



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

### **Meeting Notice**

February 17, 2026 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 (All Topics) – Time Limit 3 Minutes**
- III. Minutes:** Approve Minutes from the February 3, 2026 meeting.

### **IV. Old Business**

- 1. Status Report – Public Participation Program.
- 2. Discussion of Sign Code
- 3. Joint Planning Commission and Town Council Meeting – Discussion
- 4. Tree Code Updates

### **V. New Business**

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

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

## TOWN OF LA CONNER PLANNING COMMISSION MEETING MINUTES February 3, 2026

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The Planning Commission meeting was called to order at 6:00 pm

Commissioners present: Tracy McCain, Sommer Holt, Timothy Corey, Maya Ojalehto, and Kirill Fortygin

Staff: Ajah Eills and Jennifer Herring

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### **PUBLIC COMMENT**

Commissioner Holt made a public comment addressing the intent behind the proposed code updates to consistency and clarity. The choice to define the historic period as 1875–1915 is to specify what time the Historic Preservation District (HPD) is preserving. The historic period aligns with the Town's National Register documentation. The planning commission is moving the code away from descriptive language to regulatory language. Lastly, they addressed the changes that clarified siding standards.

### **MINUTES:**

Commissioner McCain moved to approve the minutes from 1/6/2026 with corrections; the motion was seconded by Commissioner Ojalehto. **Motion to approve the minutes with corrections carried unanimously.**

Commissioner Corey moved to approve the minutes from 1/20/2026; the motion was seconded by Commissioner McCain. **Motion to approve the minutes carried unanimously.**

### **OLD BUSINESS:**

Planner Eills had no updates at this meeting for the Public Participation Program.

Discussion moved to proposed Sign Code changes. The commission discussed the changes in regards to flags and event banners. Planner Eills will look at proposed changes in light of discussion about flags for following meeting. Commissioner Holt brought up the fence sign near the Town's roundabout. Planner Eills would need to verify if it is on the HPD or not since it is right on the edge and would look into who owns the fence and report back. Commission debated the code section addressing sponsor logos on signs and wondered if some clarifying language should be added here. Planner Eills said they would work on that. Commissioner Fortygin suggested adding a specific kelvin light scale of 1,800-4,000 to the commercial exterior lighting code changes stating it was an inclusive range. Commissioner Holt mentioned adding some language to the code pertaining to encouraging but not mandating pedestrian level or lower lighting on the boardwalk. Planner Eills will research adding this language to the code.

Planner Eills did not have an update on the joint Planning Commission and Town Council meeting. They hoped to have updates coming soon for the commission.

**NEW BUSINESS:**

Planner Eills would like to update the tree code and introduced the commission to this topic as well as explained some literature review studies on it. Planning Commission wanted to review the topic more deeply and return to it more in-depth at another meeting.

**COMMISSIONER COMMENT:**

Commissioner McCain reported the an upcoming Creative District meeting on February 10<sup>th</sup> at 10:00 am at the library.

With no further business Commissioner Ojalehto moved to adjourn the meeting at 7:17 pm. Seconded by Commissioner Fortygin. **Motion carried unanimously.**

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Chair

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Date

## Sign Definitions

# **Chapter 15.115**

## **SIGNS**

Sections:

[15.115.010 Purpose.](#)

[15.115.020 Applicability.](#)

[15.115.025 Definitions.](#)

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

[15.115.035 Residential signs exempt.](#)

[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 Sign Lighting.](#)

[15.115.085 Building Exterior 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.]

## **15.115.025 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) "Abandoned sign" means a sign that no longer correctly identifies or advertises any person, business, lessor, lessee, owner, product or activity on or off the premises on which the sign is located.
- (2) "Banner sign" means any sign intended to be hung, with or without framing, which possesses characters, letters, symbols, emblems, trademarks, illustrations or ornamentations applied to fabric or similar flexible material. Flags, decorative banners, canopy (awning) signs ~~and temporary signs~~, treated elsewhere in this chapter, shall not be considered banner signs. Banner signs for community events shall be treated as temporary signs unless they are placed on public property.
- (3) "Canopy sign" means a temporary or fixed shelter supported entirely from the exterior wall of a building without other means of support to the ground upon which a sign may be erected upon or against and which contains advertising copy. For the purpose of this chapter, canopy shall include awning.
- (4) "Civic Streetscape" means signs placed with Town authorization on publicly owned lands, streets, or rights-of-way; this includes festive and seasonal elements as well as other place-making décor. Civic Streetscapes shall not be associated with any one business or event but rather designed to benefit the Town as a whole.
- (5) "Commemorative plaque" means a memorial plaque, sign, plate or tablet which is permanently affixed to or near the structure, object or event it is intended to commemorate and which displays no advertising.
- (6) "Directional sign" means a sign which contains specific directional information and contains no advertising.
- (7) "Directory sign" means a sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex. No other advertising shall be included.
- (8) "Flashing sign" means a sign, or a portion thereof, which changes light intensity in a repetitive pattern, or uses electrical energy to provide motion or the illusion of motion.
- (9) "Freestanding sign" means a sign connected permanently to the ground and not connected to a building.
- (10) "Indirect lighting" means a frontal light source separated from the sign surface illuminating the sign surface by means of a spotlight or similar fixture.
- (11) "Neon lighting" means a sign illuminated by glass tubes filled with neon gas or gaseous elements.

(12) "Portable sign" means any moveable sign which is not permanently affixed to the ground, a structure or a building.

(13) "Premises" means real property on which businesses advertised by the signs mentioned in this code are situated.

(14) "Projecting sign" means a sign which is attached to and projects or hangs from a structure, wall or building face further than six inches.

(15) "Reader board sign" means a sign on which copy may be easily changed by manual or electronic means without reworking, repainting, or otherwise altering the physical composition of the sign.

(16) "Roof sign" means a sign erected above or upon a principal roof of a building or structure.

(17) "Sandwich board sign" means an A-framed moveable sign made of wood, metal, or other substantive material.

(18) "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. Any device, display, or structure that is visible from a public place and that has words, letters, figures, designs, symbols, logos, illumination, or projected images. This definition does not include architectural elements incorporated into the structure or facade of a building.~~

(19) "Sign face" means any surface of a sign upon which there is lettering or other advertising.

(20) "Sign height" means the vertical distance from grade to the highest point of a sign or any projection thereof.

(21) "Off-premises sign" means a sign which advertises goods, products, or services which are not sold, manufactured, or distributed, or events not held on the premises on which the sign is located.

(22) "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.

(23) "Temporary sign" means a sign or advertising display without a frame which is displayed for a limited time only.

(24) "Wall sign" means a sign attached parallel to, and within six inches of, the wall, which is supported by and confined within the limits of such wall, and which displays only one surface.

(25) "Window sign" means a sign placed upon the interior or exterior surface of a window. Not included is a statement of business hours.

### **15.115.030 General signs exempt from certificate of authorization.**

The following signs are exempt from the permit requirements of this chapter when placed in the Commercial, Port Commercial, Transitional/Commercial, Public, or Light and Medium Industry zones, 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. Community Event banners may be up to 52 square feet. -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, and provided that the signs do not have any form of flashing, strobining, or moving lights;

(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.

**(16) Signs placed as part of the Civic Streetscape.**

[Ord. 1222 § 2, 2023; Ord. 1211 § 2(A), 2022; Ord. 1030 § 1, 2009; Ord. 963 § 2, 2005; Ord. 671 § 7.3, 1995.]

**15.115.035 Residential zone signs exempt.**

Signs placed on private property within the residential zone are exempt from the provisions of this chapter, however, such signs shall:

- (1) Comply with the clear visibility triangle requirements as set forth in LCMC 15.75.130.
- (2) If located in a residential zone within the Historic Preservation District (HPD), signs shall be made of materials compatible with the HPD and sign colors shall be selected from the color options provided in LCMC 15.50.090 (12).
  - a. The color provision in LCMC 15.115.035 (2) does not apply to flags of a government or state; residential lots within the HPD are permitted to fly the flag of a government or state even if the colors of the flag are not provided in LCMC 15.50.090(12).

**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) If an applicant is applying to place a Banner on Town-owned property, they must receive approval from the Town Council. Community Event Banners placed on private property shall be regarded as temporary signs, however, the display limitations in LCMC 15.115.070 (9) (e) still apply. 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.<sup>17</sup>

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

(d) If an applicant is applying to place a banner on Town-owned property, the following Banner Message and Content restriction apply.

(i) Primary content: event name and date;

(ii) Secondary content: sponsor logos only – fonts must be 50 percent smaller in size than the 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 on publicly owned property, including streets and rights-of-way, 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 Sign 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.]

## **15.115.085 Building Exterior Lighting**

### (1) Commercial, Port Commercial, Transitional/Commercial Zone

- a) Buildings are allowed decorative exterior white warm toned (1800 Kelvin - 4000 Kelvin) lighting provided that flashing, strobing, or intermittent lights is not allowed. Lighting must be directed away from adjoining properties so that not more than one foot-candle of illumination leaves the property boundaries. Use of light shields or diffusers to reflect glare is encouraged.
- b) Buildings within the HPD must follow all lighting provisions in LCMC 15.50.
- c) Buildings fronting the boardwalk are encouraged to place lights at a pedestrian level.

### (2) Residential Zone

- a. Buildings are allowed exterior lighting provided that lighting must be directed away from adjoining properties so that not more than one foot-candle of illumination leaves the property boundaries. Use of light shields or diffusers to reflect glare is encouraged.
- b. Buildings within the HPD must follow all lighting provisions in LCMC 15.50.

## **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.]

## M E M O R A N D U M

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TO: Planning Commission  
FROM: Planning Staff  
SUBJECT: Discussion on Tree Code  
DATE: February 12, 2026

Please see attached a proposed update to our tree code. I am looking for the general thoughts of the Commission, and asking you to think about the following questions:

Should there be a percentage attached to limbing trees? If you limb a tree and remove a certain amount of canopy coverage, should that require mitigation? What form should that mitigation take and how we would we measure it?

Should we include native plant requirements in the mitigation process?

Thank you!

## Division III. Critical Areas and Natural Resource Lands Protection

**Chapter 15.60****TREES**

Sections:

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The purpose of the regulations in this chapter are is to establish a means to protect all trees within the town rights-of-way and minimize the loss of existing significant trees due to development within the town boundaries where feasible and provide guidance on removal and replacement where necessary. A significant tree is defined as an evergreen or deciduous tree at least six inches in diameter at a point five feet above ground level. [Ord. 671 § 4.1.A, 1995.]

**15.60.015 Definitions**

- (1) “Diameter at Breast Height” (DBH) is a tree’s diameter in inches at 4.5 feet above ground level.
- (2) A “Critical Root Zone” (CRZ) is a protective barrier placed around protected trees during development at a distance of one foot for every one inch in DBH.
- (3) A “significant tree” is any healthy tree equal to or larger than 6 inches in DBH.
- (4) A “nuisance tree” is any tree which is physically damaged or causes physical damage to existing infrastructure.
- (5) A “hazard tree” is any tree ranked “extreme” or “high” risk by a professional arborist using the International Society of Arboriculture (ISA) Tree Risk Assessment method.
- (6) A “culturally modified tree” is any tree which has been changed in some way by past or current Indigenous peoples.
- (7) A “wildlife habitat tree” is the remaining trunk of a dead, dying, diseased, or hazard tree that is reduced in height and stripped of all live branches. The tree must be a minimum of 20 feet tall and 12 inches in DBH.

a. Height will vary depending on the safety of surrounding infrastructure.

(8) “Windthrow” is the uprooting or breaking of a tree due to excessive wind.

#### **15.60.020 Exemptions.**

The following are exempt from the provisions of this chapter:

(1) Trees on residential lots except those in the Historic Preservation District. (Planners note: do we want to extend this to all trees in town, which would then include residential lots?)

(2) Tree removal for installation and maintenance of utilities provided the activity is conducted so as to avoid any unnecessary removal. Written notice of the removal shall be provided to the planning department five days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

(3) TreePreemptive removal of hazard or nuisance trees during or before during emergencies imminent caused bya natural or manmade disasters to mitigate risk to people, throughways, and structures.

(4) Fruit trees, poplar, locust trees or any tree that has been deemed hazardous “high” or “extreme” risk by an ISA Qualified Tree Risk Assessor-certified arborist. The arborist should provide reasonable options to reduce risk to “Low” or “moderate”, when possible, other than removal. [Ord. 1096 § 2, 2013; Ord. 1040 § 2, 2010; Ord. 671 § 4.1.B, 1995.]

#### **15.60.030 Tree removal – Conditions for authorization to remove protected trees.**

(1) Authorization shall be granted to remove a tree only if the applicant has taken reasonable measures to design and locate the proposed improvements to preserve as many existing significant trees as possible.

(2) Authorization to remove a significant tree may be granted if the applicant can demonstrate one or more of the following conditions:

(a) A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

(b) The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

(c) The tree materially interferes with the location, servicing or functioning of existing utility lines or services.

(d) The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or by impairing vision.

(e) The tree is diseased or weakened by age, abuse, storm or fire and is likely probable to cause injury or damage to people, buildings or other improvements.

(3) The requirements of LCMC [15.60.040](#) shall apply whenever ~~an~~ authorization to remove a tree pursuant to this section is granted. [Ord. 842 § 11, 2002; Ord. 671 § 4.1.C, 1995.]

**15.60.035 Tree limbing and maintenance – Conditions for authorization to trim or limb protected trees.**

(1) Authorization to limb or trim a significant tree shall be granted to an applicant only if the applicant has taken reasonable measures to preserve as much tree canopy as possible.

(2) Authorization to limb or trim a significant tree may be granted if the applicant can demonstrate one or more of the following conditions:

(a) A permissible use of the site cannot reasonably be undertaken unless specific tree limbs are removed.

(b) The tree limb(s) are located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

(c) The tree limb(s) materially interferes with the location, servicing or functioning of existing utility lines or services.

(d) The tree limb(s) creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or by impairing vision.

(e) The tree limb(s) is diseased or weakened by age, abuse, storm or fire and is probable to cause injury or damage to people, buildings or other improvements.

(3) Applications for tree limbing or trimming shall be considered a Class I Administrative Permit.

**15.60.040 Replacement of removed trees.<sup>1</sup>**

Replacement trees shall, where practicable, be planted on site. The number of trees for replacement shall be based on number of diameter inches of the lost trees and percentage of tree canopy lost due to removal. Tree canopy shall be calculated by lot. or appraised value as determined by the formula found in “A Guide for Plant Appraisal,” Eighth Edition, authored by The Council of Tree and Landscape Appraisers. If not practicable, replacement trees may be donated, or a fee in lieu of replacement may be paid, to the town for purposes of planting trees on public property. The fee in lieu of replacement shall be based on the cost of purchasing the requisite size and number of replacement trees. Lombardy poplars are exempt from the replacement formula and shall be replaced with an appropriate urban tree at least two inches in diameter. Exception: If the tree being removed is diseased or an extreme imminent safety risk to

people and/or property, the decision authority may consider an alternate replacement plan. [Ord. 986 § 7, 2007; Ord. 963 § 8, 2005; Ord. 671 § 4.1.D, 1995.]

### **15.60.050-Tree Protection Standards. Protection of trees during development activities.**

To assure the health and survival of significant trees that are not to be removed, the following ~~kinds of tree injuries should be avoided. care shall be taken prior to, and~~ during development activities:

#### (1) Pre-construction:

- a. The applicant shall submit a site plan to include a scaled drawing of the lot with elevation contours, identifying--
  - i. The location of each significant tree on the lot;
  - ii. The species of each significant tree on the lot;
  - iii. The DBH of each significant tree on the lot; and
  - iv. The Critical Root Zone (CRZ) of each significant tree on the lot.

#### (2) Construction:

- a. Prior to construction, a protective barrier denoting the Tree Protection Zone (TPZ) must be placed around all protected trees to prevent damage due to use, or storage of equipment, construction supplies, or debris during construction or landscaping activity. No attachment, wires, signs, or permits may be fastened to any tree. The protection barrier must be placed at the edge of, or outside the Critical Root Zone.
- b. If a trees roots are limited by infrastructure such as a building or street the TPZ must be increased in other directions.
- c. No construction (including traffic or materials staging) will occur within the TPZ without prior approval.
- d. No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other materials or tools will be stored or placed within the protective barrier or perimeter line of protected trees.
- e. Fertilization is not recommended unless soil tests indicate deficiency. Mulch and root growth enhancers are recommended within CRZ during and after construction.

#### (3) Construction within the CRZ/TPZ:

- a. No construction within the CRZ is permitted without prior review by a qualified arborist who may determine it necessary to adjust the TPZ to protect additional roots in another area.
  - i. The arborist must provide a tree protection plan (TPP), and it must be approved prior to work commencing within the CRZ.

- ii. The TPP must include an assessment of the trees current health, tolerance for construction impact, impact mitigation requirements, as well as post-construction treatments
- b. Water, sewer and other utility lines must be routed around the TPZ. If a line cannot reasonably be routed around the tree protection zone, the line must be tunneled beneath the area within the zone. The tunnel must be offset to one side of the trunk to prevent damage to the main tap roots, and should be 36" below grade where the tree is located.
- c. Grades must not be raised or lowered within the TPZ without a review of soil condition and root location by a qualified arborist. This review must be accomplished using non-invasive methods such as pneumatic excavation, and care must be taken to avoid desiccating the roots (especially during periods of elevated temperature).
- d. Vegetation that must be removed within the CRZ must be by hand, being careful not to damage tree roots. If vegetation is removed, a 4-6-inch-thick layer of wood chip mulch must be added to mitigate soil drying.

~~(1) Mechanical Injuries to Roots, Trunk, and Branches. A protective barrier shall be placed around all protected trees to prevent damage due to equipment or construction materials or debris during construction or landscaping activity. No attachment, wires (other than supportive wires), signs or permits may be fastened to any tree. The protection barrier shall be placed around the tree at a distance from the tree equal to one foot for every one inch diameter. This area is called the Critical Root Zone (CRZ).~~

~~(2) Injuries by Chemical Poisoning. No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other materials or tools shall be stored or placed within the protective barrier or perimeter line of protected trees.~~

~~(3) Grades shall not be raised or lowered around trees without a review of soil condition and root location. No more than 30 percent of the CRZ should be raised or lowered or disturbed without causing potential loss of health and stability to the tree.~~

~~(a) Vegetation that must be removed within the CRZ shall be done by hand only while being careful not to damage tree roots.~~

~~(b) Fertilization is not recommended unless soil tests indicate deficiency. Mulch and root growth enhancers are recommended within CRZ during and after construction.~~

~~(4) Injuries by Excavations. Water, sewer and other utility lines should be routed around the tree protection zones. If a line cannot reasonably be routed around the tree protection zone, the line~~

~~shall be tunnelled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main tap roots.~~

~~(5) Injuries by Paving. Porous paving may be placed within the tree protection zone as long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause. Porous paving shall be placed over a sandwich of fabric, porous washed rock, fabric then sand within CRZs of the tree roots to absorb moisture, and maintain critical gas exchange. [Ord. 671 § 4.1.E, 1995.]~~

#### **15.60.060 Enforcement.**

To ensure compliance with the ~~-requirements in this chapter foregoing sections~~, the following measures apply: shall be taken:

~~(1) The applicant shall provide a scaled drawing of the lot, with elevation contours, showing all trees that must be removed in order to accommodate the foundation or accessory structures with a justification defined in LCMC 15.60.030.~~

~~(12) The planning director, or designee assistant, must shall visit the site and personally band the significant trees that have been approved for removal.~~

~~(23) Prior to excavation or removal of any trees, the lot owner must shall notify the planning director at least in no less than three working days prior to removal. The planning director or designee will inspect the lot premises to ensure that the CRZ protective barrier has been installed. If the site meets the requirements in this chapter, the planning director or designee will initial and date the tree removal permit. will document by initials and date on the tree removal permit noting satisfactory protection.~~

~~(4) Lot owners who fail to Failure to abide by the CRZ will observe the protective barrier shall be subject the lot owner to a fine per LCMC 15.135.330.~~

~~(5) The In the event of any violation of the tree permit, the planning director will shall, as a minimum, issue a stop work order if the tree permit has been violated. After meeting with the lot owner, the planning director will calculate the fines, if any, which must be paid in full prior to lifting the stop work order. Such These fines are in addition to replacement requirements in LCMC 15.60.040 and shall will be an additional \$500.00 per incidence. [Ord. 963 § 8, 2005.]~~