does not comply with the provisions of this chapter;
- (13) Signs that purport to be, or are, an imitation of or resemble an official traffic sign or signal;
- (14) Signs that are the primary use of the land on which they are located;
- (15) Signs that are attached to fences; and

(16) Inflatable signs. [Ord. 1222 § 2, 2023; Ord. 1084 § 2, 2012; Ord. 963 § 2, 2005; Ord. 887, 2003; Ord. 671 § 7.5, 1995.]

### **15.115.120 Nonconforming signs.**

(1) Signs with certificates of authorization granted before the present sign ordinance adoption may be continued subject to provisions of subsection (2) of this section. Any sign without a current certificate of authorization shall be removed within 10 days of notice. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm, or corporation claiming such legal status for a sign.

(2) Loss of nonconforming status occurs when:

(a) A sign is altered or replaced in any way in structure. Change of lettering style and routine maintenance are permitted.

(b) A sign is relocated.

(c) Any new sign is erected or placed in connection with the business using the nonconforming sign.

(d) The type of a business changes.

(e) Change of business name in a directory sign does not constitute loss of nonconforming status.

(3) With notification of loss of nonconforming status, the sign must be brought into compliance with this chapter and a new sign permit secured. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal.

(4) Structural repairs to nonconforming signs shall not be permitted. [Ord. 1222 § 2, 2023; Ord. 887, 2003; Ord. 671 § 7.6, 1995.]

### **15.115.122 Inspection.**

Signs may be inspected periodically by the planning director, code enforcement officer, or other administrative official for compliance with this and other codes of the municipality. [Ord. 1222 § 2, 2023.]

### **15.115.124 Maintenance.**

All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition. Any sign not maintained in accordance with this section shall be subject to the enforcement and removal provisions contained in LCMC [15.115.126](#). [Ord. 1222 § 2, 2023.]

### **15.115.126 Removal.**

(1) If any permanent sign shall be unlawfully installed, erected or maintained in violation of any provisions of this chapter, the owner or the person or firm maintaining same shall, upon written notice by the administrative official, make such sign conform to the provisions of this chapter, or shall remove it within 30 days. Said party shall only be authorized to exercise the appeal rights set forth in LCMC [15.115.130](#) after application has been made and permit fees paid, if applicable. Provided, the 30-day appeal period shall commence upon the date of notice, whether a permit was applied for or not.

(2) If any temporary sign shall be unlawfully installed, erected or maintained in violation of any provisions of this section, the owner or the person or firm maintaining same shall, upon written notice by the planning director, code enforcement officer, or other designated administrative official, make such sign conform to the provisions of this chapter, or shall remove it within two business days. In the event compliance is not obtained, enforcement action including the imposition of penalties shall be brought by the town attorney.

(3) If any order of the planning director, code enforcement officer, or other designated administrative official, as set forth in subsection (1) or (2) of this section, is not complied with, the official may cause such sign to be removed at the expense of the owner or lessee.

(4) Signs which the planning director, code enforcement officer, or other designated administrative official finds upon public streets, sidewalks, rights-of-way, or other public property may be immediately removed by the official without prior notice. For signs that appear to the code administrator to have substantial value (that is, other than poster board types of signs), the sign will be retained for five business days and the code administrator shall make a reasonable attempt to notify the sign owner that the sign has been confiscated and extend an offer for the owner to retrieve the sign within this five-business-day time period. Hazardous signs shall be removed in accordance with the International Building Code. This section does not create any liability by the city for failing to retain the sign for the time specified or for the manner in which the sign is stored, maintained or disposed of, or for failure to notify the owner. [Ord. 1222 § 2, 2023.]

### **15.115.130 Appeal of planning commission or planning director decision.**

An appeal of a planning commission or town planner decision may, by any aggrieved person, be made to the hearing examiner, in writing, within 10 days of the decision and payment of an appeal fee hereby set at one-half the original fee for a sign permit. The decision of the hearing examiner is final. [Ord. 1222 § 2, 2023; Ord. 1030 § 1, 2009; Ord. 671 § 7.7, 1995.]

## Ajah Eills, Planner

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**From:** Sommer Holt  
**Sent:** Wednesday, November 26, 2025 1:05 PM  
**To:** Ajah Eills Planning Eills, Assistant  
**Subject:** Inflatable Permit Info and Request  
**Attachments:** social-image-logo-og.jpeg; IMG\_9781.jpeg

Hi Ajah,

I've done some thinking and digging regarding the case of the Trotting Turkey on Morris. Could you please pass this along to the other commissioners for their consideration? I wanted to get a sense of how other towns handle inflatables, whether there have been lawsuits against cities that restrict them, and whether business owners have faced liability when using them. The information turned out to be helpful and may give us some useful context as we prepare for our next discussion. I also have a question for you about the current permit request.

Here are the main takeaways: several smaller towns, including Walla Walla, Snohomish, Langley, and Port Townsend, all classify inflatables under their sign codes. Snohomish, Port Townsend and Enumclaw ban them outright. Walla Walla put them on a prohibited list unless a class II or III permit is approved with conditions.

As for the court cases, there were two categories stood out: First Amendment cases and injury cases. In the First Amendment cases, federal circuit courts consistently treated inflatables as signs or attention-getting devices, and cities were able to successfully defend bans when their rules were written clearly and applied in a content-neutral way. In the injury cases, business owners were sued over trip hazards from cords or tie-downs, or from inflatables shifting in the wind and hitting pedestrians. I'll include the links below along with brief summaries for anyone who wants to review them.

With this context in mind, the dilemma of whether the Town should start defining "decoration" becomes clearer. The First Amendment cases suggest that defining decorations could put the Town in a difficult position. Once we define what a decoration is, we also take on the responsibility of determining what qualifies as a holiday or what kind of message is acceptable. That moves us away from content-neutral regulation and into evaluating meaning or symbolism — exactly the type of interpretation courts warn cities to avoid. I don't think any of us want to be in the business of deciding what is or isn't a legitimate holiday or policing what someone puts in their window. Keeping inflatables regulated under the sign code avoids that problem entirely because the content doesn't matter. A turkey, Santa, cartoon character, religious symbol or political figure all fall under the same rule.

Now, back to the Trotting Turkey on Morris and the current application under the current code. Here is my question to you: would it be legally possible for the Town to offer a very narrow, temporary compliance period for this holiday season only, given that the business may have relied on past informal guidance from staff? I'm not referring to an "exception" or a reinterpretation of the code, but rather a short transition window to correct past enforcement inconsistencies. (I ask this only because although Thanksgiving will be over soon, I know the business also has Christmas signage (a very large JOY sign) and a 10-15 ft. Christmas Inflatable Tree. So the inflatable situation is likely not over yet.)



If this approach is legally sound, could it be conditioned so the inflatable must remain behind the fence and off the public walkway, cords are fully secured, it is unplugged when the business is closed, and it is removed within seven days after Christmas? I'm wondering if a temporary compliance solution like this could help address the immediate situation without creating any ongoing right or precedent.

It's also entirely possible that as a community we may decide we want to allow certain kinds of inflatables in the future. Or maybe we want to strengthen and clarify our existing code so there's no ambiguity at all. Those are worthwhile policy discussions, and they're best handled when we update the sign code as a whole. That would give us a structured way to talk about size limits, placement rules, holiday allowances, or whether we want to maintain the prohibition. My only concern is that we approach this in the right order so we don't create more confusion while we're trying to interpret the code we have right now.

I also want to wish you all a very Happy Thanksgiving. I'm grateful to live in this town and to serve alongside each of you.

Respectfully,

Sommer Holt

Here are the cases and incidents I reviewed, in case they are helpful to everyone:

#### Legal Cases Involving Inflatable Signs – Summary and Outcomes

1. Laborers' Local 330 v. Town of Grand Chute (7th Cir. 2019)  
 Outcome: Town WON  
 Facts: Union used a 12-foot inflatable "Scabby the Rat" in the right-of-way. Town removed it under a content-neutral sign/ROW ordinance.  
 Holding: The ordinance was constitutional, and enforcement was valid because it was content-neutral and applied consistently.  
 Why It Matters: Confirms a town can prohibit inflatable signs for safety or aesthetic reasons. Courts treat inflatables as signs or attention-getting devices.
2. State v. DeAngelo (New Jersey Supreme Court 2009)  
 Outcome: Town/State WON  
 Facts: A labor official used a large inflatable rat balloon at a protest. Township ordinance banned inflatable or balloon signs except for grand openings.  
 Holding: The ban was constitutional and content-neutral.  
 Why It Matters: Municipalities can explicitly ban inflatable signs without violating free speech, as long as the rule is applied neutrally.

3. Tucker v. City of Fairfield (6th Cir. 2005)  
 Outcome: Union WON (preliminary injunction only)  
 Facts: Union used a giant inflatable rat during a protest. City tried to remove it under a broad ban on “structures” in the right-of-way.  
 Holding: The court temporarily blocked enforcement because the rule was overbroad and possibly enforced inconsistently.  
 Why It Matters: Towns can lose if enforcement is selective or the rule is too vague. This supports having clear, specific language. La Conner’s code is narrow and clear.
4. Tanner Advertising Group v. Fayette County (11th Cir. 2006)  
 Outcome: County effectively WON  
 Facts: Company challenged an ordinance banning “attention-getting devices,” including inflatable air signs.  
 Holding: The case was dismissed on standing and mootness grounds. The inflatable ban remained intact.  
 Why It Matters: A ban on “attention-getting devices,” including inflatables, is legally defensible.
5. City of Orange Park (Florida) – Inflatable Mario case (Ongoing)  
 Outcome: No final ruling yet  
 Facts: Business displayed a large inflatable Mario. City ordered its removal as a portable sign. Business sued under free speech claims.  
 Relevance: Reinforces that inflatables are treated as signs in legal disputes, not décor. No final precedent from this case yet.

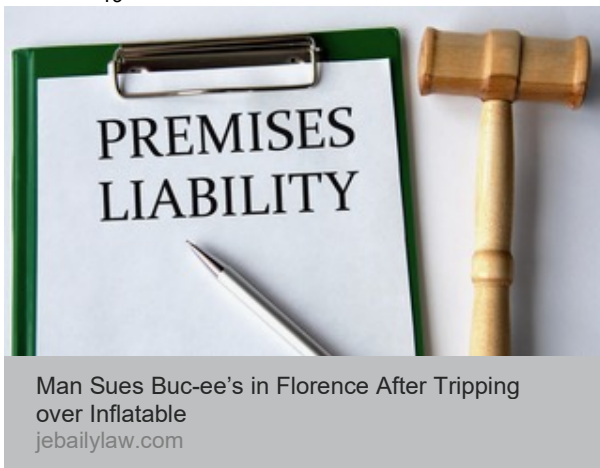
#### Key Takeaways:

1. Courts consistently treat inflatables as signs, not decorations. Anything used to attract attention to a business falls under sign regulations.
2. Towns can prohibit inflatable signs outright, and this has been upheld multiple times.
3. The only time a town risks losing is when enforcement is inconsistent or the rule is overly broad. La Conner’s code is specific: “inflatable signs” are prohibited.
4. Historic districts receive even stronger deference from courts regarding aesthetics, safety, and preservation.
5. Allowing one inflatable as a “decoration” creates a loophole that undermines the entire sign code and opens the door to selective enforcement claims.

### Safety and Liability Concerns of Outdoor Inflatables

Case 1: Buc-ee’s Inflatable Beaver (South Carolina, 2024)

Source:



A customer sued Buc-ee's after tripping over a rope used to secure a giant inflatable beaver mascot placed outside the storefront. The plaintiff alleges the rope created a dangerous sidewalk condition and caused significant injury.

Relevance to La Conner: This is directly analogous to inflatables placed on or near sidewalks in front of businesses. Any rope, tether, or anchor associated with an inflatable can constitute a tripping hazard in a pedestrian corridor.

Case 2: Wal-Mart Inflatable Beer Can Display Cord (Virginia, 2016)

Source:

Woman Trips on Wal-Mart Inflatable  
Beer Can Display Cord - Abrams  
Landau, Ltd.  
landauinjurylaw.com

A shopper tripped over a cord powering an inflatable beer-can advertising display at Wal-Mart. She suffered severe knee injuries and developed blood clots requiring long-term medication. A jury awarded \$500,000 plus interest.

Relevance to La Conner: Inflatable advertising displays require cords and blower equipment. Narrow historic sidewalks increase the likelihood that cords become trip hazards.

## 2. Wind and Movement Hazards

Case 3: Peterson v. Flare Fittings (Disney Sports Complex Balloon Incident, Florida 5th DCA)

Sources:

Appeals Court Rules Summary  
Judgment Was Not Merited in  
Florida Negligence Case  
southfloridapersonalinjurylawyers-  
blog.com

<https://www.fklegal.com/blog/floridas-fifth-district-reverses-dismissal-in-disney-paintball-tournament-personal-injury-case/>

A large inflated balloon (approx. 10 feet in diameter) tied near a vendor area became unstable in the wind and struck a passerby in the head, injuring him. The Florida appellate court allowed the negligence case to proceed, holding that the release he signed did not cover this type of hazard.

Relevance to La Conner: This case shows that even “larger decorative or promotional inflated objects” in commercial areas can become dangerous due to wind. La Conner’s waterfront corridor experiences gusty winds that could cause similar instability.

## Ajah Eills, Planner

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**From:** Tracy McCain  
**Sent:** Wednesday, November 26, 2025 3:52 PM  
**To:** Planner  
**Subject:** Please share with Planning Commissioners  
**Attachments:** Excerpt from Anacortes Municipal Code.docx

Hi Commissions and Planning Department,

I hope you've had a chance to read today's issue of the La Conner Weekly News. The "Turkey Trouble" article does a nice job of describing our dilemma. As the author notes our code does explicitly prohibit inflatable signs and the definition of a sign is clear.

I would like to suggest that our code avoids regulating decorations in commercial buildings of the Historic Preservation District for a reason. A decoration is considered interior to the business while a sign designation occurs when decorations move outside and become visible from public areas. Since our code does not currently offer guidelines for a holiday decoration exemption, we have no way today of allowing and regulating how many, how often and how high or wide. Allowing an exemption to one business based on repeated non-compliance will open the possibility to every other commercial entity who chooses to evade enforcement. Are we setting the precedence that non-compliance gets you what you want versus what the code says?

Just as we do in La Conner, most Washington cities define a *sign* broadly as:

**Any device, structure, figure, display, or object designed to attract attention and visible from public areas, used to identify, advertise, or promote a business, product, or event.**

In most Washington State cities, an inflatable turkey placed *outside* a business (like a diner) is legally considered a *sign*, not a decoration, *unless* the city code specifically exempts holiday decorations from the definition of "sign."

Inflatable objects (air-blown turkeys, Santa figures, pumpkins, etc.) placed at businesses typically:

- draw attention,
- attract customers,
- increase visibility of the business,

**They almost always qualify as "signs" unless there is a holiday-decor exemption.**

A city determines whether something is a "decoration" or "sign" based on:

**Is it advertising or promotional?**

If it's placed to draw customers → *sign*

If it's simply festive or seasonal with no business tie-in → may be a *decoration*

**Is it visible from the public right-of-way?**

If yes → likely regulated as a sign.

**Does the code exempt holiday decorations?**

Some Washington cities allow *temporary seasonal decorations* without counting them as signs. However, if the intent of the La Conner code was to exempt seasonal decorations, the authors would have needed to include guidelines and perimeters for displaying within a set of rules. Please see the example below of how our neighbors in Anacortes provide explicit regulations around decorations, although like La Conner, inflatables powered by electricity are prohibited.

As we decided on the recent issue of vertical siding, we are not responsible for negligent code enforcement or the non-actions of prior commissions. We are responsible for what our code says today and enforcing the intent of ordinances as written.

Thanks for volunteering to serve our town and best wishes for a happy Thanksgiving,

Tracy McCain

For your further reference:

**Definitions from Town of La Conner Municipal Code****15.10.1035 Sign.**

"Sign" means a publicly displayed advertising, directional, or informational notice, or any other device that may be displayed to attract attention to a business or event. [Ord. 1222 § 2, 2023; Ord. 671 § 2, 1995.]

**15.10.1120 Streamer.**

"Streamer" means an attention attracting device consisting of one or more pennants, **balloons**, ribbons, reflectors, fringes or similar objects strung together on a common line, pole or sign structure, or attached to one or more products offered for sale. [Ord. 1222 § 2, 2023; Ord. 671 § 2, 1995.]

## What Anacortes Municipal Code 19.67 Says about Temporary & Inflatable-type Signs

- Chapter 19.67 defines several types of **temporary signs** (Type 1 through Type 6). [Anacortes Municipal Code+1](#)
- **Type 6 signs** explicitly include “fixed aerial displays, balloons, pennants, spinners, strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means.” [Anacortes Municipal Code](#)
- The code states **Type 6 signs are prohibited** — unless used for a permitted “exterior event sign” under very limited conditions. [Anacortes Municipal Code](#)
- That means inflatable signs (which qualify as “aerial displays” or “devices affected by air/movement”) are banned under the general sign rules.

Additionally:

- Temporary signs that **promote a business commercially** fall under “Commercial Temporary Signs.” [Anacortes Municipal Code+1](#)
- But the provisions for commercial temporary signs reference sign types 1–5; **Type 6 (which would include inflatables)** is **not** included. [Anacortes Municipal Code](#)
- Therefore, commercial inflatable signs are not authorized under the standard allowances for commercial temporary signs.
-

## Anacortes Municipal Code (AMC) Chapter 19.67 “Signs”

### B. Sign Display Restrictions.

1. *Purpose.* The purpose of this subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mars the natural and architectural aesthetics of the city.

2. *Applicability.* The display features described below are prohibited. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city at the owner’s expense.

a. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking or strobe light illumination.

b. Any sign with an exposed light source, except for neon incorporated into the design of the sign.

c. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.

d. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means, except for:

i. Signs exempted from this chapter as established in AMC 19.67.020.

ii. Temporary signs as provided for in AMC 19.67.110.

e. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means, except for signs exempted from this chapter as established in AMC 19.67.020.

f. Digital and other changeable copy signs, except as provided for in Table 19.67.040(C)(2) and AMC 19.67.080(D) for certain freestanding signs.

g. Mannequins holding a sign or displaying advertising, whether stationary or animated, except within a building as part of a window or interior display.

#### \*19.67.110 Temporary sign standards.

E. *Illumination Prohibited.* Temporary signs may not be directly illuminated or be provided with any electric service.



6. *Type 6 Temporary Signs.* Signs in this category include fixed aerial displays, balloons, pennants, spinners, strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means. Such signs are prohibited except where used for an exterior event sign (see subsection (G)(2) of this section).



## *Town of La Conner*

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### MEMORANDUM

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TO: Planning Commission

FROM: Scott Thomas, Town Attorney

SUBJECT: Sign Code

DATE: November 25, 2025

You have asked for my opinion on the proper interpretation to be given to La Conner Municipal Code Section 15.10.1035. My understanding is that at the Town's urging, a restaurant situated in the La Conner historic district has submitted a sign permit application for what the applicant describes as "Holiday décor – Blow ups." The proposed devices are shown below:



The Town Planner referred the application to the Planning Commission for consideration. At its November 18, 2025 meeting the Planning Commission discussed the application, and asked for my opinion on the application of the municipal code, which I paraphrase as follows:

Do the inflatable devices constitute a "sign" as defined by LCMC § 15.10.1035?

My response is below.

Section 15.10.1035 of the La Conner Municipal Code states that a “Sign means a publicly displayed advertising, directional, or informational notice, ***or any other device that may be displayed to attract attention to a business or event.***” (emphasis supplied.) The question presented is whether the devices depicted above should be construed to be a device displayed to attract attention to the subject business.

Municipal ordinances are to be interpreted under the same rules of statutory construction as are state statutes. *City of Spokane v. Douglass*, 115 Wn.2d 171, 795 P.2d 693 (1990). In interpreting a statute, courts do not construe a statute that is unambiguous. *Food Servs. of Am. v. Royal Heights, Inc.*, 123 Wn. 2d 779, 784-85, 871 P.2d 590 (1994). However, if a statute is ambiguous, the courts must construe the statute so as to effectuate the legislative intent; in so doing, courts avoid a literal reading if it would result in unlikely, absurd or strained consequences. *State v. Elgin*, 118 Wn. 2d 551, 555, 825 P.2d 314 (1992).

In this matter, the phrase “any other device” is not ambiguous – there can be no confusion as to what a “device” is. The phrase “displayed to attract attention” is similarly clear, as it weds a particular purpose to a display. However, this latter phrase raises other issues, namely that is necessary to assign a purpose for putting a device on display. Based on the record that is available, the intent of the business owner that displayed the device is unknown.

Celebrating the traditional American holiday of Thanksgiving is as plausible a rationale for displaying an inflatable turkey as is inviting guests into a restaurant to consume a turkey sandwich. While the business did apply to the Town for a sign permit, it did so at the Town’s urging and in response to a complaint. Context is important, and erecting a display that is closely aligned with products or services offered at a particular business location can be informative. Displaying a large blow-up tire outside of a tire store, for example, is clearly intended to attract the attention of those potential customers interested in new tires. But here, there is little context available beyond the fact that a restaurant is displaying at least one device associated with dining – the inflatable turkey. Scarecrows, miniature trains, and other inflatable devices have little association with the business’s purpose. To illustrate the point, if the very same inflatable turkey were to be displayed in front of a residence several feet away – in the same historic district – it would not be construed as being a sign.

In sum, additional evidence in some form of the intent of the business owner should be acquired, to make a functional determination. I trust this opinion is of assistance.

## **Article I. General Provisions**

### **15.50.010 Purpose.**

- (1) Provide for the identification and protection of structures and sites within the town that reflect special elements of the town's architectural, artistic, aesthetic, historical, economic, and social heritage;
- (2) Facilitate restoration and upkeep of historic structures;
- (3) Encourage public knowledge and appreciation of the town's history and culture;
- (4) Foster community pride and sense of identity based on recognition and use of historic resources;
- (5) Preserve architectural styles reflecting development of the town between 1875-1915 and encourage complimentary design and construction impacting historic resources;
- (6) Enhance property values and increase economic benefits to the town and its residents;
- (7) Identify and resolve conflicts between the preservation of historic structures and alternative land uses;
- (8) Integrate the requirements for historic preservation into the development review process.
- (9) Ensure that new construction and additions respect the scale, forms and proportions of the Historic Preservation District. [Ord. 755 § 3, 1999; Ord. 671 § 3.8.A, 1995.]

### **15.50.020 Applicability.**

- (1) The provisions of this chapter shall apply to the designation, preservation, rehabilitation, restoration, reconstruction, relocation, remodel, demolition, or material change to the exterior appearance of all Historic Landmarks, all structures, and any new development within the Historic Preservation District in the town of La Conner.
- (2) The provisions of this chapter shall apply in addition to those requirements of the underlying zoning district. In the event of a conflict between the underlying district and this chapter, the provisions of this chapter shall prevail. [Ord. 755 § 4, 1999; Ord. 671 § 3.8.B, 1995.]

### **15.50.025 Definitions.**

The following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

- (1) "Conflict" is when two code provisions provide for different or inconsistent standards.

- (2) “District, Morris Street Commercial” means all commercial lots which abut Morris Street, excluding those which also abut First Street or which abut 2nd Street on the west and Morris Street on the south.
- (3) “District, First Street Commercial” means all commercial lots, within the HPD, not included in the Morris Street Commercial, which abut First Street.
- (4) “Floor area ratio” means the gross floor area of a building(s) on a lot, divided by the total lot area, expressed as a percent.
- (5) “Historic period” means the time period between 1875-1915.
- (6) “Landscape feature” means a natural or manmade outdoor feature on the land such as, but not limited to, trees, steep slopes, bluffs, outcroppings, roads, driveways, parking lots, lamp posts, retaining walls and walkways.
- (7) “Non-conforming color” means paint or color already existing on a structure which is not a pre-approved color or paint listed in 15.50.010 (12).
- (8) “Scale” means the relationship of the size and proportions of individual parts of a structure to the whole structure; and the relative size and proportions of a structure in relation to pedestrians and to other structures within the Historic Preservation District.
- (9) “Shall” means a mandatory, directory and nonwaivable required act or omission.
- (10) “Should,” in the context of this chapter, denotes a requirement that may be modified if the applicant demonstrates that the proposal or project as designed furthers the goals and objectives of the chapter equal to or better than the requirement would.
- (11) “Streetscape” means the general arrangement, height, and style of buildings, entrances, open spaces, views, and landmark features along a street which help define the unique character of the street.
- (12) “Type II historic review” means planning director review of any proposed restoration, remodel, or sign permit.
- (13) “Type III historic review” means planning commission review of any alteration, demolition, reconstruction, relocation, or other material change. [Ord. 1211 § 2(A), 2022; Ord. 755 § 5, 1999.]

#### **15.50.030 District and landmark designation.**

The town of La Conner adopted a Historic Preservation District by order of the town council on September 5, 1972. The HPD includes portions of First and Second Streets and associated properties which are on the National Register of Historic Places. The boundaries of the district

are illustrated on the La Conner Zoning Map, attached as Appendix A. The town council, on recommendation of the planning commission after public hearings, shall have the authority to designate historic landmarks, or historic districts, or additions to historic districts when the criteria for designation under this chapter are satisfied. Any building or structure designated as historic on a national or state historic register and not located within the town's Historic Preservation District shall be required to meet the conditions set forth in this code. [Ord. 1211 § 2(A), 2022; Ord. 671 § 3.8.C, 1995.]

#### **15.50.040 Criteria for designation of historic landmarks.**

Any property owner within the town may apply for a Historic Landmark designation. A site or structure may be designated a Historic Landmark if it is listed on the National Register of Historic Places, or if it is rated "significant" under the town's procedure for evaluating historic resources under the specific architectural, environmental, and historic association criteria, as proposed by the National Trust for Historic Preservation, and itemized below. Points are awarded to a structure on the basis of how well it meets the criteria. A site or structure must receive a total of 40 or more points under the following criteria to qualify for Historic Landmark status:

- (1) It was built between 1875-1915, , or is exceptional example of a particular architectural style, building type, or convention. (Up to 10 points).
- (2) It possesses a high quality of composition, detailing, and craftsmanship. (Up to 5 points).
- (3) It is a good, or early, example of a particular material or method of construction. (Up to 4 points).
- (4) It retains, with little or no change, its original design features, materials, and character. (Up to 8 points).
- (5) It is the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction. (Up to 10 points).
- (6) It is a conspicuous visual landmark in the community or neighborhood. (Up to 10 points).
- (7) It is well-located considering the current land use surrounding the property, which contributes to the integrity of the historic period. (Up to 4 points).
- (8) It is an important or critical element in establishing or contributing to the continuity or character of the street, neighborhood, or area. (Up to 7 points).
- (9) It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation. (Up to 10 points).

(10) It is associated with an event that has made a significant contribution to the community, state, or nation. (Up to 10 points).

(11) It is associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, county, state, or nation. (Up to 10 points).

(12) It possesses the potential for providing historic information. (Up to 10 points). [Ord. 671 § 3.8.D, 1995.]

#### **15.50.050 Criteria for historic districts and additions thereto.**

Designation of a Historic Preservation District, or addition to a Historic Preservation District may be initiated by the planning commission, the town council, or by petition of at least 60 percent of the property owners within the geographically defined area. Criteria for designation are as follows:

(1) The area is listed on the National Register as a Historic District.

(2) The area includes a significant concentration of linkage of sites, buildings, structures, or objects which are unified visually by style, plan, or physical development distinguished by association with historic periods, events, people, or cultural trends, and

(a) A substantial number of the component parts within the area are exceptionally well preserved, or

(b) If some components lack individual distinction, but the area taken as a whole represents a significant and distinguishable entity.

(3) The area includes a significant concentration of Historic Landmarks as designated under the criteria set forth in LCMC [15.50.040](#).

(4) The area has yielded, or may be likely to yield, information important to prehistory or history. [Ord. 671 § 3.8.E, 1995.]

#### **15.50.060 Historic design review – Permit required.**

(1) A historic design review permit shall be obtained for any new development in the Historic Preservation District, prior to any alteration, demolition, reconstruction, restoration, relocation, remodel or other material change to the exterior appearance of any existing Historic Landmark or structure located in the Historic Preservation District, and for the interior of structures on the state or national register. Reference LCMC [15.130.010](#) and [15.130.030](#) for planning commission and planning director authority.

(2) Repair and maintenance (not shoreline related) may be undertaken without a historic design review permit but is subject to all applicable code requirements including related enforcement procedures.

(3) No historic design review permit shall be approved while any public hearing or appeal affecting the development, alteration, demolition or removal of any proposed Historic Landmark or any building within an area proposed for designation as a Historic District is pending.

(4) If any historic design review application is submitted in combination with another application (such as a conditional use permit), the applications shall be combined and heard concurrently by the higher permitting authority. [Ord. 1211 § 2(A), 2022; Ord. 743 § 3, 1999; Ord. 671 § 3.8.F, 1995.]

#### **15.50.070 Standards for treatment of historic properties.**

The Secretary of Interior's standards for four distinct, but inter-related approaches to the treatment of historic properties shall be followed for buildings in the Historic Preservation District as outlined below:

##### **(1) Preservation.**

(a) Work, including preliminary measures to protect and stabilize the property, that generally focuses upon the ongoing maintenance and repair of existing historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) Applicability. When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations.

##### **(2) Rehabilitation.**

(a) The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.



(b) Applicability. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate.

(3) Restoration.

(a) The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other title-required work to make properties functional is appropriate within a restoration project.

(b) Applicability. When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned.

(4) Reconstruction.

(a) The act or process of depicting, by means of new construction, the form, features, and detailing of a nonsurviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(b) Applicability. When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction.

The standards outlined in Table I below shall be considered during the review process.

**Standards for the Treatment of Historic Properties**

Table 1

P = Preservation

R = Rehabilitation

RS = Restoration

RC = Reconstruction
---------------------

**Standards****P R RS RS**

(1) A property shall be used as it P R  
 was historically, or be given a  
 new use that maximizes the  
 retention of distinctive  
 materials, features, spaces, and  
 spatial relationships. Where a  
 treatment and use have not  
 been identified, a property shall  
 be protected and, if necessary,  
 stabilized until additional work  
 may be undertaken.

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(2) The historic character of a P R  
 property shall be retained and  
 preserved. The replacement of  
 intact or repairable historic  
 materials or alteration of  
 features, spaces, and spational  
 relationships that characterize a  
 property shall be avoided.

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(3) Each property shall be P RS  
 recognized as a physical record  
 of its time, place, and use. Work  
 needed to stabilize, consolidate,  
 and conserve existing historic  
 materials and features shall be  
 physically and visually  
 compatible, identifiable upon  
 close inspection, and properly  
 documented for future research.

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(4) Changes to a property that P R  
 have acquired historic

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Standards	P	R	RS	RS
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significance in their own right shall be retained and preserved.

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(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.	P	R		
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(6) The existing condition of historic features shall be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material shall match the old in composition, design, color, and texture.		p		
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(7) Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.	P	R	RS	
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(8) Archeological resources affected by a project shall be protected and preserved in place. If such resources must be	P	R	RS	
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Standards	P	R	RS	RS
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disturbed, mitigation measures shall be undertaken.

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<p>(9) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.</p>	<p>R</p>
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<p>(10) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement features shall be substantiated by documentary and physical evidence.</p>	<p>R</p>
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<p>(11) New additions, exterior alterations, or related new construction shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and</p>	<p>R</p>
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<p>shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.</p>	
<p>(12) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.</p>	R
<p>(13) A property shall be used as it was historically or be given a new use which reflects the property's restoration period.</p>	RS
<p>(14) Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.</p>	RS
<p>(15) Materials, features, spaces, and finishes that characterize other historical periods shall be documented prior to their alteration or removal.</p>	RS

(16) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.	RS
(17) Deteriorated features from the restoration period shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials.	RS
(18) Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.	RS
(19) Designs that were never executed historically shall not be constructed.	RS RC
(20) Reconstruction shall be used to depict vanished or nonsurviving portions of a	RC

<p>property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.</p>	
<p>(21) Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.</p>	RC
<p>(22) Reconstruction shall include measures to preserve any remaining historic materials, features, and spatial relationships.</p>	RC
<p>(23) Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties.</p>	RC

A reconstructed property shall re-create the appearance of the nonsurviving historic property in materials, design, color, and texture.

(24) A reconstruction shall be clearly identified as a contemporary re-creation.	RC
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[Ord. 671 § 3.8.G, 1995.]

#### **15.50.075 Demolition.**

No structure located within the Historic Preservation District shall be demolished unless a certificate of authorization or exemption has been approved pursuant to the requirements of Chapter [15.112](#) LCMC. [Ord. 720 § 3, 1998.]

### **Article II. Criteria for Design Review of New Construction, Preservation, Rehabilitation, Restoration or Reconstruction Within the Historic Preservation District**

#### **15.50.080 General requirements.**

(1) Applicants shall conform to the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties, including guidelines for preservation, rehabilitation, restoration and reconstruction.

(2) The design shall respect and preserve the important features and qualities of the La Conner Historic Preservation District as outlined in the Design Evaluation Checklist in LCMC [15.50.170](#). The proposal shall relate to, and not diminish any physical or visual aspect of the site, neighborhood, and community.

(3) Exception. Cases where reconstruction work is proposed for a building of a distinct style, but which is different from that which was typical of the "historic period." In these cases the appropriate design choice should be to respect the distinct style which is significant in its own right and seek to retain the building's particular architectural character, especially in terms of unique form, scale, proportion, rhythm, modelling and massing.

(4) In those instances not covered by the criteria outlined in this code, the Secretary of Interior's standards apply. [Ord. 671 § 3.8.H.1, 1995.]

#### **15.50.090 Building exterior.**



(1) Masonry – Brick, Stone, Terra-Cotta, Concrete, Adobe, Stucco, Mortar. Masonry features may include walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns, joint unit and size, tooling and bonding patterns, coatings, and color.

(a) Masonry features should be identified, retained, preserved and protected using approved methods and techniques generally recognized for historic structures.

(b) Deteriorated mortar should be replaced with mortar which duplicates the strength, composition, color, and texture of the old mortar. Old mortar joints should be duplicated in width and in joint profile.

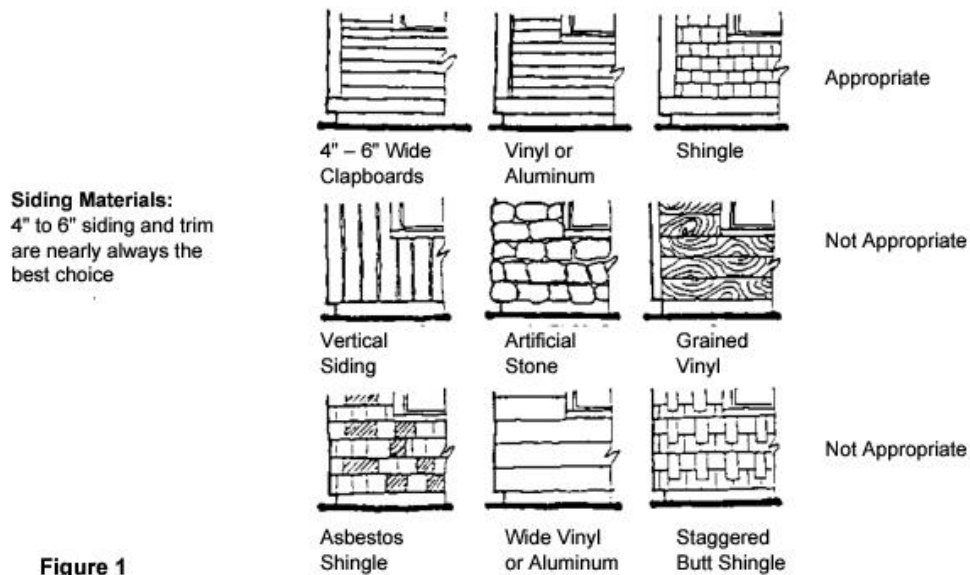
(2) Wood – Clapboard, Weatherboard, Shingles, Siding, Decorative Elements. Wood features may also include cornices, brackets, window architraves, and door-way pediments, and their paints, finishes, and colors.

(a) Wood features should be identified, retained, preserved, protected and maintained using approved methods and techniques generally recognized for historic structures.

(b) Repair may include limited replacement in kind – or with compatible substitute materials – of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets, moldings, or sections of siding. Features of the existing structure should guide the new work.

(c) Horizontal wood siding in four-to-six-inch shiplap or clapboard is preferred. vertical or wide horizontal siding shall not be used.

(d) Panelized siding, batten siding, and artificial stone shall not be used. Wainscot is to be used only in keeping with historic architectural character of the structure.



(3) Architectural Metals – Cast Iron, Steel, Pressed Tin, Copper, Aluminum, and Zinc. Features may include columns, capitals, window hoods, or stairways that are important in defining the overall historic character of the building, and their finishes and colors.

(a) Metal features should be identified, retained, preserved, protected and maintained using approved methods and techniques generally recognized for historic structures.

(b) Architectural metal features may be repaired by patching, splicing, or otherwise reinforcing the metal following recognized preservation methods. Repairs may also include limited replacement in kind – or with a compatible substitute material – of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balusters, column capitals, or bases, or porch cresting.

(4) Drainage. To prevent damage to structures, proper drainage should be provided so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.

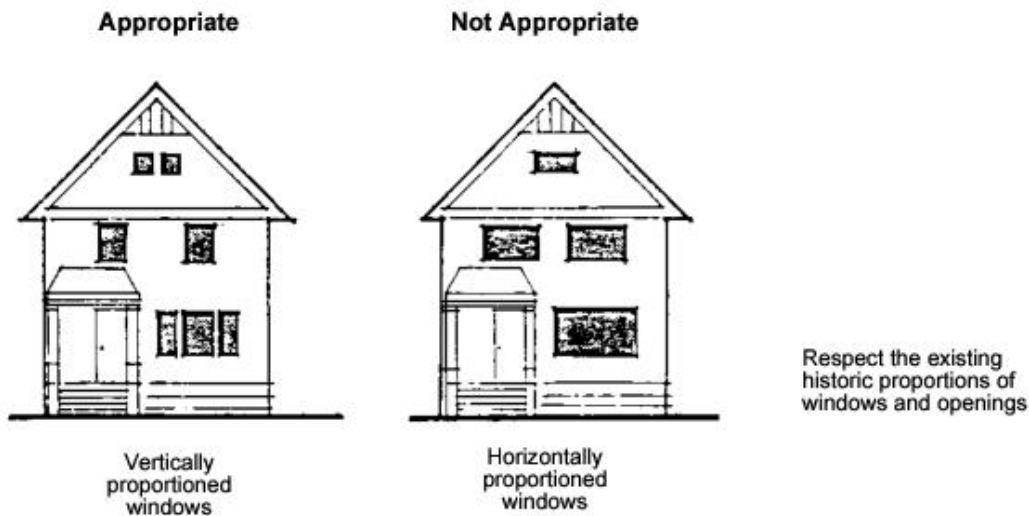
(5) Design for Missing Historic Features. An accurate restoration of missing features may be accomplished using historic, pictorial, and physical documentation or by developing a new design that is compatible with the size, scale, material, and color of the historic building.

(6) Windows and Trim.

(a) Windows and their functional and decorative features should be identified, retained, preserved, protected and maintained using generally accepted techniques for historic structures. Features may include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.

(b) Windows should have a vertical orientation, be in proportion to the structure, and have trim that accents the openings. Horizontal orientations, out-of-proportion windows and punched openings devoid of accent trim should be avoided.

(c) Commercial storefronts should have extensive glass to avoid large areas of solid walls on street fronts. At least 50 percent of front facades facing South First Street shall be glazed.



**Figure 2**

#### (7) Roofs, Canopies, and Awnings.

(a) Roofs and their functional and decorative features should be identified, retained, preserved, protected and maintained using generally recognized techniques for historic structures. Features may include the roof shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

(b) Shingles are the preferred exposed roofing materials. Metal roofs that reflect the historical period in color and pattern are acceptable.

(c) Roofs should be pitched with a minimum slope of 6:12 vertical to horizontal ratio and a maximum of 12:12.

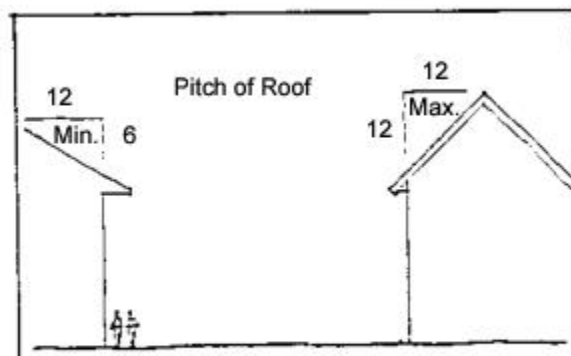
(d) Roofs on residential structures and on all structures in the Morris Street Commercial District shall meet the requirements of LCMC [15.50.090](#) (7)(c). Flat roofs should be avoided except when disguised by architectural or pitched roof features.

(e) Low pitched or sheet assembly roofs on commercial structures exposed to a street front should be hidden from view by constructing a false storefront design or parapet.

(f) Commercial structures should avoid elements on roofs that detract from the skyline view or are not part of an approved architectural design.

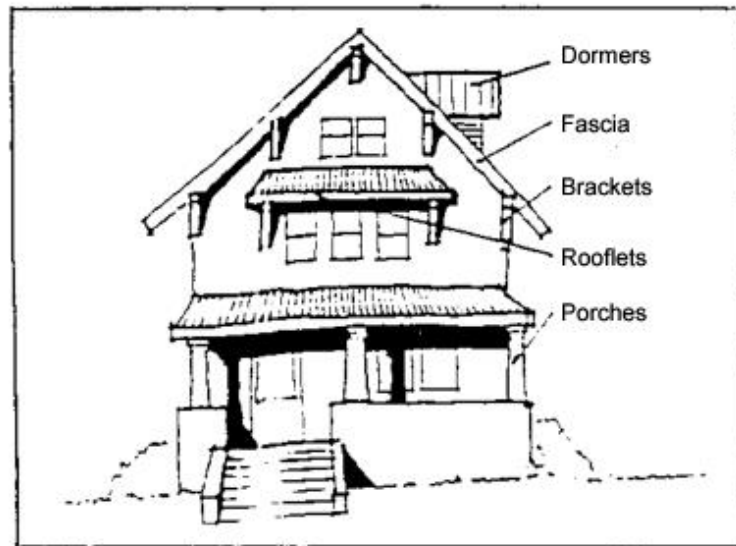
(g) Canopies and awnings should be in keeping with the historical period and shall not extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the building site.

(h) Sky-lights and frames should be constructed of noncombustible materials and installed in an inconspicuous location on a noncharacter-defining roof.



**Figure 3**

**Appropriately scaled  
secondary roof elements.**



**Figure 4**

**Skylights  
should be  
inconspicuous.**



**Figure 5**

#### **(8) Entrances and Porches.**

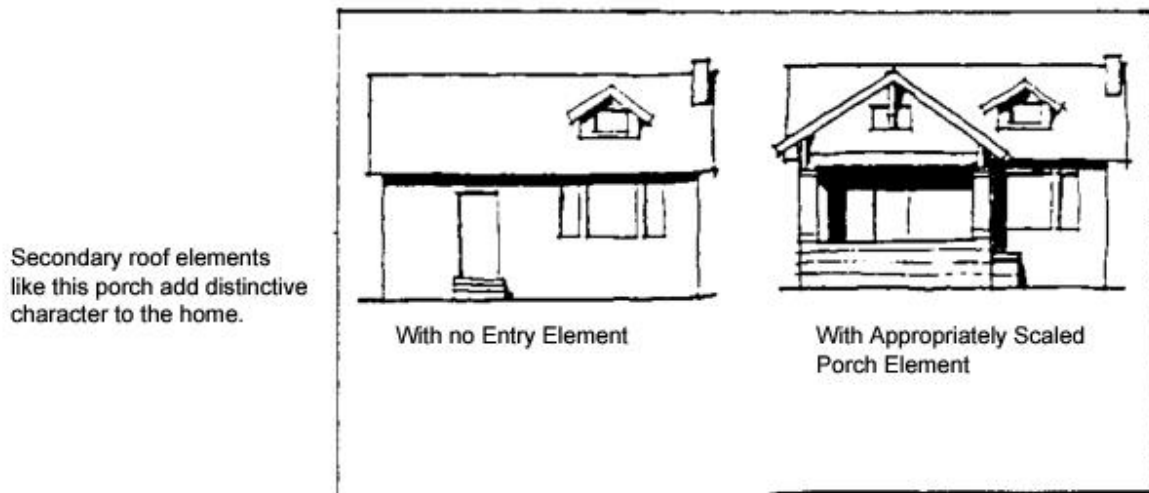
(a) Entrances and their functional decorative features should be identified, retained, preserved, protected and maintained using generally accepted techniques for historic structures. Features that are important in defining the overall historic character of the building may include doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades, and stairs.

(b) Front or street elevations shall be in character with the historic period, including fenestration, ornamentation, surfaces and accessories. Improvements that enhance or preserve elements of the district are encouraged.

(c) Commercial storefront design should respect the scale, proportion and detail of the existing streetscape.

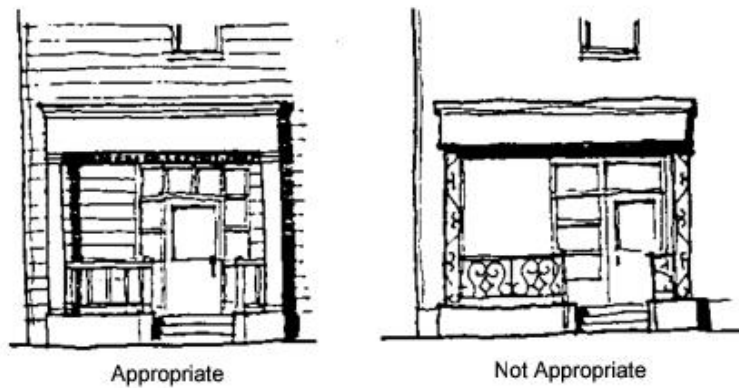
(d) Residential front entries should be evident from the street and contain elements, i.e., porches, columns, front steps, handrails, landscape that provides strength to the architectural character. The front door, storm door and side lights should be a panelized design. Avoid flush modern doors, bright aluminum storm doors, and wrought iron railings or handrails.

(e) Avoid changing existing residential front elevations or front entries that have historic character.



**Figure 6**

Porches should be made out of substantial materials, such as built-up columns and wooden balustrades. The use of pre-fabricated metal railings is not recommended.

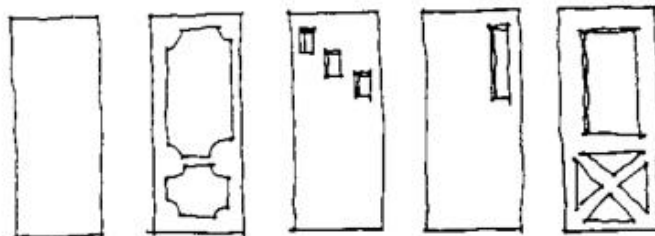


**Figure 7**

Doors with raised panels add charm and character to historic homes.



Avoid modern doors for the front of the house. These tend not to be in keeping with the character of historic homes.



**Figure 8**

#### (9) Storefronts.

(a) There shall be a storefront and entrance for every 25 running feet of building frontage on First Street. Maximum storefront width shall be 25 feet.

(b) Storefronts and their functional and decorative features should be identified, retained, preserved, protected, and maintained using generally acceptable techniques for historic structures. Features may include display windows, signs, doors, transoms, kick plates, corner posts, and entablature.

(c) Protect storefronts against arson and vandalism during the restoration process by boarding up windows and installing alarm systems if necessary.

#### (10) Ornamentation.

- (a) Ornamentation shall be in keeping with the historic period of the building.
- (b) Large wall areas of structures with street frontage devoid of ornamentation should be avoided.



**Figure 9**

**(11) Materials.**

- (a) Natural or historic materials typical of the district are preferred.
- (b) Synthetic or composite materials are acceptable when they replicate natural or historic materials. Samples that fully display color, texture, and assembly must be approved by the planning commission or designee prior to construction.
- (c) Installations or assemblies that diminish or are devoid of historic trim and detailing are to be avoided.

**(12) Paint and Color.**

(a) Applications for projects that only involve paint or color shall be considered under a Type II review, provided that no changes other than paint or color are involved, and provided that the color is selected from the following pre-approved color options:

- (i) Sherwin Williams "Victorian" historic color collection or;
- (ii) Sherwin Williams "Colonial Revival" historic color collection or;
- (iii) Sherwin Williams "Arts & Crafts" historic color collection or;
- (iv) Any white paint offered by Sherwin Williams or Benjamin Moore or;
- (v) Any paint selected from one of the following Sherwin Williams palettes:

**(A) Palette 1:**

Body: Renwick Rose Beige (#B18A73)





Trim: Renwick Beige (#C4B19E)



Accent 1: Pewter Tankard (#A39C90)



Accent 2: Polished Mahogany (#432925)



(B) Palette 2:

Body: Renwick Golden Oak (#96724D)



Trim: Downing Straw (#CAA97B)



Accent 1: Roycroft Vellum (#EBDBC0)



Accent 2: Deepest Mauve (#705D5C)



(C) Palette 3:

Body: Downing Sand (#CCBDA6)



Trim: Rookwood Clay (#9B7F64)



Accent 1: Rookwood Sash Green (#456560)



Accent 2: Rookwood Blue Green (#748579)



(D) Palette 4:

Body: Sheraton Sage (#958C6D)



Trim: Downing Sand (#CCBDA6)



Accent: Rookwood Antique Gold (#A17E50)



Accent 2: Fairfax Brown (#64483D)



(E) Palette 5:

Body: Eastlake Gold (#C79467)



Trim: Classical White (#EDE2CB)



Accent 1: Curio Gray (#9B8C7A)



Accent 2: Downing Slate (#737A80)




(F) Palette 6:

Body: Pearl Gray (#CDD0C5)




Trim: Classic Light Buff (#F0EADB) 

Accent 1: Colonial Revival Stone (#A8947C) 

Accent 2: Mulberry Silk (#967A70) 

(G) Palette 7:


Body: Downing Slate (#737A80) 

Trim: Downing Straw (#CAA97B) 

Accent1: Rookwood Antique Gold (#A17E50) 

Accent 2: Rookwood Medium Brown (#715544) 

(H) Palette 8:

Body: Downing Earth (#897C67) 

Trim: Renwick Beige (#C4B19E) 

Accent 1: Rookwood Terra Cotta (#995A42) 


Accent 2: Rookwood Dark Brown (#5F4B41) 

(I) Palette 9:


Body: Renwick Olive (#948565) 

Trim: Downing Sand (#CCBDA6) 


Accent 1: Rookwood Dark Green (#575D4B) 

Accent 2: Rookwood Amber (#BD8145) 

(J) Palette 10:

Body: Craftsman Brown (#AF9278) 

Trim: Roycroft Vellum (#EBDBC0) 

Accent 1: Rookwood Brown (#81634C) 

Accent 2: Naval (#2D3B49) 

(K) Palette 11:

Body: Birdseye Maple (#E4C291) 

Trim: Roycroft Brass (#7B6A50)



Accent 1: Roycroft Bronze Green (#565448)



Accent 2: Aurora Brown (#6C4339)



(L) Palette 12:

Body: Roycroft Pewter (#5C605F)



Trim: Weathered Shingle (#938068)



Accent 1: Roycroft Vellum (#EBDBC0)



Accent 2: Roycroft Copper Red (#793324)



(M) Palette 13:

Body: Antique White (#E9DCC6)



Trim: Roycroft Suede (#A79472)



Accent 1: Creamy (#EEE7D9)



Accent 2: Bunglehouse Blue (#47626F)



(N) Palette 14:

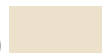
Body: Peace Yellow (#EFCF9D)



Trim: Rookwood Antique Gold (#A17E50)



Accent 1: Classical White (#EDE2CB)



Accent 2: Roycroft Bottle Green (#303E36)



(O) Palette 15:

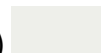
Body: Roycroft Mist Gray (#C1BCB0)



Trim: Downing Stone (#A4A093)



Accent 1: Extra White (#EDEEE9)




Accent 2: Rookwood Dark Red (#492728)



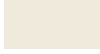
(P) Palette 16:

Body: Downing Stone (#A4A093)




Trim: Sage Green Light (#74715E) 


Accent 1: Roycroft Bronze Green (#565448) 

Accent 2: Classic Light Buff (#F0EADB) 

(Q) Palette 17:

Body: Rookwood Clay (#9B7F64) 

Trim: Pure White (#EEEECE5) 

Accent 1: Downing Sand (#CCBDA6) 

Accent 2: Teal Stencil (#688482) 

(R) Palette 18:

Body: Downing Straw (#CAA97B) 

Trim: Roycroft Vellum (#EBDBC0) 

Accent 1: Roycroft Pewter (#5C605F) 

Accent 2: Classic French Gray (#888782) 

(S) Palette 19:

Body: Needlepoint Navy (#5A6A73) 

Trim: Classic Light Buff (#F0EADB) 


Accent 1: New Colonial Yellow (#D9AD7F) 

Accent 2: Antiquarian Brown (#946644) 

(T) Palette 20:


Body: Chelsea Gray (#B6B7B0) 

Trim: Westchester Gray (#797978) 

Accent 1: Decorous Amber (#AC7559) 

Accent 2: Roycroft Pewter (#5C605F) 

(U) Palette 21:

Body: Downing Sand (#CCBDA6) 

Trim: Classical White (#EDE2CB) 

Accent 1: Toile Red (#8B534E) 


Accent 2: Rookwood Dark Brown (#5F4B41) 

(V) Palette 22:

Body: Colonial Revival Stone (#A8947C) 

Trim: Classical White (#EDE2CB) 

Accent 1: Tricorn Black (#2F2F30) 

Accent 2: Rookwood Red (#622f2d) 

(W) Palette 23:

Body: Colonial Revival Gray (#B4B9B9) 

Trim: Pure White (#EEEECE5) 

Accent 1: Downing Slate (#737A80) 

Accent 2: Harvester (#EDC38E) 

(X) Palette 24:

Body: Colonial Revival Green Stone (#A39B7E) 

Trim: Classic Light Buff (#F0EADB) 

Accent 1: Polished Mahogany (#432925) 

Accent 2: Roycroft Bronze Green (#565448) 

(b) Applicants applying under Type II color review shall provide sufficient evidence of a color match with a pre-approved color option.

(c) Applications to repaint a structure that has existing non-conforming colors the same existing non-conforming colors shall be considered under a Type II review, provided that not more than 20% of the structure needs repainting, and provided that the repainting would not increase the presence of the non-conformity. If more than 20% of the structure needs to be repainted, than the application will be considered under a Type III review.

(d) Applications for projects involving non-preapproved paint or color shall be considered under a Type III review, unless the applicant is solely applying to repaint less than 20% of a structure with an existing non-conforming color already present on the structure.

[Ord. 755 §§ 6 – 10, 1999; Ord. 671 § 3.8.H.2, 1995.]

**15.50.100 Building interior – Applicable to structures on state or national historic registers only.**

**(1) Structural System.**

(a) The structural systems and individual features of systems should be identified, retained, preserved, protected and maintained using generally accepted techniques for historic structures. Structural systems may include post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundation walls, or loadbearing brick or stone walls.

(b) Any new excavations adjacent to historic foundations should be limited to avoid undermining the structural stability of the building or adjacent historic buildings.

(c) Correct structural deficiencies in preparation for a new use in a manner that preserves the structural system and individual character-defining features.

(d) Design and install new mechanical or electrical systems when required for the new use which minimize the number of cutouts or holes in structural members.

(e) Add a new floor when required for the new use if such an alteration does not damage or destroy the structural system or obscure, damage, or destroy character-defining spaces, features, or finishes.

(f) An atrium or light well may be created to provide natural light in a manner that assures the preservation of the structural system as well as character-defining interior spaces, features, and finishes.

**(2) Spaces, Features, and Finishes.**

(a) A floor plan or interior spaces that are important in defining the overall historic character of the building should be identified, retained, preserved, protected and maintained using generally acceptable techniques for historic structures. This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves such as lobbies, reception halls, entrance halls, double parlors, and important industrial or commercial use spaces.

(b) Changing interior features and finishes that contribute to the historical significance of the structure should be avoided. Features may include columns, cornices, baseboards, fireplaces and mantles, paneling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint, and finishes such as stenciling, marbling, and graining; and other decorative materials that accent interior features and provide color, texture, and patterning to walls, floors and ceilings.

(c) Alterations or additions for new use should accommodate service functions such as bathrooms or mechanical equipment in secondary spaces such as first floor service areas; reusing decorative material or features; installing permanent partitions in secondary spaces; enclosing interior stairways as required by building codes so that the character is retained or constructing stairways or elevators in secondary spaces.

(d) Mechanical Systems. Heating, air conditioning, electrical, and plumbing should be installed to minimize alterations to the building floor plan, exterior elevations and damage to historic building material. [Ord. 671 § 3.8.H.3, 1995.]

#### **15.50.110 Building site.**

(1) Building site features should be identified, retained, preserved, protected and maintained following generally accepted techniques for historic structures. Site features can include driveways, walkways, lighting, fencing, signs, benches, fountains, terraces, plants and trees, berms, and drainage.

(2) Any required landscape/open space shall be used to preserve or enhance significant natural features, landscape features, views of the Swinomish Channel and Skagit Valley, pedestrian enhancements and shoreline access areas.

(3) The historic relationship between buildings, landscape features, and open space should be retained.

(4) In all HPD areas:

(a) Lanterns, post lights, and other significant improvements should respect the historic period. Bright night lighting and strong, unshielded light sources shall be avoided. Outdoor lights shall be shielded on all sides and orientated towards the ground.

(b) Chain link fencing shall be prohibited.

(c) In commercial areas landscaping and trees shall be provided along the street frontage where possible. Amenities may take the form of seating, raised flower beds, containers or hanging baskets, lighting fixtures, paving materials, decks, and pocket parks.

(d) Obstructions to pedestrian movement shall be minimized. [Ord. 755 § 11, 1999; Ord. 671 § 3.8.H.4, 1995.]

#### **15.50.120 District/neighborhood.**

(1) Significant buildings, streetscapes, view corridors, and landscape features shall be identified, retained, preserved, protected and maintained. Features can include streets, alleys, paving, walkways, street lights, signs, benches, parks, gardens, and trees.

(2) Morris Street Commercial District. The residential scale and proportions historically found on this street shall be maintained. Buildings were generally constructed as homes on 50-foot by 100-foot lots, with residential setbacks from all property lines. Buildings are small to medium size, although generally appear taller due to peak roofs. Examples of typical details are front porches, peaked roofs and gables; front facades are generally 25 feet in width before steeping back to a cross gable. Buildings do not generally cover the entire lot on which they sit, nor are they built property line to property line. Building setbacks and lot coverage within the Morris Street Commercial District shall be as follows:

(a) Minimum front yard – five feet. This minimum may be increased to reduce the impact of new structures on adjoining historic structures.

(b) Minimum side yard – five feet, sum of both side yards must be 15 feet.

(c) Minimum rear yard – 25 feet.

(d) Maximum allowable floor area ratio – 60 percent.

(e) Maximum lot size shall be 10,000 square feet.

(3) First Street Commercial District. The compact fabric and consistent rhythm created by the incremental construction of small to medium size buildings on the originally platted 25-foot by 100-foot lots shall be maintained. Typical details include one-story gable roof structures, false fronts, cornices and multi-paned windows.

(a) Buildings, storefronts, entrances, and variations in height, modulation, color, and building material should occur at 25-foot intervals.

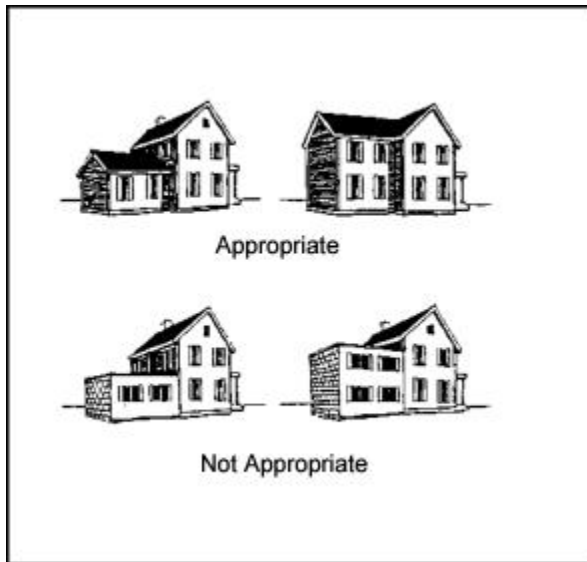
(b) Buildings over 3,000 square feet gross floor area shall be designed to have the appearance of multiple buildings typically found in the district, including separate entrances, storefronts, and variation in height.

(c) On the upland side of First Street, minimum rear yard setback: 10 feet. On the waterfront side of First Street, rear yard access must be approved by the fire chief for fire safety. The decision of the fire chief is not appealable.

(d) The side yard setback may be zero clearance consistent with the setbacks of adjoining properties; provided, that the materials, access and applications are approved by the fire chief.



(e) Landscaping, at maturity, within a view corridor shall not exceed four feet in height.



**Figure 10**

[Ord. 1222 § 2, 2023; Ord. 1122 § 1, 2014; Ord. 899 § 1, 2003; Ord. 755 § 12, 1999; Ord. 671 § 3.8.H.5, 1995.]

#### **15.50.130 Health and safety code requirements.**

(1) When modifications are necessary for historic buildings to comply with current health, safety and building code requirements, the work should be done in such a manner that character-defining spaces, features, and finishes are preserved.

(2) Where removing architectural barriers or providing accessibility would threaten or destroy the historic significance of a building or facility, special provisions as outlined in the International Building Code would apply. [Ord. 963 § 6, 2005; Ord. 671 § 3.8.H.6, 1995.]

#### **15.50.140 Energy retrofitting.**

Energy retrofitting measures should be accomplished in such a way as to ensure that the building's historic character is preserved. [Ord. 671 § 3.8.H.7, 1995.]

#### **15.50.150 New additions to historic buildings.\***

(1) Building alterations or additions for new uses shall be compatible with the historic character of the district or neighborhood in terms of size, scale, design, material, color, texture, and view corridors.

(2) Additions should compliment the architectural character of the existing building in material and detail.

(3) An addition should be differentiated from the historic building so that the new work is not confused with what is genuinely part of the past.

(4) Additional stories or elements that heighten the structure should meet the standards herein and be compatible with the building and/or neighborhood.

(5) Second floor additions to existing commercial buildings on First Street shall be set back a minimum of 10 feet from the existing storefront building line so that the scale of the present streetscape is maintained.

(6) Residential additions shall be set back a minimum of five feet from the existing building line(s) or placed in the rear of the building.

(7) The total gross floor area of an addition shall be no larger than 75 percent of the total gross floor area of the original building so that it can be distinguished as a secondary structure. The addition should be recessed to mitigate the impact on the appearance of the original structure.

(8) New additions shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment are unimpaired. [Ord. 755 § 13, 1999; Ord. 671 § 3.8.H.8, 1995.]

\*See Figure 10, LCMC [15.50.120](#).

#### **15.50.160 Accessory structures.\***

(1) Accessory or infill structures and garages should be integrated with the architectural character of the main building.

(2) Residential garages should be set back and not overshadow the main structure.

(3) Garages and accessory structures shall be located to the side or rear of the principal building on the site.

(4) Exposed storage areas and accessory devices (e.g., rain barrel, garbage containers) shall be enclosed, screened or concealed so as not to detract from historic structures.

(5) Structures along waterways and docks should respect the historical period of the district, including all attachments or accessories. [Ord. 1139 § 3, 2016; Ord. 755 § 14, 1999; Ord. 671 § 3.8.H.9, 1995.]

\*See Figure 10, LCMC [15.50.120](#).

#### **15.50.170 Design evaluation checklist.**

#### **Historic Preservation District Design Criteria Review Checklist**

Applicant File No.

Address

Project

Project Location

This checklist is to be used in conjunction with Chapter [15.50](#) LCMC, Historic Preservation District. Check the appropriate box below.

	<b>Design Criteria</b>	<b>Project Includes</b>	<b>Meets Code</b>	<b>Approved</b>	<b>Not Approved</b>
1.	General				
	Exception				
2.	Building exterior				
	Masonry				
	Wood				
	Architectural metals				
	Drainage				
	Design – Missing features				
	Windows and trim				
	Roofs, canopies, awnings				
	Entrances and porches				
	Storefront				
	Ornamentation				
	Materials				

	<b>Design Criteria</b>	<b>Project Includes</b>	<b>Meets Code</b>	<b>Approved</b>	<b>Not Approved</b>
	Paint and color				
3.	Building interior				
	Structural system				
	Spaces, features, finishes				
4.	Building site				
	Site features				
	Landscape				
	Critical area				
5.	District/neighborhood				
	Setbacks				
	Size and scale				
6.	Health/safety code				
7.	Energy retrofitting				
8.	New addition – HPD building				
9.	Accessory structure				

Applicant Signature/Date

Reasons Not Approved:

Planning Director/Date   Planning Commission Chair/Date

[Ord. 671 § 3.8.H.10, 1995.]

**15.50.180 Commercial building scale.**

The intent of this section is to ensure that commercial buildings are based on a human scale, and to ensure that large buildings reduce their apparent mass and achieve an architectural scale consistent with historic scale, forms, and proportions of buildings in the Historic Preservation District.

(1) Facade Modulation. Building facades over 25 feet in length visible from public streets or waterways and public spaces shall be stepped back or projected forward at intervals. The minimum depth of modulation should be one foot and the minimum width shall be five feet.

(a) Walls along street frontage shall be modulated every 25 feet, using changes in materials, projecting and recessing bays, fenestration, variation of building height or roof form, and other architectural details such as columns.

(b) Walls over 25 feet in length and 15 feet in height shall have, at a minimum, a 12-foot variation in building height or a 10-foot second story setback and a change of materials for each 30 feet of length.

(c) On each wall there shall be a minimum of one 150-square foot (footprint) recess or projection for every 50 running feet of wall length.

(2) Use of modulation and articulation should not be repetitive or cookie-cutter. The design should replicate the scale, forms, and features of the district.

(3) Articulation. Buildings shall be articulated to reduce the apparent scale of the buildings. Architectural details that are used to articulate the structure may include reveals, and other three-dimensional details that created shadow lines and break up the flat recesses of the facade. The following are ways which may achieve suitable building articulation:

(a) Tripartite Articulation. Provide tripartite building articulation (building top, middle and base) to provide pedestrian scale and architectural interest.

(b) Window Treatments. Provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale.

(c) Architectural Elements. The mass of long or large scale buildings should be made more visually interesting by incorporating architectural elements such as arcades, balconies, bay windows, dormers, and/or columns.

(d) Rooflines. A distinctive roofline can reduce perceived building heights and mass, increase compatibility with small scale and/or residential development, and add interest to the overall design of the building in the following ways:

(i) Change the roofline by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval.

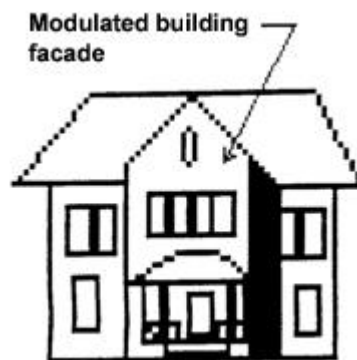
(ii) Roof designs that incorporate a variety of vertical dimensions such as multi-paned and intersecting rooflines are encouraged.

(iii) Flat-roofed designs, where permitted, shall include architectural details such as cornices and decorative facing to provide interest to the roofline.

(e) Materials. Where there is a change in the building plane, the building materials, colors, and patterns should change.

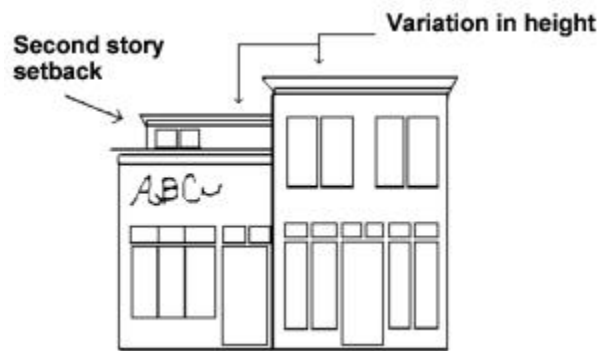
(f) Landscaping. Provide a trellis, tree or other landscape feature within each interval.

(g) Upper Story Setback. Set back upper stories which helps to reduce the apparent bulk of the



building and promotes a human scale.

**Figure 11. Facade Modulation. Building scale criteria 1.**



**Figure 12. Building scale criteria 1, 4(d) and 4(g).**