

MORRIS

315

ALL ARE TO BE DRAWN TO SCALE
IN THE PROCEDURE SHEET

Application NO. 74
Date Received 9/28/81
Sign _____ Other _____
In H.P.D. _____ Not in HPD _____

315 Morris

TOWN OF LA CONNER

CERTIFICATE OF AUTHORIZATION TO ISSUE BUILDING PERMIT
(Supercedes Zone Compliance form)

NAME Randy Aldridge P.O. Box 1061
Owner address phone

contractor (if different)

3RD & MORRIS

Address of Property (if different)

Legal Description CHEVRON SALES & SERVICE

DESCRIPTION OF PROPOSAL (make attachments if necessary-see Procedures Sheet)

RENOVATE AUTO'S, TRUCKS, BOATS, AND ECT.

SIGNATURE Randy Aldridge DATE 9/28/81

FOR OFFICE USE ONLY

ZONING

zone _____ use permitted _____ variance or conditional
use permit granted

HISTORIC PRESERVATION

Not in Historic Preservation
District

Certificate of Approval received

SHORELINE MANAGEMENT

outside of jurisdiction _____ within jurisdiction but exempt _____ substantial development permit granted _____

S.E.P.A.

exempt from environmental checklist _____ declaration of non-significance _____ environmental impact statement completed _____

COMPREHENSIVE PLAN

not applicable _____ in compliance _____

comments: _____

AUTHORIZATION: In checking the applicable box in each of the above categories, the Town of La Conner finds the proposed work to be in compliance with those regulations and authorizes issuance of a building permit, subject to requirements and condition noted and review by the County for compliance with floodplain Management regulations.

Date

title

TO BE DRAWN TO SCALE
THE PROCEDURE SHEET.

Application NO. 83-10
Date Received 4/19/83
Sign _____ Other _____
In H.P.D. _____ Not in HPD _____

TOWN OF LA CONNER

CERTIFICATE OF AUTHORIZATION TO ISSUE BUILDING PERMIT
(Supercedes Zone Compliance form).

NAME Gerald Blades P.O. Box 482 LaConner 466-4536
Owner address phone

Roy Richards
contractor (if different)

315 MORRIS Street LA CONNER, WA.
Address of Property (if different)

Legal Description The E. 3' of lot 1, Lot 2 Less W. 47',
All of Lots 3, 4, 5, 6, 7, & 8; Block 9 - Calhoun's
Addition To LA Conner.

DESCRIPTION OF PROPOSAL (make attachments if necessary-see Procedures Sheet)

SMALL 34 door IN South East CORNER OF STATION AND A
SMALL 36 door ON West side of Station for
CONVENIENCE ACCESS

SIGNATURE Anna M. Blades DATE 4-19-83

FOR OFFICE USE ONLY

ZONING

zone Commercial

V
use permitted

variance or conditiona
use permit granted

HISTORIC PRESERVATION

Not in Historic Preservation
District

C. F. Audenon CHAIRMAN
PRO-TEM
Certificate of Approval received

SHORELINE MANAGEMENT

V
outside of
jurisdiction

within jurisdiction
but exempt

substantial development
permit granted

S.E.P.A.

V
exempt from
environmental
checklist

declaration of
non-significance

environmental impact
statement completed

COMPREHENSIVE PLAN

not applicable

V
in compliance

comments:

AUTHORIZATION: In checking the applicable box in each of the above categories, the Town of La Conner finds the proposed work to be in compliance with those regulations and authorizes issuance of a building permit, subject to requirements and condition noted and review by the County for compliance with floodplain Management regulations.

5/4/83
Date

Stephen G. Ladd
Town Planner
title

April 29, 1983

TO: La Conner Historic Preservation Commission

FROM: Stephen G. Ladd, Town Planner

RE: Blades Certificate of Authorization for two doors.

I spoke with Mr. Blades today prior to reviewing his application. The application is incomplete as regards to the apperance of the doors, but in the interest of not requiring Mr. Blades to prepare additional drawings I note that:

- 1) the door facing Morris is already existing, members have perhaps noticed it.
- 2) the door on the west side would look similar to the above mentioned door except that it would be a flat, plain door.

I hope the Commission does not mind my trying to make it easier on applicants in this manner.

INGS ARE TO BE DRAWN TO SCALE
ED IN THE PROCEDURE SHEET.

Application NO. _____
Date Received 4/24/84
Sign _____ Other ☒
In H.P.D. ☒ Not in HPD _____

TOWN OF LA CONNER

CERTIFICATE OF AUTHORIZATION TO ISSUE BUILDING PERMIT
(Supercedes Zone Compliance form)

NAME GERALD & DONNA BLADES PO 482 LACONNER 466-4536
Owner address phone

OWNER
contractor (if different)

315 MORRIS ST. LA CONNER
Address of Property (if different)

Legal Description LOTS 3 THROUGH 8 AND THE EAST 3 FEET OF LOTS
1 & 2 ALL IN BLOCK 9, CALHOUN ADD. TO TOWN OF LA CONNER
VOL. 1 PG. 14 SKAGIT COUNTY

DESCRIPTION OF PROPOSAL (make attachments if necessary-see Procedures Sheet)

RELOCATE BUSINESS OFFICE WITHIN EXIST'G BLDG. REPLACE WASH ROOM GARAGE
DOOR WITH WOOD FRAME CONSTRUCTION INCLUDING: MAN DOOR, WINDOW, AND
APPROX. 225 SQ. FT OF CEDAR BOARD AND BATTEN SIDING.

SIGNATURE Gerald Blades DATE _____

FOR OFFICE USE ONLY

ZONING Commercial use permitted ☒ variance or conditional
zone use permit granted

HISTORIC PRESERVATION

Not in Historic Preservation
District

Robert C. King by May 7, 1984
Certificate of Approval received

SHORELINE MANAGEMENT

☒ outside of jurisdiction ☐ within jurisdiction but exempt ☐ substantial development permit granted

S.E.P.A.

☒ exempt from environmental checklist ☐ declaration of non-significance ☐ environmental impact statement completed

COMPREHENSIVE PLAN

not applicable ☐ in compliance ☐
comments: Ready for H.P.C. approval SGL 4/24/84

AUTHORIZATION: In checking the applicable box in each of the above categories, the Town of La Conner finds the proposed work to be in compliance with those regulations and authorizes issuance of a building permit, subject to requirements and condition noted and review by the County for compliance with floodplain Management regulations.

5/7/84
Date

Stephen E. Ladd
title

July 2 & July 16

Application No. _____
 Date Rec'd 8-21-84
 Sign _____ Other _____
 In H.P.D.++ ☒
 Not in HPD _____

TOWN OF LA CONNER

CERTIFICATE OF AUTHORIZATION TO ISSUE BUILDING PERMITS

NAME GERALD & DONNA BLADES ADDRESS P.O. BOX 482 LA CONNER PHONE 466-4536

SAME

CONTRACTOR IF DIFFERENT FROM ABOVE _____

315 MORRIS STREET LA CONNER

ADDRESS OF PROPERTY (if different) _____

LEGAL DESCRIPTION THE E. 3 FT. OF LOT 1, LOT 2 LESS W. 47 FT., ALL OF
LOTS 3, 4, 5, 6, 7 & 8, ALL IN BLOCK 9 CALHOUN'S ADDITION
TO LA CONNER

DESCRIPTION OF PROPOSAL. (make attachments if necessary - See Procedure Sheet)

ALTER EXIST'G BLDG, INSTALL FALSE FRONT ON 3 SIDES, INSTALL SPACE
DIVIDERS (INTERIOR), ESTABLISH OFF STREET PARKING, INSTALL SIGN TO
READ "LA CONNER STATION", ALL PER PLANS ATTACHED

SIGNATURE Donna Blades DATE 8-21-84

FOR OFFICE USE ONLY

ZONING

Commercial
 Zone

☒ Use Permitted

Variance or Conditional Use Permit
 granted

HISTORIC PRESERVATION

Not in Historic Preservation District

Certificate of Approval

SHORELINE MANAGEMENT

☒ Outside of
 jurisdiction

within jurisdiction
 but exempt

substantial development
 permit granted

S.E.P.A.

☒ Exempt from environmental
 checklist

declaration of non-
 significance

environmental impact
 statement completed

Comprehensive Plan

Not applicable

in compliance

Comments: Ready for HPC review 566 8/22/84

AUTHORIZATION: In checking the applicable box in each of the above categories, the Town of LaConner finds the proposed work to be in compliance with those regulations and authorizes issuance of a building permit, subject to requirements and conditions noted and reviewed by the County for compliance with floodplain Management regulations.

Title

Chris Planning Comm

August 23, 1984

TO: La Conner Historic Preservation Commission and Planning Commission

FROM: Stephen G. Ladd, Town Planner

RE: Blades Certificate of Authorization for Alterations to Exxon Station

PROPOSAL

Proposed is a Certificate of Authorization to allow alterations to the Exxon Station which consist of new false fronts on three sides (except the plans show new fronts on all four sides); revised interior layout to accommodate 30 small rental retail spaces plus three larger spaces and an office; relocated pump island; 44 car parking layout; and a new "La Conner Station" sign.

Plans show a rather intricate, apparently western motif. The south elevation is shown in full detail; other elevations are not so filled in but would presumably match the south elevation in detail. Materials are specified pretty well, colors are apparently not specified.

ZONING COMPLIANCE

A. Use

The south $\frac{1}{2}$ of this property is zoned commercial, the north $\frac{1}{2}$ residential. The existing bulk fuel storage and commercial storage building on the north $\frac{1}{2}$ are under grandfather clause. No new building construction is proposed in the north $\frac{1}{2}$. Off-street parking is a permitted use in the Residential zone.

Therefore proposed uses are in compliance.

B. Setback

None required in the Commercial Zone unless adjacent to a Residential Zone. Setbacks would not be changed except facing on Morris. The false front would be closer to the street than the existing building wall by about 15 feet, but the existing canopy would be removed causing a reduction of setback in that sense.

Therefore setback requirements are met.

C. Height

No problem, single story.

D. Parking

Usable retail square footage is 4,650 square feet, assuming the office is included under the retail category since it will presumably be an accessory use to the retail businesses and perhaps handle the gasoline sales. Therefore presumably 100% retail use, parking requirement is 1,000 divided by 200 =5, plus 3,650 divided by 400 =10, total of 15 spaces required.

Thus the 44 spaces shown are far in excess of our requirement.

The parking lot would be crushed rock surfaced. No drainage plan has been submitted, but that could be required prior to issuance of a building permit.

Parking ingress and egress look reasonable. Layout looks workable too, except that the easterly three stalls facing Center are unacceptable due to our intersection clearance triangle requirement (a 30' on side right-triangle)/ An excess of spaces still exists.

E. Signs i.

the plans show a 2' by 26' plywood sign. Materials, color, lettering and placement are shown. Size (52 square feet) is well under our maximum based on lot size.

HISTORIC PRESERVATION APPROVAL

If my impression of a Winthrop type western style is correct, this raises a question of whether this is compatible with La Conner's predominate architectural themes. But of course the HPC and PC are the authorities in that area.

CONCLUSION

I have identified no inconsistencies with our ordinances except that three of the parking spaces will have to be deleted as stated earlier. Historic Preservation approval remains a discretionary action, however. Perhaps the HPC can work with the applicant in a constructive manner to improve the design.

Procedure is for HPC recommendation to the PC with regard to historic compatibility. No other permits or reviews are necessary unless my findings in this report are disagreed with.

If decision is to approve I recommend requiring approval of a drainage plan prior to issuance of a building permit.

P. O. Box 614
LaConner, WA 98257
September 21, 1984

Mayor Mary Lam
and Town Council
Town of LaConner
LaConner, WA 98257

Dear Mayor Lam and Town Council:

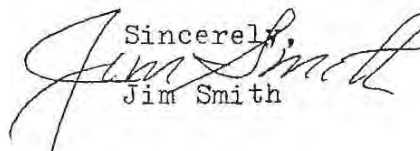
I believe that the proposal to convert the Exxon Service Station in the Historic District to other uses should not have been approved by the Historic Preservation and Planning Commissions. The approval of this proposal by the commissions named above represents a disregard and possible violation of Chapter 17.52 of LaConner's Zoning Ordinance. The plans, as presented, should be reviewed by the mayor and council at an announced public hearing.

I feel that the Historic Preservation and Planning Commissions did not fully consider the impact on the Historic District before approving this proposal. The "Guidelines" specifically recommend that false fronts not be added to more modern buildings in the district. It is also recommended that spaces within buildings not be broken up into smaller spaces and that all efforts be made to use buildings in the district for their intended, traditional uses. These recommendations were made in order to protect districts from over-commercialization and to maintain the integrity of historic districts and sites.

The people of LaConner and the surrounding area are interested in protecting the town in the most complete sense. They do not want it to become a "phony" tourist town. Each year changes are being made that detract from the authenticity of the town, and this most recent project would add another artificial attraction.

I wish to formally appeal the decision of the Historic Preservation Commission and the Planning Commission and request a public hearing on the proposal. And I request that the plan as presented be published in the Channel Town Press so that the people of LaConner can be fully informed of the project and its many ramifications before the public meeting.

Thank you.

Sincerely,

Jim Smith

Received
MM 4 9-25-84

Box 392
LaConner 98257
9/24/84

LaConner Town Council
LaConner

Dear Members:

I am writing to appeal the decision of the P.C. & H.P.C. regarding what is known as the Elton station. These are my reasons:

① The zoning ordinance states that when commercial abuts residential, screening shall be required. It wasn't. The property which will be used for parking is in the residential zone. [In fact, it is now being used as a junkyard - illegally - for old cars.]

② The parking required was inadequate. Only 24 spaces will be created while up to 30 merchants will be using the spaces. What about customers?

③ It is not in keeping with the goals of the historic preservation ordinance. It does not "preserve elements of historic significance" for as we all know - the fastest way to cheapen the

"real thing" is ² by making cheap copies,

Sincerely
Linda J. Tolman

September 24, 1984

Mayor and Town Council
Town of La Conner
P. O. Box 400
La Conner, Washington 98257

Dear Mayor Lam and Councilmembers:

This letter is my objection to the Historic and Planning Commission's approval of a remodeled Exxon Building, based on the following legitimate reasons:

The Historic Commission's approval was determined by Cynthia Ladd's no vote, Carroll Anderson's yes vote and Ron Shrigley's qualified yes vote. A verbal qualification such as asking the architect to construct the project "real tastefully" is totally meaningless. This qualification, if in writing and signed by the architect, is of equal no value since it is based on Ron Shrigley's personal opinion of what is "real tasteful". Other opinions could differ. Ron Shrigley's qualified yes vote is therefore a non-vote and the Historic vote is now a no decision of one for and one against.

The Planning Commission's approval vote is based on a very questionable interpretation of the Zoning Ordinance. Full exception is taken to the blanket approval of 6 to 30 retail spaces, including areas 7½ ft. by 9 ft. The Ordinance does not give definitions for "retail space" or a "booth" since they are not mentioned in any of the sections. Section 17.20.020 - PERMITTED USES - however, does include retail stores and shops which also become the architect's "retail spaces". The 7½ ft. x 9 ft. booth spaces are definitely not "retail spaces", thereby causing the approval to be void.

The Zoning Ordinance excludes any reference to a mall. This oversight should be corrected as soon as possible since it is obvious that Section 17.20.020 does not include a mall in its intent. For one, how can a combination shop and booth store with 30 separate areas require less than a minimum of 30 parking spaces?

The Exxon Building should be returned to the Planning Commission for a more detailed study.

Personal Opinions

The facade of the Exxon Building includes a western type false front that I doubt the Southwest cowboy country would accept as historic. My general impression is Hi-Ho, Silver, he went that-a-way.

Does the Planning Commission fully realize the possible consequences and setting of precedents when allowing a blanket approval of 6 to 30 so called retail spaces, including 7½ ft. by 9 ft. booth spaces under one roof. Our Planning Commission has consistently assured us that they are four square against "circus atmosphere" approvals. Do they realize that they have approved a possible carnival with vendors hawking Taiwan novelties from their booths for 12 months of the year?

September 24, 1984

It is becoming very difficult for us to understand the basic philosophy of the majority on our Historic Commission. What to them is La Conner Historic? Many of us do not agree with the narrow and inconsistent approach being forced on architects and La Conner by Carroll Anderson's interpretation of what is historic. One example is the Exxon Building. This building is a typical architectural design that was very popular during the 1940s period and is now considered historic by many architects.

This does not mean that the exterior has to be retained, but at least, the architect should be allowed the freedom to explore the possibilities of remodeling the exterior to make it an attractive building that reflects that period of history.

One probable solution would be to incorporate the Historic into the Planning Commission, consult with Dick Fallis, our local and county historian and then adopt realistic guidelines that includes today's realities such as view cutoff, fire protection and the social and financial costs to La Conner.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albert Malden".

ALBERT MALDEN

kae

①



SKAGIT COUNTY HISTORICAL MUSEUM

P.O. Box 818, 501 South 4th St., LaConner, Washington 98257

Telephone (206) 466-3365

10-1-84

On the matter of the Exxon station, I wish to speak out in favor of any improvements being done on The Blades property, be they simply to restore the bldg and fence the offensive wrecking yard from the residential area (as required in our zoning ordinance,) or be they a full scale remodelling using any theme or style the Blades see fit.

I would like to take issue with Mr. Smith that he is the closest concerned party. I cannot locate his name any where on this assessors map of property owners, thus I am unsure just where his property is, but I think few would dispute that since I am the only homeowner on the block & I share a 100' boundary with Mr. Blade that I am the one to be affected most.

2



SKAGIT COUNTY HISTORICAL MUSEUM

P. O. Box 818, 501 South 4th St., LaConner, Washington 98257

Telephone (206) 466-3365

The wrecked cars and Trucks are indeed an eyesore, however, nearly all of us own cars which some times need repair and D+D auto is very accomodating, often working late and on weekends to get us back on The Road. In some ways just fencing this area would please me most. I invite you all to drive by and view The mess which has accumulated.

I have no objection to a commercial mall being there so long as it is quiet. After all not many businesses can afford rent on first street besides there being limited space available there. I would like to see it close at 5:30 and not stay open until 9. I do feel that late openings do have a great impact upon a neighborhood, create greater noise levels and tend to attract video arcades and the like.

(3)



SKAGIT COUNTY HISTORICAL MUSEUM

P. O. Box 818, 501 South 4th St., LaConner, Washington 98257

Telephone (206) 466-3365

One issue I would like to address is drainage. Let's be sure the water from the parking lot is channeled into the sewer and not onto my property.

Therefore noise and drainage are my primary concerns in this matter.

This is a time when we can decorate ourselves in any finery from any era we choose. ~~And that~~ While the ladies out here were playing their pianos in their parlors the folks back east thought this was the Wild West & a Western facade is as legitimate as any other. When a man proposed a plain bldg by Zimmerman's Shell Station someone objected. When he proposed a Colonial Bldg someone objected. Now this theme meets objection. The obfuscator & obstructionists

(4)



SKAGIT COUNTY HISTORICAL MUSEUM

P. O. Box 818, 501 South 4th St., LaConner, Washington 98257

Telephone (206) 466-3365

in this town will make it
so hard for people to improve
their property that they will
let it deteriorate rather than
go through all this fuss. Its
his property after all and if
people don't want to look at
it they have the option of
moving away.

Thank you for your time

Betty Batchelor

116 N. 3rd

P. O. BOX 482
La Connor, Wa.

October 3, 1984

Honorable Mary Lam, Mayor
Town of La Connor
P.O. BOX 400
La Connor, Wa. 98257

Dear Mayor:

This is written to advise the Town Council of the improprieties in calling for a Public Hearing on the alleged appeals from the decision of the Planning Commission to Grant a certificate of approval to alter the building at 315 Morris Street in La Connor (Exxon Station).

Our study of the La Connor zoning ordinance reveals two pertinent facts that lead us to this action.

Fact Number One: There is no provision in the ordinance for appeal to the Town Council of a Planning Commission approval. There is only provision for appeal by a denied applicant. It is interesting to note that the ordinance specifies the right and the process for appeal by a denied applicant, but states nothing regarding appeal of an approval. (See Sec. 17.52.070). It is also interesting to note that with this one exception no other appeals or appeal processes are even mentioned. Zoning Ordinances are "permissive" ordinances. This means if the ordinance states you can do it, it is permitted. If the ordinance does not state you can do it, it is not permitted.

Appeals to a public body of any form require that a legal process be set forth in the affected ordinance. The process would include: 1. How to appeal? 2. Who may appeal? 3. To whom is the appeal made? 3. Within what time frame must one appeal? 5. Reasons for or conditions of appeal, conditions or findings to sustain an appeal. There is no specified right or process in the ordinance for appealing a Planning Commission approval to the Town Council.

Fact Number Two: The Planning Commission is delegated the power by the Town Council to hear and decide (not just recommend) on zone compliance, sign permits, and certificates of authorization. (See 17.72.030H). Once established by Law (Zoning Ordinance) that delegation of power to hear and decide cannot be usurped by the Town Council short of an amending ordinance.

We ask the Town Council to cancel this Hearing on the basis of an improper interpretation of the appeal process as set forth in Sec. 17.52.070 of the La Conner Zoning Ordinance.

We wish to respond directly to the questions raised by the alleged appellants so that both the Town Council and they may better understand how our proposal accomodates the Zoning Ordinance, the Historic Preservation District, and the Town and neighborhood environment.

In response to Mr. Maldens concerns: We fear they may be somewhat colored by his personal opinions and feelings for the Town. The so-called "Booths" are located within a retail sales space. They are comprised of wood dividers not higher than 3/4 of the ceiling height of the building with most of them no higher than 5' 0". They are designed to afford flexibility for arts and crafts and portions can easily be removed or changed to accomodate various retail and/or service uses. We do agree with Mr. Malden that some freedom of design should be allowed and that the Historic Preservation guidelines should recognize todays realities.

In response to Ms. Tolmans concerns: Screening is only required if directed by the Planning Commission (see footnote Sec. 17.20.020). This is a large property with the building located on the South one half. It is inappropriate and impractical to screen your own building from your own property. In their wisdom the Planning Commission did not direct that screening be provided.

The Zoning Ordinance requires parking for this use based on "units of measure" (square footage of the building). Fifteen (15) parking spaces for this building are required to comply with the ordinance. We are proposing a total of twenty four (24) spaces.

In our opinion and in the opinion of the Designee, the Historic Preservation Commission, and the Planning Commission there are no elements of historic significance to be preserved in this building. There are many goals of Historic Preservation in La Conner. Included among them are "appreciate an individuals freedom of choice and expression", "encourage the development of personal service and commercial facilities", "preserve the physical scale and character of the Town for the benefit of its residents".

In response to Mr. Smiths concerns: There has been no violation of Chapter 17.52 (there could be if a Hearing on this proposal by the Town Council proceeds.)

The "Guidelines" referred to by Mr. Smith are a mystery to us. We have studied the La Conner Historic Preservation guidelines and the Zoning Ordinance in detail since these are the regulations and recommendations that are applicable to La Conner. We could not find Mr. Smiths "Guidelines" in these documents.

"False Front" is an architectural term to describe a particular type of building facade. There is nothing cheap or phoney about it. There presently exists on Morris and First streets more than 20 buildings with full or partial false fronts.

Conclusion: We suggest that the alleged appeals are not based on factual evidence and that portions are just plain untrue. They appear to be based on personal opinions and feelings. Therefore their only apparent value is as a nuisance and should be considered frivolous.

Summary: We came to La Conner in 1979 when we purchased the almost derelict building that has become Pier 7. We invested literally countless amounts of time and energy and many thousands of hard earned dollars to rehabilitate and refurbish that old building. It is now an asset to the Town in appearance, in compatability with its environment, and in the additional revenue it generates for the Town. Other building owners in Town followed in upgrading and refurbishing their old buildings.

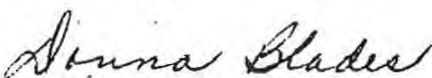
Almost from our first day we have been involved in the spirit and civic pride of La Conner. We have actively promoted the Town and freely participated in all civic events, volunteer Fire Department, and Chamber of Commerce. We intend to continue this active civic and business role. We are again prepared and committed to put our time, energy and hard earned dollars into a facility that like the Pier 7 Building will be an asset to the Town of La Conner.

Historic preservation doesn't mean just preserving the past it also means preserving the future for the future.

We believe in the Town of La Conner and we believe in its future.

Respectfully,


Gerald Blades


Donna Blades

cc: to all members of Town Council

P.O. Box 392
LaConner WA.
October 8, 1984

Town of LaConner
LaConner Washington

To Whom It May Concern:

I object to the Exxon station project for the following reasons:

1. Fencing should be required, as specified in the zoning ordinance. Although in some cases it is possible for commercial and residential uses to abut each other without fencing, in this case I recommend the fencing strongly. In fact, I recommend that it be required even if no changes to the property are made. The residential half of the property is currently being used as a dump.
2. Not enough parking has been required.
3. The design is phony looking and therefore doesn't serve our guidelines. I believe it is fine to build something new if it fits in with the old in its use of materials, colors, design, etc. (examples...Jordheim's house, Wash. Fed. Bank, and others). But to build something that is an imitation of the old is to start LaConner on the road to Winthrop. I can't believe that anyone would say that Winthrop is a good example of what historic preservation is all about.

We always hope the the planning commission and HPC will function as our quality control committee. Of course it doesn't always work that way because of the way the ordinances are written, but I wish you luck.

Sincerely,



Linda Z. Talman

October 9, 1984

TO: Mayor Lam, Council Members, and Members of
Commissions, and Citizens,
The Town of La Conner.

Please find enclosed my comment, in the form of
a drawing, regarding the proposed shopping complex
at the Exxon station on Morris Street.

Sincerely,



Robert Sund
Box 92
La Conner 98257.

Please enter this into the proceedings of the town
meeting tonight, and make sure everyone sees it.
Thank you.

Application No.
Date Rec'd 11/14/84
Sign _____
In H.P.D.++
Not in HPD

366-9410

TOWN OF LA CONNER

CERTIFICATE OF AUTHORIZATION TO ISSUE BUILDING PERMITS

NAME LYNN L. LAUER ADDRESS P.O. Box 961 PHONE 466-4712

CONTRACTOR IF DIFFERENT FROM ABOVE

ADDRESS OF PROPERTY (if different)

LEGAL DESCRIPTION 313 E. MORRIS

DESCRIPTION OF PROPOSAL. (make attachments if necessary - See Procedure Sheet)

INSTALL 30" DOOR IN SLIDING DOOR + 30" x 40" WINDOW.
PAT ON ROPE LETTERING SIGN ON FRONT, SEE DRAWING.
NO RETAIL OUTLET

SIGNATURE _____ DATE _____

FOR OFFICE USE ONLY

ZONING Residential
Commercial
Zone Commercial Use Permitted X Variance or Conditional Use Permit granted

Parking OK (2 spaces for 2 employees) Signs OK (20 ft)

HISTORIC PRESERVATION

Not in Historic Preservation District ☒ Certificate of Approval

SHORELINE MANAGEMENT

Outside of jurisdiction ☒ within jurisdiction but exempt substantial development permit granted

S.E.P.A. ☒ Exempt from environmental checklist declaration of non-significance environmental impact statement completed

Comprehensive Plan Not applicable ☒ in compliance

Comments:

AUTHORIZATION: In checking the applicable box in each of the above categories, the Town of LaConner finds the proposed work to be in compliance with those regulations and authorizes issuance of a building permit, subject to requirements and conditions noted and reviewed by the County for compliance with floodplain Management regulations.

Stephen G. Cadd
Town of LaConner
Revised: administrative error. Property is zoned Residential. 566 11/14/84

11/14/84

July 5, 1985

TO: LA CONNER TOWN COUNCIL

FROM STEPHEN G. LADD, TOWN COUNCIL

RE: WHETHER AND TO WHAT EXTENT A "GRANDFATHER CLAUSE" RIGHT EXISTS FOR COMMERCIAL USE ON THE NORTH HALF OF THE BLADE'S PROPERTY ON MORRIS STREET

The pertinent clause of the Zoning Ordinance is 17.44.020A which reads "Any nonconforming use of a building or structure may be continued or maintained, provided the use is not altered in any way. If the use is discontinued for a period of six consecutive months, or for a total of eighteen months in any three year period, or if superceded by a conforming use, it may not revert back to the nonconforming use."

The Zoning Ordinance, by the way, defines "use" as "the specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained."

I interpret the above to mean that a legal non-conforming use (grandfather clause right) can only be claimed if the specific use

- 1) predates current restrictions against it
- 2) has never in that time changed or ceased for six months or eighteen months in any given year

1) PREDATING

Contrary to the Blade's letter, I understand that the property in question has been zoned residential ever since zoning was first initiated in 1969 or 1970. The fuel tanks obviously pre-date the Zoning Ordinance. As for the wood frame building, it appears that it was used for a variety of commercial and industrial purposes, but we are not told specifically what it was at the time the property was zoned residential.

2) CONTINUOUS USAGE

The Blade's says that the bulk station ceased to be used for its original purpose in 1981. However, the tanks are still used in an less intensive way to store fuel. They claim continuity of usage and I know of no reason to doubt that. Based on the facts I have seen, I would tend to think that a grandfather clause right still exists for the above ground tanks to continue to be used for fuel storage in the manner in which that operation has existed since 1981.

The wood frame building presents more of a problem. Since the ordinance says we have to look at the "specific purpose", it appears to me the use has already altered at various points along the way. It could be argued that

there has been a continuous commercial usage, but I think that by specific purpose the ordinance is talking about the specific type of operation

CONCLUSION

The Blades do not say in their letter what the current use is, nor have we received any complaints, therefore I hesitate to make any interpretation as to its legal status. But when they requested a Certificate of Authorization for a sign to establish an auto detailing shop I advised them against applying since it appeared to me that that would constitute a change in use (if in fact the grandfather clause right has not already lapsed due to a previous change in use).

I hope this memo is of help to the Council. In writing it I have only addressed the legal issues and do not imply that I am for or against further commercial zoning of that property.

TUESDAY, JULY 9, 1985

The Tuesday, July 9, 1985 meeting of the La Conner Town Council was called to order at 7:00 p.m. at the Fire Department Recreation Hall. Present were Mayor Lam, Councilmembers Don Wright, Neva Malden, June Overstreet and Judy Zimmerman entered the meeting late. Councilmember Judy Iverson was absent.

The minutes of the previous meeting were approved as presented. Councilmember Judy Zimmerman entered the meeting.

BLADES' ZONING CLARIFICATION REQUEST:

The south half of the Blades' property is zoned commercial and the north half is zoned residential. Mr. Bob Donahoe represented the Blades. He discussed a problem in the zoning ordinance with the inconsistency in nonconforming uses of buildings and nonconforming uses of land. There is both a nonconforming building and nonconforming use of land on the north half of this property. The Blades have never ceased to occupy nor use this so the building and land still has nonconforming status. It is their contention that the land is improperly zoned as the use of the property has always been for business. Mr. Donahoe stated that there are no other nonconforming commercial uses in residential zones in Town. It was pointed out that Tillinghast is zoned the same as Blades. Mr. Donahoe has never been able to find an official zoning map with signatures. Mayor Lam stated that he should come up to Town Hall and look at it.

Donna Blades stated that people were in the audience who would swear that this property has been in continuous use. Mr. Chet Pierson stated that it has been in continuous use over the past 50 years under his and Blades' ownership. Mayor Lam asked if he knew, when he was the owner that the back half was zoned residential. He stated that he did not. Councilmember Neva Malden asked the use of the wooden building. It is full of storage and some businesses. There was much discussion of nonconforming uses and their regulation.

The matter was tabled until the next meeting awaiting the Town Attorney's opinion. The Planning Commission is welcome to have a recommendation for the next council meeting.

TOWN CLERK

MAYOR

TUESDAY, JULY 23, 1985

Meeting called to order at 7 p.m. at the La Conner Fire Department Recreation Hall. Present were Mayor Lam, Councilmembers June Overstreet, Judy Iverson, Don Wright and Judy Zimmerman. Absent was Councilmember Neva Malden.

The minutes of July 9, 1985 were approved. Councilmember Wright, second by Councilmember Zimmerman, made the motion that when verbatim minutes are requested it will take approval of the Town Council. Motion Carried.

COMMITTEE REPORTS:

Councilmember Wright read a letter confirming the approval for consultants for the Maple Street project. Councilmember Iverson, second by Councilmember Zimmerman made the motion to go out for bid for consultants. Motion carried. Councilmember Wright discussed the mower for the youth league field. Mr. Young's report stated the cost approximately \$1,800. Councilmember Wright, second by Councilmember Overstreet made the motion to table further discussion on the mower until Mr. Young has returned from vacation. Motion carried.

Councilmember Overstreet - No report.

Councilmember Iverson stated that the special meeting of Town Council, the Council authorized payment of the insurance bill.

Councilmember Zimmerman stated that the 41 Ford was not insured by the Fire Department.

Mayor Lam introduced a member of the Fire Department. David Alvord appeared before the Council to ask if the Town Council would pay one-half of the cost for four firemen to attend a Seminar at Friday Harbor. Cost is \$55.00 per member. Fire District No. 13 will pay the other one-half. Councilmember Iverson, second by Councilmember Zimmerman made the motion to pay one-half of the cost. Motion carried.

Mayor Lam noted that Steve Ladd, Town Planner, has resigned. He will be going to the J.F. Kennedy School of Government at Harvard University on August 5, 1985. She is in contact with Skagit County Planning Department to see if they help handle the work load in La Conner. Mayor Lam also stated that Agnes Nelson has been in contact with her regarding the grass behind her home on Caledonia Street.

BLADES' ZONING CLARIFICATION ON NORTH HALF OF PROPERTY:

Councilmember Judy Iverson was excused due to her owning property within several hundred feet of this property. Dianne Goddard, Town Attorney, gave her legal opinion. She stated that basically, sometimes referred to as grandfathered or grandfathered clause. If there is a use of property which lawfully existed prior to the adoption of any zoning ordinance and which is maintained after the effective date of the zoning ordinance, even though the use does not comply with whatever use restrictions are in the area, it is a non-conforming use and is allowable under the zoning law. The whole point

of having a non-conforming use provision is to prevent injustices which could occur if somebody's property is rezoned even though they were conducting some type of business. Usually comes up with commercial enterprises. She could not find any case law where somebody had a residence to maintain in a commercial area. It was usually commercial enterprises going on in something that had been rezoned residential or where there was some restriction placed on the zoning that was not there before. The law basically holds that as long as the non-conforming use continues basically without any significant interruption, then it is allowable. What action can be upheld if the Town takes it is where somebody has a non-conforming use wants to expand the non-conforming use to do something else with the property even though it may be commercial, if they want to expand what the use is, and the municipality denies the use to expand, that is something the municipality has a right to do. She cited different case laws (See letter in file). Non-conforming uses are generally the plan is to phase them out gradually. So you have a non-conforming use that is allowed so that you don't create an injustice by changing your zoning laws. So it isn't something that is passed from one property owner to the next and if there is a plan to expand it and the municipality does not want that to happen, the municipality will usually be upheld if that is appealed. (Case law cited again). There is kind of a grey area, that where you case that say something has been used for a filling station and the person wants to change it to a used car lot. That would probably be held to be an expansion of a non-conforming use in something that the municipality could control. The Court tends to strictly construe ordinarily define what is a non-conforming use and how it can be intensified, legal term that shows up there, and generally the zoning laws in trying to have some orderly organization to where different types of uses occur in the city will be controlling so that the municipality will regulate, not allow expansion of a non-conforming use. It is kind of technical and the cases go both ways. But generally where somebody has clearly tried to change the type of business enterprise that is carried on in a non-conforming use and the city says no you have to stick with whatever you had to begin with, those kinds of decisions as far as I have been able to find, have been upheld on appeal.

Discussion followed by the Councilmembers. Councilmember Wright stated that the plans that were submitted showed additional parking for the storage building. Discussion followed on what had been in the building in the past. Mr. Blades stated that the most present uses have been an upholstery shop which ceased over two months ago, storage for antiques and general storage.

Councilmember Overstreet, second by Councilmember Wright, made the motion to grant a non-conforming use of existing uses of property. Councilmembers Overstreet, Wright voted yes. Councilmember Zimmerman voted nay. Motion carried.

P E T I T I O N

TO: The Honorable Mary Lam, Mayor
 The Honorable members of the Town Council
 The Honorable members of the Planning Commission
 Town of LaConner

We herewith petition the Town of LaConner for a change in zone designation from residential to commercial for the North One Half of Block 9, Calhouns Addition to the Town of LaConner.

There presently exists and have existed for more than forty (40) years, intensive commercial uses on the North One Half of said Block 9. Since these commercial uses have been and continue to be under the same ownership with the South One Half of Block 9 and are an integral part of the commercial uses that exist on the South One Half of said Block 9, and since the continuation of a residential designation of said North One Half restricts the owners freedom to improve and utilize this land, and denies them a substantial property right enjoyed by others, we therefore petition for this change to the proposed comprehensive plan map and the proposed zoning map.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
-------------	----------------	------------------

Nancy L. Olson	Box 293, LaConner	Nancy L. Olson
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Gilbert L. Olson	" "	Gilbert L. Olson
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Patricia Capers	Box 66 LaConner	Patricia Capers
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Robert E. Ball	Box 53 LaConner	Robert E. Ball
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Mary A Brown	PO Box H	Mary A Brown
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Blanche Rock	LaConner	Blanche Rock
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John N. Clark	Box 88 LaConner	John N. Clark
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Donna M. Clark	Box 99 LaConner	Donna M. Clark
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Roy Ruiz	P.O. Box 984	Roy Ruiz
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Cynthia L. Ruiz	" " "	Cynthia L. Ruiz
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Katie Berg	Box 777 LaConner	Katie Berg
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Box 777 LaConner		Rich M. Mendenhall
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J. A. Cobb	P.O. Box 416 LaConner	J. A. Cobb
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MANFRED	NYSTROM	Manfred Nystrom
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Ella Nystrom	P.O. Box 185	Ella Nystrom
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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
CHESTER R. PIERSON	415 CENTER ST.	<i>Chester R. Pierson</i>
ZERMA L. PIERSON	415 CENTER ST.	<i>Zerma L. Pierson</i>
<i>Joel Johnston</i>	5th and Center	<i>Joel Johnston</i>
Donna Wargo		
- LORRAINE WARGO	514 State St.	<i>Lorraine Wargo</i>
- DONALD WARGO	514 State St.	<i>Donald Wargo</i>
Gary Harrison	P.O. Box 978	<i>Gary Harrison</i>
DON DRAKE	P.O. Box 28	<i>Don Drake</i>
Cindy Nelson	Box 156	<i>Cindy Nelson</i>
Jan Musselman	Box 579	<i>Jan Musselman</i>
Margaret L. Martin	Box 477	MARGARET L. MARTIN
Denise A. Martin	Box 477	Denise A. Martin
John F. Martin	Box 477	John F. Martin
Fredrick S. Martin	Box 477	FREDRICK S. MARTIN
Larry J. O'Donnell	Box 582	LARRY O'DONNELL
Mercedes L. Hernandez	P.O. Box 398	<i>Mercedes Hernandez</i>
Morris Hernandez	P.O. Box 398	MORRIS J. Hernandez
Donna M. Blades	128 So. 1st. LaConner	DONNA M. BLADES
Gerald Blades	128 So 1st LaConner	Gerald B/ades

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NAME

ADDRESS

SIGNATURE

Betty Batchelor			
BETTY BATCHELOR	116 3rd St.		Betty Batchelor
DALE RANCOURT	503 S. 3RD ST		Dale Rancourt
VIVIAN RANCOURT	503 3rd ST		Vivian Rancourt
Gloria Hupf	514 S. 3rd ST		Gloria m. Hupf
Robert Huddleston	517 S. 3rd		Robert Huddleston
Gris Hovet	525 S. 3rd		Gris Hovet
Harvey Anderson	303 BENTON		Harvey Anderson
Helen K. Britwick	603 S. 3rd		Helen K. Britwick
Louis D. Britwick	603 S. 3rd		Louis D. Britwick
Gerrard L. Van Wieringen	217 Calhoun		Gerrard L. Van Wieringen
Nancy E. Van Wieringen	217 Calhoun St		Nancy E. Van Wieringen
Ralph J. Meek	Box 1	LaConner	Ralph J. Meek
Herald L. Loderlund	3RD & STATE ST	LA CONNER WASH.	
Ginnie Higman	115 N. FIRST	La C	Ginnie Higman
H.E. Sel Reynolds	PO Box 7	La C	H.E. Sel Reynolds

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Mary E. Darby	905 S. Maple	Mary E. Darby
Dolores Hosford	432 Caledonia	Dolores Hosford
Maxine Wyman	905 S. W. Batcom	Maxine Wyman
ROBERTA NELSON	P.O. Box 452	Roberta Nelson
LOUIE NELSON	PO BOX 452	Louie Nelson
JOY SIGURDSON	OWNER OF LOTS 1 + 4 BLOCK 10 3rd & Center	Joy Sigurdson
Lloyd Traylor	317 Centre	Lloyd Traylor
Heff Wyman	617 Birch Lane	Heff Wyman
Mary Wyman	517 Birch Lane	Mary Wyman
Veronica Nelson	Box 452	Veronica Nelson
Wendell Lindstrom	Box 327 LaConner, WA	Wendell Lindstrom
Boyd Zimm	Box 442 LaConner WA	Boyd Zimm
Bud Shum	Box 362 LaConner WA	Bud Shum
Wendell Lindstrom	Box 327 LaConner WA	Wendell Lindstrom
Minnie C. Lindstrom	LaConner WA	Minnie C. Lindstrom

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Terry Nelson	PO Box 100, LaConner	Terry Nelson
Paul Johnson	P.O. Box 699, LaConner	Paul Johnson
David Alward	P.O. Box 255 LA CONNER	David Alward
Linda Reynolds	Second & Benton	LINDA REYNOLDS

Alice KENNING Alice Kenning

114 6th ST
JOHN J. FEDERSEN 5135 Second John J. Federsen
Abbe Lamunera - 625 Morris LaConner

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NAME

ADDRESS

SIGNATURE

DAN P. TAYLOR P.O. Box 177

RICHARD P. SELF P.O. Box 241

- Gary R. Nelson 403 E. Morris

Lisa M. Nelson 403 E. Morris (P.O. Box 550)

Lea Diacos 412 2nd St

Dorothy Siegfried 509 2nd

Marie M. Polder P.O. Box 722 LAC

John Polder P.O. Box 722 LAC

- GERALD JOHNSTON

BOX 721

- Michael Hood

PO 498

[Signature: Dan P. Taylor]

[Signature: Richard P. Self]

[Signature: Gary R. Nelson]

[Signature: Lisa M. Nelson]

[Signature: Lea Diacos]

[Signature: Dorothy Siegfried]

[Signature: Marie M. Polder]

[Signature: John Polder]

[Signature: Gerald Johnston]

[Signature: Michael Hood]

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
DIEDRE ASHMORE <i>Diedre Ashmore</i>	PO Box 1124 LaConner, Wa. 98257	<i>Diedre L. Ashmore</i>
STEVE DODGE <i>Steve Dodge</i>	P.O. Box 386 LaConner 98257	<i>Steve Dodge</i>
G. EUGENE FAIRCHILD <i>G. Eugene Fairchild</i>	P.O. 1075 LA CONNER, WA	<i>G. Eugene Fairchild</i>

Date Received 10-14-86

Application No. 86-1

Public hearing set for
11-17-86

REZONE APPLICATION

Name Gerald and Donna Blades Phone 466-4536
466-4500
Address 315 Morris Street, La Conner, WA 98257 387-5664
Address of property if different Three lots facing Center St. between 3rd & 4th
Legal Description Lots 3, 6 and 7 and the East 3 feet of Lot 2 in Block
9, "Calhoun Addition to the Town of La Conner", as per Plat recorded in
Volume 1 of Plats, page 14, records of Skagit County, Washington.

Size of property in acres or square feet 15,300 square feet
Present Zoning Residential Requested Zoning Commercial
Comprehensive Plan Designation Residential
Proposed Use or Reason for Rezone These lots and the adjoining three lots to
the south form one parcel of property. The south half is zoned commercial
and is presently used for commercial purposes. The north half has historical
been used for commercial purposes and the zoning should be changed to reflect these conditions
Applicants Representative (if applicable) Earl F. Angevine

Please attach the following:

1. Site Plan, with dimensions, showing property boundaries, existing and proposed structures, streets, and other significant physical features.
2. Completed Environmental checklist.
3. List of owners ^{with addresses} of property located within 300 feet of the site, to be obtained from the County Assessor's Office.
4. Fee of \$50.00.

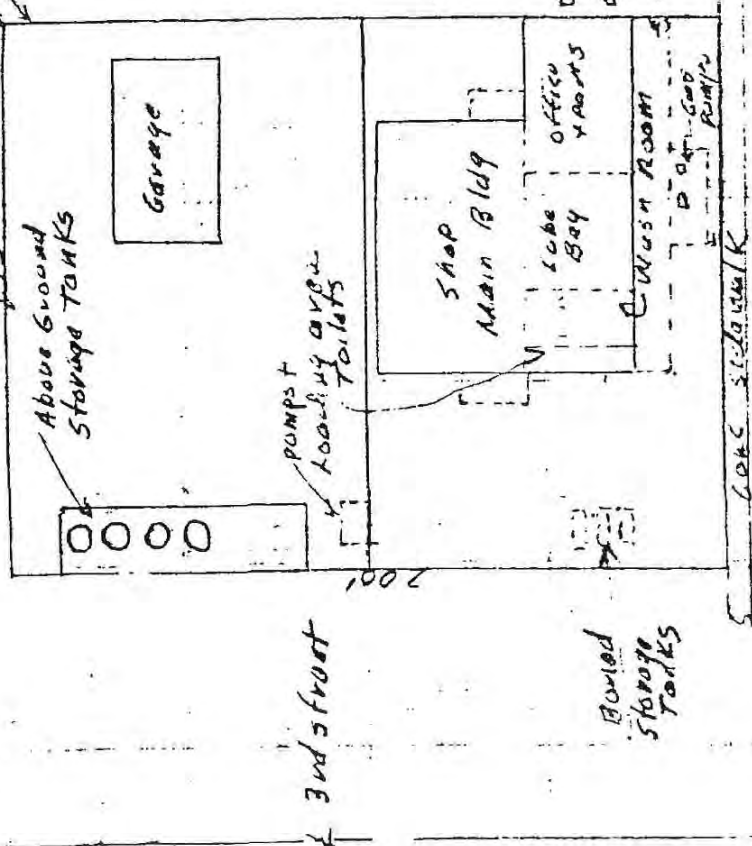
Dated this 14 day of Oct. 1986

Donna M. Blades
Signature

(Must be owner or contract purchaser)

Center St (62')
Asphalt Paved 20' wide

Lot lines



4th Street (50')
Asphalt Paved 20' wide

Buried
Tanks
Pumps
Marquees

Morris St (60')
Asphalt Paved
24' wide

Cherron Sales + Service
La Conner Wa.
Dec 1978
Scale 1" = 50' Approx

~~34-2~~

A. BACKGROUND

1. Name of proposed project, if applicable:
Rezone from residential to commercial.
2. Name of applicant: Gerald and Donna Blades
3. Address and phone number of applicant and contact person:
P.O. Box 482, La Conner, WA 98257; 466-4536, 466-4500, 387-
5664.

Contact: Donna Blades (Earl F. Angevine, Attorney - 336-9797)
4. Date checklist prepared: October 13, 1986
5. Agency requesting checklist: Town of La Conner
6. Proposed project timing or schedule (including phasing, if applicable):
As soon as possible due to loss of rent.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
Finish remodeling garage building for up-graded rental units.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
None.
9. Do you know of pending applications for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
No.

10. List any government approvals or permits that will be needed for your proposals, if known.

La Conner Planning Commission; La Conner Town Council.

11. Give a complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist which ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Return commercial zone so commercial building can be rented
out.

12. Location of the proposal. Please give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Please provide a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. (Indicate if maps or plans have been submitted as part of a permit application.)

Lots 3, 6 and 7 and the East 3 feet of Lot 2 in Block 9,
"Calhoun Addition to the Town of La Conner", as per Plat
recorded in Volume 1 of Plats, page 14, records of Skagit
County, Washington. (Lots facing Center Street between 3rd
and 4th Streets.)

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): flat, ~~rolling~~, ~~hilly~~, ~~steep~~, ~~slopes~~, ~~mountainous~~, ~~other~~ _____
- b. What is the steepest slope on the site (approximate % slope)? N/A
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, please specify and note any prime farmland. Gravel and dirt.
- _____
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. No.
- _____
- e. Describe the purposes, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Level fill dirt.
- _____
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
No.
- _____
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
N/A
- _____

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No impact to the earth.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A

- b. Are there any off-site sources of emissions or odor which may affect your proposal? If so, generally describe. None known.

- c. What are the proposed measures to reduce or control emissions or other impacts, if any: N/A

3. Water

- a. Surface:

1) Is there any surface water on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, associated wetlands)? If yes, describe type, provide names, and, if known, state what stream or river it flows into. N/A

2) Will the project require any work over or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

4) Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.

N/A

5) Does the proposal lie within a 100-year floodplain? Note location on the site plan, if any. Yes.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No.

b. Ground:

1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities if known. No.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . .; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A

c. Water Runoff (including storm water):

1) Describe the source of runoff and storm water and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, please describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe. No.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: N/A

4. Plants

a. Check or circle types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ wet soil plants: cattail, buttercup, bull-rush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? _____
 Grass and weeds. _____

- c. List threatened or endangered species known to be on or near the site. _____
 N/A _____

- d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: _____
 Bark and shrubs. _____

5. Animals

- a. Circle any birds and animals which have been observed on or known to be on or near the site: N/A
 birds: hawk, heron, eagle, songbirds, other
 mammals: deer, bear, elk, beaver, other
 fish: bass, salmon, trout, shellfish, other
- b. List any threatened or endangered species known to be on near the site. _____
 None. _____

- c. Is the site part of a migration route? If so, explain. No. _____

- d. Proposed measures to preserve or enhance wildlife, if any: N/A _____

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Electric.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No.

- c. What kinds of energy conservation features are included in the plans of this proposal?
N/A

- d. What are the proposed measures to reduce or control energy impacts, if any? N/A

7. Environmental Health

- a. Are there any environmental health hazards, exposure to toxic chemicals, including risk of fire and explosion, spill, or hazardous waste, that occur as a result of this proposal? If so, describe. N/A

- b. Describe special emergency services that might be required. N/A

- c. What are the proposed measures to reduce or control environmental health hazards, if any:

N/A

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Bulk

oil loading platform, commercial tanks and commercial building. Commercial building on adjacent property.

- b. Has the site been used for agricultural purposes? If so, describe. No.

- c. Describe any structures on the site. Four-truck bay garage, bulk

oil loading platform and four large above-ground fuel storage tanks approximately 20,000 gallons each.

- d. Will any structures be demolished? If so, what? N/A

- e. What is the current zoning classification of the site? Residential.

- f. What is the current comprehensive plan designation of the site? RESIDENTIAL *Handwritten: 1/20/08*
Planning Commission voted comprehensive plan map to bring
us to commercial. Council voted to retain residential designation.
- g. If applicable, what is the current shoreline master program environment
designation of the site? N/A
- h. Has any part of the site been classified as an "environmentally sensitive"
area? If so, specify. N/A
- i. What are proposed measures to ensure the proposal is compatible with
existing and projected land uses and plans, if any: N/A
- j. Approximately how many people would reside or work in the completed
project? N/A
- k. Approximately how many people would the completed project displace? N/A

1. What are proposed measures to avoid or reduce displacement or other impacts, if any: N/A

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A

- c. What are proposed measures to reduce or control housing impacts, if any:

N/A

10. Noise

- a. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? None.

- b. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. N/A

- c. What are the proposed measures to reduce or control noise impacts, if any:

N/A

11. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? _____

N/A

- b. What views in the immediate vicinity would be altered or obstructed? _____

N/A

- c. What are the proposed measures to reduce or control aesthetic impacts, if any? N/A

12. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

- c. What existing off-site sources of light or glare may affect your proposal?

N/A

- d. What are the proposed measures to reduce or control light and glare impacts, if any:

N/A

13. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

- c. What are the proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A

14. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. No.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on the site.

None.

- c. What are the proposed measures to reduce or control impacts, if any:

N/A

15. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Morris Street, 4th Street and Center Street.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? No.

c. How many parking spaces would the completed project have? How many would the project eliminate? N/A

d. Will the proposal require any new roads or streets, or improvements to any existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

e. Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe. No.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. N/A

g. What are proposed measures to reduce or control transportation impacts, if any? N/A

16. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

- b. What are proposed measures to reduce or control direct impacts on public services, if any. N/A

17. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, ~~sewer service~~, telephone, sanitary sewer, ~~septic system~~, other: ~~XXXXXXXXXXXXXXXXXXXX~~
- b. Describe the utilities which are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Electric -

Puget Power.

C. SIGNATURE

The above answers are true to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Anna M. Blades

Date Submitted: 10-14-86

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

No change - no project at this time - rezone only.

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

None.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

None.

Proposed measures to protect or conserve energy and natural resources are:

N/A.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

None.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY

None.

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

None.

Proposed measures to reduce or respond to such demand(s) are:

N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

None.

TOWN OF LA CONNER

DETERMINATION OF NONSIGNIFICANCE

Description of proposal RECLASSIFY APPROXIMATELY 15,000 SQUARE FEET FROM
RESIDENTIAL TO COMMERCIAL.
APPLICANT HAS ALSO REQUESTED A CHANGE IN THE COMPREHENSIVE PLAN

Proponent GERALD AND DONNA BLADES

Location of proposal, including street address, if any SUBJECT PROPERTY IS LOCATED SOUTH OF
CENTER STREET BETWEEN 3RD AND 4TH STREETS. LEGAL DESCRIPTION AS FOLLOWS:
LOTS 3, 6, AND 7, AND THE E 3 FEET OF LOT 2 IN BLOCK 9, CALHOUN ADDITION
TO THE TOWN OF LA CONNER, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE
14 RECORDS OF SKAGIT COUNTY, WASHINGTON

Lead agency TOWN OF LA CONNER

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 15 days from the date below. Comments must be submitted by NOVEMBER 13, 1986

Responsible official MARY M. LAM,

Position/title MAYOR Phone 466-3125

Address P.O. BOX 400, LA CONNER, WA 98257

Date 10/29, 86 Signature Mary M. Lam

- ☐ You may appeal this determination to (name) La Conner Town Council
at (location) Town Hall
no later than (date) 10 days after determination
by (method) writing

You should be prepared to make specific factual objections.
Contact Town Planner to read or ask about the procedures
for SEPA appeals.

DATE POSTED _____ SKAGIT COUNTY, WASHINGTON

NOTICE of PUBLIC HEARING

THE LA CONNER PLANNING COMMISSION WILL HOLD A PUBLIC HEARING ON NOVEMBER 17, 1986 AT THE HOUR OF 7:00 P.M. AT THE LA CONNER TOWN HALL TO MAKE A RECOMMENDATION TO THE LA CONNER TOWN COUNCIL REGARDING THE FOLLOWING REQUEST:

Rezone request of Gerald and Donna Blades to reclassify approximately 15,000 square feet from the present RESIDENTIAL zoning to a new zoning of COMMERCIAL. The applicants are also requesting a similar change in the Comprehensive Plan designation for the property.

The subject property is located south of Center Street between 3rd and 4th Streets. The legal description is as follows: Lots 3, 6, and 7, and the east 3 feet of Lot 2 in Block 9, Calhoun Addition to the Town of La Conner, as per plat recorded in Volume 1 of plats, page 14 records of Skagit County, Washington.

INTERESTED PERSONS ARE WELCOME TO SUBMIT COMMENT ON THIS APPLICATION IN PERSON, BY WRITING OR BY REPRESENTATIVE TO THE LA CONNER TOWN HALL, LA CONNER WASHINGTON 98257.

IT IS A MISDEAMEANOR FOR ANY UNAUTHORIZED PERSON TO REMOVE THIS NOTICE

CASE NUMBER: REZONE #00-1 TOWN OF LA CONNER

HEARING DATE: November 17, 1986

PROJECT DESCRIPTION: Owner initiated rezone to reclassify approximately 15,300 square feet from Residential to Commercial.

OWNERS OF PROPERTY: Gerald and Donna Blades
315 Morris Street, La Conner, Washington

PROPERTY LOCATION: Three lots facing Center Street between 3rd and 4th Streets.

LEGAL DESCRIPTION: Lots 3, 6, and 7, and the east 3 feet of Lot 2 in Block 9, Calhoun Addition to the Town of La Conner, as per plat recorded in Volume 1 of plats, page 14 records of Skagit County, Washington.

CURRENT USE OF THE PROPERTY: The parcel is the northerly portion of a larger piece of property. The south part of the entire property is zoned Commercial and is being used primarily as retail space. The portion of the property address by this rezone application is zoned residential and has an old garage on it along with several old vehicles. The parcel is a flat piece of ground within the Skagit River 100 year flood-plain.

SERVICE CHARACTERISTICS:

Sewer- Town Sewer is Available

Fire- The La Conner Fire Station is just across the street toward the south.

Water- Town of La Conner

<u>ADJACENT</u>	<u>ZONING</u>	<u>LAND USE</u>
North	Residential	Residential
East	Residential	Residential
South	Commercial	Commercial
West	Residential	Residential

PLANNING DATA AND INFORMATION:

Comprehensive Plan Map- Residential

Current Zoning- Residential

Environmental Review- Declaration of Non-Significance

Town of LaConner

Phone 466-3125

NOVEMBER 20, 1986

RECORDED MOTION REGARDING
GERALD AND DONNA BLADES REZONE REQUEST
86-1

WHEREAS, The La Conner Planning Commission has considered and deliberated on the proposed Rezone request #R-86-1 of Gerald and Donna Blades to reclassify approximately 15,000 square feet from Residential to Commercial on the following described property: three lots facing Center Street between 3rd and 4th Streets more fully described as Lots 3,6, and 7, and the East 3 feet of Lot 2 in Block 9, Calhoun Addition to the Town of La Conner, as per plat recorded in Volume 1 of Plats, page 14 records of Skagit County, Washington, and

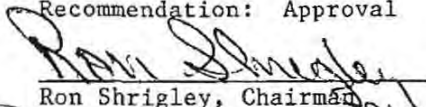
WHEREAS, the Planning Commission held a public hearing on November 17, 1986 and recommended approval of the rezone request based upon the following findings:

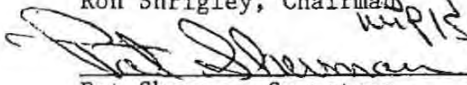
1. The property owners have submitted evidence showing that the property has historically been used as commercial property.
2. The property is a portion of adjacent property that is currently zoned Commercial and is being used as retail space.
3. More than 90% of the public comment given at the rezone hearing supported the rezone request to Commercial.
4. Testimony was submitted stating that the property was not suitable for residential uses.

Motion for approval made by Carroll Anderson, second by Bo Miller.

Vote: Approval (4-0)

Recommendation: Approval


Ron Shrigley, Chairman


Pat Sherman, Secretary

LaConner, Washington 98257 P.O. Box 400



The La Conner Town Council met on December 8, 1986, called to order at 7:00 p.m. Present were Mayor Mary Lam, Councilmembers Don Wright, Judy Zimmerman, Tony Morefield, Vince Sellen, Absent was Councilmember David Alvord.

The minutes of November 24, 1986 were approved as presented.

COMMITTEE REPORTS:

Councilmember Don Wright stated that the Sewer Commission had met, the manager and one board member from Shelter Bay was at the meeting. The Shelter Bay feasibility study was reviewed and at this time they are requesting their engineering firm to look at this and to report back to the Commission with a formal letter. At this time Shelter Bay was not really interested unless if no sewer rate guarantee could be made for a long period of time.

Councilmember Sellen - No report.

Councilmember Morefield - No report.

Councilmember Zimmerman stated that the equipment was clearing on Maple Avenue and that in the Spring the final coat would be put down, that it was now open to two-way traffic.

Mayor Lam reported that a Public Hearing will be set for December 22, 1986 at 7 p.m. for final budget approval.

BLADES REQUEST FOR REZONE AND CHANGE IN COMPREHENSIVE PLAN:

The Blades' representative, Attorney Earl Angevine appeared before the council and reviewed some of the background of the proposal. It was noted by Mr. Angevine that in 1979 Mr. Sisson had appraised the property as commercial, that a building permit had been received and it was noted as all commercial property. He believed that it was all error in the past as far as the designated zoning in that it has always been commercial and that the zoning cut the property in half, as the front property facing on Morris Street was commercial and the back half of the property was residential. The Planning Commission on December 1, 1986 voted to reaffirm that the zoning should be commercial but with contract zoning to allow design and review on the back half of the property the same as on the property facing on Morris Street which is in the Historic Preservation District.

Noted by Mayor Lam that screening and fencing regulations are in the Zoning Ordinance and that should development occur on this property the Zoning Ordinance will have to be followed.

Mayor Lam opened the Hearing to the public at 7:40 p.m. Citizens in the audience spoke in favor of the rezone as it has always been used commercially. Gray Foster stated that she lived across the street from the site and was concerned the encroachment of commercial property on residential areas.

Approximately 15 letters were read from citizens in the Town of La Conner favoring the

Discussion followed by Councilpersons concerning the tanks, development of the property and errors in the past from the appraisal and town planner. Mayor Lam stated that there are three ways the Town Council can vote, deny rezon, rezone with no conditions and rezone back half of the property same as front with design and review of the Historic Preservation Commission.

Councilmember Sellen made the motion to rezone the back half of the property same as the front half, with contract, and requiring removal of the storage tanks prior to development of the property. Motion died for lack of second. Discussion followed on the storage tanks on the property.

Councilmember Sellen made the motion, seconded by Councilmember Zimmerman to rezone the aforementioned property to Commercial Use placing same restraints on property as in Historic Preservation District and to also change the Comprehensive Plan. Motion carried with Councilperson Morefield voting nay.

SEWER REFUND:

Discussion followed on the request of Kelly Wynn, Treatment Plant, to refund monies that were paid for sewer hookups. After discussion, councilmember Sellen made the motion, second by Councilmember Wright, to deny the sewer refunds. Councilmember Zimmerman voted nay. Motion carried.

Councilmember Morefield, second by Councilmember Sellen made the motion to approve the following water adjustments: Erickson Farms water adjusted \$1,363.69 due to leak, Paula Forcum water adjusted \$39.48 due to error in billing, Douglas Charles water adjusted \$39.63 and Sewer adjusted \$76.23 due to leak. Motion carried.

Correspondence from Fire Department asking for reimbursement of \$230.00 that they had paid for schooling. Councilmember Sellen made the motion, second by Councilmember Wright, to approve. Motion carried.

Correspondence was read from Al Malden regarding the bus parking zone and the Puget Power lights that are out.

Councilmember Zimmerman, second by Councilmember Wright made the motion to approve of the bills. Motion carried.

BUDGET SESSION:

Discussion on the Hotel/Motel monies.

Councilmember Zimmerman made the motion to give the Visitor Information Center 25% of the monies. Motion died for lack of second.


Councilmember Sellen made the motion, second by Councilmember Morefield, to give the Chamber of Commerce \$2000 and to give the Tourist Center \$1500, the other groups to stay the same and the remainder of the monies to be placed in a fund for a Performing Arts Center. Councilmember Wright voted nay. Motion carried.

Councilmembers and Mayor adjourned into Executive Session.

Council reconvened and Councilmember Sellen made the motion to approve Proposal No. 2, non-Union Employees Labor Agreement, including all five points previously discussed and this proposal be attached to the minutes as a part of the minutes. This was seconded by Councilmember Morefield, motion carried.

Councilmember Wright made the motion, second by Councilmember Sellen for the Clerk/Treasurer to make the necessary budget adjustments for 1987.

There being no further business, the meeting was adjourned.


CLERK PRO TEM


MAYOR

ABB783

Council votes against changing Blades mis-zone

Town officials may find themselves with another unwanted day in court, this time over Tuesday's Council decision that turned down Gerald and Donna Blades' request that their property behind LaConner Station be commercial.

"The next step," Donna Blades said following the 3-1 vote against them, "is to go to a lawyer."

Council members Vince Sellen, Tony Morefield, and Judy Immerman chose to override a Planning Commission recommendation that the property's use be changed from Residential to commercial.

Councilman David Alvord alone sided with the Blades, who have intended that the property has long been used commercially, many years before it was mis-zoned residential when LaConner adopted zoning in 1969. The presence of a commercial building, fuel storage tanks, and the recollections of previous owners support their

Councilman Sellen noted, however, that voters said in the last election that they are against any encroachment on residential areas for commercial uses, and that he is the Council's vote was consistent with that wish.

The Council vote means the Blades can continue to use the property in the manner that it has been traditionally used, but not use in some other commercial

manner. The Blades would like to remove the unused fuel storage tanks and turn the property they occupy into parking for patrons of businesses in their LaConner Station complex.

But how the Blades' property has been used through the decades apparently doesn't impress everyone.

PC member John Stephens, who was appointed to the commission after the recommendation in favor of the Blades, spoke out Tuesday evening in favor of homeowners' rights.

"If you invest in a home where you want to raise a family, you want to know that business won't be encroaching on your home and family life," Stephens said.

His feelings were echoed by former Planning Commission chairwoman Linda Talman, who lives about a block east on Center Street from the Blades' property. Board of Adjustment member Glen Hanes, and resident Jim Guest (in a letter) also took issue with what has come to be called "commercial creep" in residential neighborhoods.

The Blades don't regard their request as creep. They have pictures that show the varied commercial uses of the property through the years, along with pictures of residences in commercial areas — including one across the street from their LaConner Station.

"May I ask if anybody can tell us what to do with those fuel tanks?" Donna asked. "I'd like to see who would build a house there," she added referring to the property that would be vacated if the tanks are removed.

At one time it was rumored that the Blades have vowed to leave the "grandfathered" tanks stand until

they become rusty eyesores if the town will not rezone the property so they can use it for more important commercial purposes.

The Blades' controversy highlighted a public discussion on the town's proposed new comprehensive plan, which the Council adopted Tuesday evening and expects to see in ordinance

form by its July 22 meeting. By and large Council members stuck with PC recommendations on land use matters, including the designation of Dick Holt's Maple Avenue barbershop property as Commercial.

The Council, however, opted not to change the residential land use area near Moore-Clark to Industrial

(Continued on Page 11)



Vol. 11, No. 18

LaConner, Washington

July 9, 1986

Council resolves issue of Blades'

by Bill Reynolds

LaConner's Town Council reversed field Monday and granted Gerald and Donna Blades a contract rezone freeing their property behind LaConner Station for commercial use, subject to design and traffic restraints.

The backside property, though not officially within LaConner's Historic Preservation District, does abut a residential neighborhood.

The lone dissenting vote was cast by Councilman Tony Morefield, who objected to the concept of a contract rezone, calling it "un-American". He later would not say how he would've voted on a straight rezone request.

The special arrangement, the particulars of which are to be drafted by Town attorney Diane Goddard and Blades' counsel Earl Angevine, takes the air out of a political football that's been kicked back and forth between the Council and Planning Commission for months.

The Blades' agreed to the contract rezone concept, even though it limits what they may do on their property, in order to make some use of the land, now a collection of old trucks, unused fuel tanks, and a storage garage.

Councilman Vince Sellen had initially proposed a contract forcing the Blades to remove the fuel tanks prior to any property development. But that didn't fly with the full Council, though it was a suggestion offered in letter form by former Planning Commission chairman Linda Talman, a nearby resident.

Sellen also took issue with the Blades' petitions of support, saying some of those who signed in favor of the rezone did so by intimidation.

Another former Planning Commission chairman, Doug Caldart, took issue with that. He said he wasn't coerced into supporting the Blades', nor was at least one other Morris Street businessman he knows of. "I don't think you can intimidate people like Jack Wilkins," Caldart said.

Next door resident Dan

the rezone. Batchelor said she would prefer seeing the property used commercially rather than for apartments, heretofore one of the few legal options available to the Blades'.

Batchelor said apartment life can be noisy into the night, while most businesses close at 5 p.m.

Another neighbor, Gray Foster, echoed Sellen's concerns that safeguards be written into the rezone insuring only a modest impact on residents.

Still, Morefield left no doubt how he felt about the conditional arrangement, seen by some as a compromise.

"It seems capricious and arbitrary to do that," said Morefield. "I don't think it's any of our business what the Blades' want to do on their property. That should be governed by

ordinance."

Attorney Joe Meagher, representing former property owners Chet and Zerma Pierson, nevertheless endorsed the contract rezone format.

"It's an excellent way," Meagher said, "for the city to control growth."

The contract rezone surfaced after an e Commission recon favor of zoning commercial. How was made while C were under the fa the backside prop HPD. Two PC n



Vol. 11, No. 40

LaConner, Washing

Washington State's Oldest Weekly

ELEGANT

NO. 45

LaConner, Washington

November 12, 1986

Blades ready to try again on rezoning of back lots

Gerald and Donna Blades are taking their case to the people.

The LaConner Station owners, who said they'd see a lawyer after the Town Council turned down a July rezone bid, will make their next pitch November 17 during a Planning Commission public hearing.

And, as promised, they've called their attorney out of the bullpen to hurl a few zingers at those who may strike out against a second Planning Commission rezone endorsement.

The Blades' are asking that zoning for their property behind LaConner Station be changed from residential to commercial. The area, a collection of old trucks, unused fuel tanks, and reedy grass, was tabbed for a rezone in 1985 by the Planning Commission, the makeup of which has since changed markedly.

Council members, by a 3-1 vote, elected not to go with that PC recommendation. Councilman Vince Sellen said at the time that residents don't favor "commercial encroachment" in residential areas.

Only Councilman David Alvord sided with the Blades', who contend that regardless of zoning the property has always been used commercially.

The Council vote has meant the Blades' may not use the property for new commercial ventures. The couple has plans to remove the tall fuel tanks and provide additional parking on the site for LaConner Station patrons.

But that can't be done without a rezone.

Which could be tough given the Council's posture and shuffled Planning Commission lineup.

(Continued on Page 4)

Up to Council now

Blades win PC approval - second time

LaConner's Planning Commission covered new ground Monday but landed in familiar territory --- on the opposite side of the fence from the Town Council.

Commissioners, weighing new evidence submitted by attorney Earl Angevine, voted unanimously to recommend a Council rezoning of the back half of Gerald and Donna Blades' LaConner Station property.

The Council last Summer turned down a similar proposal that would have changed the site's zoning from residential to commercial.

Councilman Vince Sellen then explained his vote against the rezoning by pointing out residents' opposition to "commercial creep".

The Blades', who purchased the property in 1981, have contended the site has always been

used commercially regardless of its zoning. They have collected a series of photographs showing past commercial ventures on the property, now home to junked trucks and unused fuel tanks.

However the clincher Monday for Commissioners was Angevine's submission of a 1979 appraiser's report that identified the property as commercial prior to its purchase by the Blades'.

Officially the rear portion of the Blades' property has been zoned residential since 1969, though no one in Town government can explain why.

Referring to "a series of innocent mistakes" that led to the zoning snafu, Angevine asked Commissioners to understand the Blades' dismay at having paid \$250,000 for property they thought was commercial and now are unable to develop.

Former owner Chet Pierson told Commissioners it was his belief the property was commercial when it sold. Pierson had worked on the site, formerly a Standard Oil outlet, since the late '30s.

Angevine intimated that if the Blades' are unsuccessful in receiving a rezoning they may have to go to court to get their purchase price readjusted.

"But contrary to popular belief not all lawyers promote litigation," Angevine said.

Thus the option of repeating the rezoning application process, which this time showed increased support for the Blades' position. Neighbors Gray Foster and Linda Talman, who had objected to a rezoning at previous public hearings, were not present though a letter of opposition from Foster

(Continued on Page 2)



NOV 17 REC'D

11-17-86

To whom it may concern:

I am writing this to lend support to the Gladie's effort to rezone their property behind the La Comm Station. That property has been in commercial use for as long as I can remember, and I believe a commercial rezone is the only realistic choice to make. Please grant their request

Henry Nelson

LaConner Drug Store ESTABLISHED 1881

NOV 14 REC'D

TELEPHONE 400-3124

PRESCRIPTIONS — DRUG SUNDRIES — PHOTO SUPPLIES — NOVELTIES — COSMETICS

P. O. Box 477, LaConner, Washington 98257

La Conner Planning Commission
P. O. Box 400
La Conner, Washington 98257

Re: Donna and Jerry Blade's application for rezone of lots north
of the La Conner Exxon building to commercial.

Historically, the lots north of the La Conner Exxon building on
Morris Street, have been used as commercial property, even though
the zoning has been residential. This appears to reflect the best use
of this area.

To conform to the best use of these lots, I recommend that the Planning
Commission change the Comprehensive Map and the Zoning Ordinance to
allow commercial development of all property bordering Morris Street on
the south, Centre Street on the north, Third Street on the West and
Fourth Street on the East.

Sincerely,



Fred Martin
708 East Morris Street

JUDY IVERSON

LA CONNER ATS A PIZZA

NOV 14 REC'D Oct 29-86

To whom it may concern,

I will not be able to attend the meeting on rezoning the area in back of Exxon. I feel it is foolish to not have had it rezoned a long time ago as the property has always been used for things other than residences for as long as I can remember. Fuel trucks have been stored in the back cars been repaired, stored ect and many people have lived around this property and have had no complaints. We seem to grandfather every other thing that is 30 or more years old and this is a good example of such a case. I see no reason to not allow this to be changed now as it has been used as commercial property for years.

Sincerely
Judy Iverson

NOV 14 REC'D

MEMORANDUM GO-144

TO: MR. TOWN OF LA CONNER - LA CONNER PLANNING COMMISSION NOV. 8 1986

FROM: MR. C.R. PIERSON AND JUEL JOHNSTON

SUBJECT: REZONE OF THE BLADES PROPERTY TO COMMERCIAL OUR FILE:

YOUR FILE:

THIS LETTER IS IN SUPPORT OF THE BLADES REQUEST FOR A REZONE OF THE NORTH ONE HALF OF THEIR PROPERTY ADJACENT TO CENTER ST. AND BETWEEN 3RD AND 4TH STREETS FROM RESIDENTIAL TO COMMERCIAL. THIS SUPPORT IS BASED ON THE FACT THAT THE PROPERTY WAS OPERATED AS COMMERCIAL FOR MANY YEARS DATING BACK TO THE EARLY 1900'S. DURING THOSE YEARS A CABINET SHOP, BULK PETROLEUM SALES, LAWN AND GARDEN EQUIPMENT SALES AND SERVICE, WAREHOUSING, RENTAL STORAGE AND OTHER COMMERCIAL ACTIVITIES TOOK PLACE ON THIS PROPERTY. ALSO THE ACTIVITIES ON THE SOUTH HALF OF THIS BLOCK MAKES THE NORTH HALF UNDESIRABLE TO BE ZONED RESIDENTIAL. IN THE PAST YEARS SEVERAL COMMERCIAL VENTURES HAVE OPERATED ON PROPERTY FACING CENTER STREET. THIS IN ITSELF IS ANOTHER REASON THE PROPERTY SHOULD BE RETAINED TO COMMERCIAL. WE URGE YOU TO HONOR THIS REQUEST FOR REZONE.

C.R. Pierson Gorman Pierson
415 CENTER ST 415 Center St.
113-5th St. Juel Johnston

MEMORANDUM GO-144

NOV 14 REC'D

TO: MR. TOWN OF LAGUNER - LA LAGUNER PLANNING COMMISSION NOV. 8 1986

FROM: MR. _____

SUBJECT: REZONE OF THE BLADES PROPERTY TO COMMERCIAL OUR FILE: _____

YOUR FILE: _____

IT IS FELT THAT THE BLADES REQUEST TO REZONE THE NORTH
HALF OF THEIR PROPERTY FACING CENTER STREET SHOULD BE
GRANTED. THE USE IN THE PAST HAS BEEN COMMERCIAL AND
IT SHOULD CONTINUE AS SUCH. PLEASE CONSIDER THIS WHEN
YOU VOTE, AND REZONE THE PROPERTY FROM RESIDENTIAL TO
COMMERCIAL.

Jeanette Rodriguez
403 Center

Levin Johnson
413 MORRIS ST.

NOV 14 REC'D

October 26 1986

To Mayor
Town Council
Planning Commission

Donna and Jerry Bladie's property on 4th
and Centre is directly across the street
from my house. I have an opinion on
how it should be zoned based
on this close proximity. I think
it should be "zoned Commercial".
It has always appeared
commercial. It is an
integral part of the buildings
in front and to separate that
section into residential does
not follow any logical
zoning laws, in fact. I think
"blanket" zoning laws imposed
previously by persons not
aware of their later impact, should
be challenged and changed where
errors in judgment have been
brought to light. Make a "just"
decision for commercial zoning.
Floyd Trafter

NOV 14 REC'D

11-86

To whom it May Concern:

We wish to state that we are in favor of the rezone on the back half of the Blades property.

Gerry and Donna Blades are truly La Connerites, giving of themselves 100% in the pride they take in this town. The improvements they have made with their properties, keeping in mind their historic history, has been in excellent taste. A lot of planning has gone into each one and has been enjoyed by hundreds.

What more can we say. If the Blades get their rezone, then they can clean up and improve the property, verses what we see now.

Thank you.

Gilbert L Olson
Nancy L. Olson

NOV 17 REC'D

11-15-86

I Kathy Shiner, owner of 216 N 3rd
do not oppose the rezoning of lot
numbers 3, 6 and 7 ~~to~~ of block 9
for commercial use.

Kathy Shiner
KATHY SHINER

NOV 17 REC'D

11-15-86

We are not opposed to
Blades reeve on back half
of their property

Mr. & Mrs. Attent

NOV 17 REC'D

11-15-86

Planning Commissioners
Town Council

As the closest resident to
the Blades (we share a 100'
boundary) I have no objection
to their rezone request. The
proper development of this
back lot will improve the
neighborhood both visually
and with regard to property
values.

Thank you

Betty Batchelor

116 3rd

NOV 13 REC'D

9 November 1986

Town of La Conner

In regard to the re-zoning
request of Mr. & Mrs. Gerald Blades
for their property at So. of Center St.
between 3rd & 4th Streets - I live
a block away at 212 Morris,
& I am in favor of the re-zoning
from residential to commercial

Sincerely,

Pat Kruse
212 Morris St.
La Conner, WA

NOV 14 REC'D

9 November 86

Mr & Mrs. Gerald Blades.

In regard to your request to have your property, located South of Center Street between 3rd & 4th Streets, re-zoned from residential to commercial, I have no objections, and I'm personally in favor of the re-zoning to commercial. I have a business & also live just one block away. It seems logical to me that your entire property be zoned commercial.

Pat Kruse
212 Morris Street
La Crosse

NOV 17 REC'D

Mr. & Mrs. Joe Sanford
Maple Avenue
P.O. Box
LeConner, Wash. 98257

To Mayor Lam,
Town Council,
Planning Comm.^{ed}
To Whom it may Concern,

We are both in favour of the rezone from residential to Commercial at the rear of the Bladen Expon, three lots that face Centre Street. It is history that this property has been used Commercial from the beginning and should now rightfully be zoned Commercial.

It is very evident that in the beginning of the zoning process in 1969 that there has been other injustices in the zoning of this town when this first group labled properties at random or on personal prejudices.

Please vote yes to zone Bladen Expon property totally Commercial. Thank you.

Sincerely,
Joe Sanford 11-15-86
Wilma Sanford

DEC 8 REC'D

P.O. Box 392
La Conner, Washington
December 6, 1986

La Conner Town Council
La Conner, Washington

Dear Members of the Council:

I am writing in regard to the rezoning of the Blade property on Center St. If this property is rezoned, I would like it to be done in a manner which will minimize its negative impact on the residential quality of the neighborhood. I believe this can be accomplished with a contract rezoning.

The main elements that should become part of the contract are traffic patterns, architecture, and landscaping. The traffic should not enter & exit from residential streets; the architecture & landscaping should be consistent with the goals of the historic preservation document. (This would mean, of course, elimination of the tanks.)

Thank you.

Sincerely,

Linda Tolman

NOV 17 RECD

To Members of the Planning Commission:

RE: Rezone of Blades' Property.

I have been a resident of LeConner for 15 years and fondly recall the days when Keith Johnson and Chet Pierson owned and operated the business the Blades now own. I have watched with sadness and a small amount of despair what has happened to one of the cleanest, neatest, and nicely run businesses in town. In years past, the buildings were painted, the grass was cut and like a boat, there was a place for everything and everything was in its place. It looked like it belonged, a part of a beautiful small town. I was, for quite some time, a renter in the house my wife and I are now buying on the corner of N. 4th and Center Streets. I had a first hand look at their day to day operation. Since the property was purchased by the Blades however, there has been little or no maintenance except for that atrocious wild west false front. The lot across our street has become a picture of abandoned car parts, rusting, empty oil drums, trailer houses inhabited by who knows?, uncut grass year round, unexplained piles of dirt that cover the uncut grass and a steadily growing

page 2

group of dead cars, trucks, and boats. In short, an excellently run, well maintained business run by two of the finest men this town has known, has become an eyesore owned by a family who feels that if they own something, they should be able to do anything with it, no matter what the impact is on their neighbors.

There are two things I'd like to be considered in relation to the Blade's request. First, from what I have seen in our neighborhood, there isn't any need for additional parking for the business that's taking place at this time. Secondly, though the Blades say that they want this zone change only for additional parking, a zone change will mean any legal commercial enterprise can take place on the lot, with the neighborhood having little or no input into decisions affecting them. Further, in my experience, any such zone change is next to impossible to undo whether the original decision is found to be in poor judgement or if the unexpected happens.

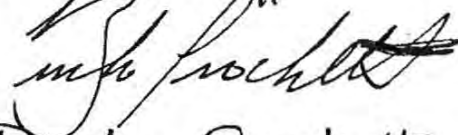
When the Johnstons and the Piersons owned and ~~the~~ used the property it fit perfectly with the surrounding residential area. Times have changed. The activities considered commercial use of that property in the past are not comparable to the potential use today or in

page 3.

the future. The function and scope of those uses would be vastly different than in the past. It is unrealistic to expect this would not detract from residential neighborhoods.

I feel the Town Council made a courageous, if difficult and not universally popular decision, not only for those of us directly involved, but for all residential property owners in La Conner. I hope these continued attempts to overturn a good ruling won't be successful, no matter how much pressure is brought to bear.

Sincerely,


Burke Crockett
112 N. 4th St.
La Conner.

NOV 17 REC'D

To Members of the Planning Commission:

I am writing in regards to the Bladis request for approval of rezone on the back half of their property. I have, in the past, stated my feelings on this issue to both the Planning Commission and the Town Council. I also presented to the former Planning Commission a petition with a significant number of signatures which reflected disapproval of any residential property being rezoned to commercial.

I was opposed to the rezone of this particular piece of property before - believed that the Town Council voted not to include it in a commercial rezone because they were responding to concerns voiced by many residents over the encroachment of commercial property on residential neighborhoods. I thought this was finished.

I want to state again that I am opposed to their request to rezone this property - not just as a homeowner living within 300 feet of the property but also as a member of the community who wishes to maintain

compatibility between businesses and families.

Sincerely,

GRAY FOSTER
112 N. 4th St.
La Conner.

NOV 14 REC'D

November 12, 1986

To Whom it may concern,

As owners of the Palace
Market Interiors at 301 Morris
St., we have no objection to the
rezoning request by Gerald & Donna
Blades for their property directly
behind the Exxon Station.

Past use would seem to
indicate that a commercial
zoning would be appropriate.

Respectively,
James H. Reese
Judith C. Reese

December 3, 1986

MEMORANDUM

TO: LA CONNER TOWN COUNCIL

FR: GARY GIDLEY
TOWN PLANNER

RE: BLADE REZONE

On Monday, December 1, 1986, the La Conner Planning Commission passed a resolution requesting that the Town Council require that Historic District design review be required if the Blade rezone is approved. This would allow the Planning Commission the opportunity to review the development plans for the property.

DEC 8 REC'D

TO: MR. TOWN OF LA CONNER12-6-86

FROM: MR. _____

SUBJECT: REZONE OF THE BLADES PROPERTY

OUR FILE: _____

YOUR FILE: _____

I FEEL THIS PROPERTY HAS BEEN OPERATED AS
COMMERCIAL FOR MANY DECADES AND THAT IT SHOULD
BE ALLOWED TO CONTINUE AS SUCH. THEREFORE I
URGE YOU TO REZONE THIS PROPERTY FROM RESIDENTIAL
TO COMMERCIAL.

Mike O'Leary

Evelyn Johnson

DEC 8 REC'D

December 7, 1986

Mayor and Town Council
Town of LaConner
LaConner, Washington

Dear Mayor and Council.

When land use planning began in LaConner a number of mistakes were made. Which was normal enough, since the whole idea was new to the people assigned to implement it. As those errors have come to light they have been corrected.

All, that is, except the mistake that was made concerning the property that now belongs to the Blades. It was being used commercially, and was entitled to the same consideration as any other piece of property in LaConner that was being used commercially. In spite of that fact, and the fact that there doesn't appear to be anyone anywhere who can recall it ever being used for anything except commercial, it was zoned residential.

A good many oldtimers weren't paying attention to what the "planners" were doing. They didn't take too seriously the idea that other people could decide how THEY were going to use THEIR property. Land use planning was new to them too.

Had they known that the value of their property was being degraded by people with crayons coloring a map, you can bet they would have fought the idea to a dead stop.

Responsible professional planners are the first to say that land use planning's goal is not to penalize people, nor usurp their rights of ownership.

And yet, a concentrated and ongoing effort seems to be taking place to stop the Blades from using that property commercially. They have been shamefully penalized in time and money as they struggle to get the site correctly zoned.

And even now, while it agrees to changing the zoning, the Planning Commission has decided to discriminate against the Blades by placing conditions on them that are not on other property owners. This property, the PC says, will be controlled by "contract zoning", and its development and use must be compatible with Historic Zone requirements --- EVEN THOUGH IT IS NOT IN THE HISTORIC ZONE! Desperate to get going and realize some income from the expensive property, the Blades reluctantly agreed to those totally unfair conditions.

It is time for the Council to assert itself and acknowledge that the property was wrongfully zoned in the first place, and then CORRECT THE ERROR COMPLETELY without

any more beating around the bush. The Blades rights far exceed those of the neighbors, who knew the property was being used commercially when they moved into the neighborhood.

It is the only fair thing to do.

Alan

Alan Pentz

DEC 8 REC'D
12-8-86

To Whom it may
concern

I am in favor
of the Blacks
Resone for commercial
at the Exxon Station

Resp.
John Polder

12-8-86
I have No objections to
Blades Rezone

Alfred Nelson

12/8/86
I have No objections to Blades Rezone
Edwin Dalan
Ruth Dalan

12-8-86
I have no objections to Blades Rezone
Opak Adamann

12-8-86
I'M IN FAVOR of the BLADES REZONE.

Jack W. Jenkins

I HAVE NO OBJECTION TO THE REZONE OF THE BLADES
PROPERTY ON CENTER STREET FROM ~~AMMAN~~ RESIDENTIAL TO
COMMERCIAL.

James L. Runkle

DEC 8 REC'D

7 Dec '86

I am in favor of
The Blade again!

Michael E. Hayes
Lots 2, 3, 4
Cahoon Addition

EARL F. ANGEVINE

ATTORNEY AT LAW
LEGAL BUILDING
700 MAIN STREET
MOUNT VERNON, WASHINGTON 98273-3894

(206) 336-9797

December 11, 1986

Mr. and Mrs. Gerald Blades
P.O. Box 482
La Conner, WA 98257

RE: Rezone

Dear Gerry and Donna:

I am enclosing the original and a copy of the Contract Rezone. Please sign this on the lines indicated and return it to me. I shall notarize your signatures and forward it to the Mayor for the Town's approval and recording.

I am also enclosing a copy of my letter to Dianne Edmonds Goddard.

The reason I prepared this Contract was that I called Dianne Goddard to see if she was going to do it, and she said it might be some time before she got around to it. I felt it was important to get this done as quickly as possible, and, therefore, did it myself.

If you have any questions, please call.

Sincerely yours,


EARL F. ANGEVINE

EFA:se
Enclosures

EARL F. ANGEVINE

ATTORNEY AT LAW
LEGAL BUILDING
700 MAIN STREET
MOUNT VERNON, WASHINGTON 98273-3894

(206) 336-9797

December 11, 1986

Dianne Edmonds Goddard, Esq.
Bisagna & Goddard
105 Broadway
Mount Vernon, WA 98273

RE: Blades Rezone

Dear Dianne:

I am enclosing a copy of a Contract Rezone which I have drafted on behalf of the Blades. I am also enclosing a form which I obtained from the Skagit County Planning Department which the County uses for its contract rezones. I have incorporated the language of this form where appropriate.

The original Contract has been forwarded to my clients for their signature. When it has been returned, I shall forward it to the Mayor for signing on behalf of the Town, assuming that the Contract meets with your approval.

If you have any suggested changes, please contact me.

Sincerely yours,


EARL F. ANGEVINE

EFA:se
Enclosures
cc: Mr. and Mrs. Gerald Blades

CONTRACT REZONE

This is an agreement between the Town of La Conner, a municipal corporation of the State of Washington, hereinafter referred to as "Town", and Gerald and Donna Blades, owners of that certain property more particularly described below, hereinafter referred to as "Owner". This is a concomitant agreement between the parties which is mutually intended to benefit the citizens of the Town of La Conner and the Owner, and is intended to condition the rezone of property described below by placing a specific condition and restriction upon the Owner through this agreement. The Owner agrees to accept and fulfill the conditions set forth in this agreement in consideration of the benefit received for granting of the rezone of real property.

I. **Real Property:** The real property which is the subject of this agreement is owned by Gerald and Donna Blades whose address is P.O. Box 482, La Conner, WA 98257. The property which is the subject of this agreement is located in the Town of La Conner, Skagit County, Washington, and consists of Lots 3, 6 and 7 and the East 3 feet of Lot 2 in Block 9, "Calhoun Addition to the Town of La Conner", as per Plat recorded in Volume 1 of Plats, page 14, records of Skagit County, Washington.

II. **Conditions of Agreement:** Owner agrees to accept the following condition and restriction as an integral part of the agreement to rezone the Owners' property. This condition is as follows:

Prior to any development or improvement of the above-described real property which would, under the applicable ordinances of the Town of La Conner require the application for an issuance of a building permit,

application shall be made to the appropriate person, commission, committee or body for approval of the plan to develop or improve said property as would be required if said property were located within the Historical Preservation District of the Town of La Conner. The parties agree that Owners' property, which is the subject of this Contract Rezone, is not presently located within the Historical Preservation District, but Owner agrees to be bound by the same application and review process which applies to property located within the Historical Preservation District as if the above-described property were located within the Historical Preservation District. Owner understands that any breach, violation or failure to comply with this condition shall cause the property in question to revert back to the underlying zone in effect prior to this rezone, namely residential. Owner agrees and understands that the City Attorney of the Town shall be authorized to take any action deemed necessary to enforce this agreement.

III. The Rezone: By previous action of the Town Council of the Town of La Conner, the real property which is the subject of this agreement has been changed from the previous zoning classification of residential to the rezone classification of commercial which shall become effective immediately upon the signing of this agreement. The land owner shall enjoy all use and benefits of the new zoning classification under the condition imposed by this agreement. Owner agrees and hereby authorizes Town to record the original or a copy of this agreement with the Skagit County Auditor so that this agreement will become a matter of public notice to subsequent purchasers and shall become an encumbrance upon the land.

DATED THIS 21st day of December, 1986.


GERALD BLADES

Donna Blades
DONNA BLADES

STATE OF WASHINGTON))
COUNTY OF SKAGIT) SS.

I certify that I know or have satisfactory evidence that
GERALD BLADES and DONNA BLADES signed this instrument and
acknowledged it to be their free and voluntary act for the uses
and purposes mentioned in the instrument.

DATED: December 21, 1986
Signature of Notary Public

Debbie A. Martin
Notary Public in and for the
State of Washington, residing
at Mount Vernon
My appointment expires 11/1/89

TOWN OF LA CONNER

BY
MARY LAM, Mayor

Attested by:

Town Clerk

Approved as to form:

Dianne Edmonds Goddard
DIANNE EDMONDS GODDARD
La Conner City Attorney

EARL F. ANGEVINE

ATTORNEY AT LAW
LEGAL BUILDING
700 MAIN STREET
MOUNT VERNON, WASHINGTON 98273-3894

RECEIVED
(206) 336-9797
DEC 24 1986

December 23, 1986

BISAGNA & GODDARD
ATTORNEYS AT LAW

Dianne Edmonds Goddard, Esq.
Bisagna & Goddard
105 Broadway
Mount Vernon, WA 98273

RE: Blades Rezone

Dear Ms. Goddard:

Enclosed is the Contract Rezone which has been signed by our clients, Gerald and Donna Blades. Please approve this form and forward it on to Mayor Lam and the Town Clerk for signatures. I am enclosing an extra copy for you to include when you send the original to the Mayor. Please ask her to return this copy to us conformed once it has been signed by everyone. Thank you.

Sincerely yours,

Sandy Erps

SANDY ERPS
Legal Assistant

se

Enclosures

cc: Mr. and Mrs. Gerald Blades

• Legal Notice •

NOTICE OF
PUBLIC HEARING To
Rezone Property and Change
Comprehensive Plan

Notice is hereby given that the La Conner Planning Commission will hold a Public Hearing on Monday, November 17, 1986, at the La Conner Council Chambers, La Conner Washington, at the hour of 7 p.m. or as soon thereafter as possible for the purpose of determining whether the Planning Commission should recommend approval, modify and approve, or deny the following subject:

Comprehensive Plan change and Rezone Request No. 86-1 of Gerald and Donna Blades to reclassify approximately 15,000 square feet from RESIDENTIAL TO COMMERCIAL. The subject property is located South of Center Street between 3rd and 4th Streets more fully described as Lots 3, 6 and 7 and the East 3 feet of Lot 2 in Block 9. "Calhoun Addition to the Town of La Conner", as per Plat recorded in Volume 1 of Plats, page 14, Records of Skagit County, Washington.

Further information is available at the La Conner Town Hall, La Conner, Washington.

Your views for or against the request are invited either by attendance, representation or letter. Written comments must be received by 3 p.m. the day of the hearing.

Published in Channel Town Press, October 29, November 5 and 12, 1986.

AFFIDAVIT OF PUBLICATION

No. 632

STATE OF WASHINGTON,
County of Skagit
ss.

Pattie A. Gustafson, being first duly sworn

on oath deposes and says that he is the bookkeeper of CHANNEL TOWN PRESS, a weekly newspaper. That said newspaper is a legal newspaper which has been approved by order of the Superior Court in Skagit County May 27, 1977 in compliance with Chapter 213 of Washington Laws of 1941, and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continually as a weekly newspaper in LaConner, Skagit County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of a

P.H.-Rezone-Blades

as it was published in regular issues (and not in supplement form) of said newspaper

once each week for a period of two consecutive weeks.

commencing on the 29th day of October, 19 86

and ending on the 5th day of Nov., 19 86, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged

for the foregoing publication is the sum of \$ 28.60, which amount has been paid in full.

Pattie A. Gustafson

Subscribed and sworn to before me this 5th day of
Nov., 19 86

Judith Kieda
Notary Public in and for the State of Washington,
Residing at LaConner



• Legal Notice •

NOTICE OF
PUBLIC HEARING To
Rezone Property and Change
Comprehensive Plan

Notice is hereby given that the La Conner Planning Commission will hold a Public Hearing on Monday, November 17, 1986, at the La Conner Council Chambers, La Conner Washington, at the hour of 7 p.m. or as soon thereafter as possible for the purpose of determining whether the Planning Commission should recommend approval, modify and approve, or deny the following subject:

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Further information is available at the La Conner Town Hall, La Conner, Washington.

Your views for or against the request are invited either by attendance, representation or letter. Written comments must be received by 3 p.m. the day of the hearing.

Published in Channel Town Press, October 29, November 5 and 12, 1986.

AFFIDAVIT OF PUBLICATION

No. 633

STATE OF WASHINGTON.
County of Skagit
ss.

Pattie A. Gustafson, being first duly sworn

on oath deposes and says that he is the bbookkeeper of CHANNEL TOWN PRESS, a weekly newspaper. That said newspaper is a legal newspaper which has been approved by order of the Superior Court in Skagit County May 27, 1977 in compliance with Chapter 213 of Washington Laws of 1941, and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continually as a weekly newspaper in LaConner, Skagit County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of a

P.H. - Rezone (Blades) as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of ### three consecutive weeks, commencing on the 29th day of October, 19 86 and ending on the 12th day of November, 19 86, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged

for the foregoing publication is the sum of \$ 42.90, which amount has been paid in full.

Pattie A. Gustafson

Subscribed and sworn to before me this 12th day of

Nov., 19 86

Kay Bell-Springer

Notary Public in and for the State of Washington.
Residing at LaConner



• Legal Notice •

NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN
That the Town Council of the
Town of La Conner, Washington
will hold a Public Hearing on
Monday, December 8, 1986 at the
Council Chambers, Second and
Douglas, La Conner at the hour
of 7 p.m. or as soon thereafter as
possible for the purpose of deter-
mining whether the Town Coun-
cil should approve, modify and
approve, or deny the following:

Comprehensive Plan change
and Rezone Request No. 86-1 of
Gerald and Donna Blades to
reclassify approximately 15,000
square feet from RESIDENTIAL
to COMMERCIAL. The subject
property is located South of
Centre Street between 3rd and 4th
Streets, more fully described as
Lots 3, 6, and 7 and the East 3 feet
of Lot 2 in Block 9, "Calhoun
Addition to the Town of La
Conner" as per Plat recorded in
"Volume 1 of Plats, page 14,
Records of Skagit County,
Washington.

Further information is available
at the La Conner Town Hall, La
Conner, Washington.

Your views for or against the
request are invited either by
attendance, representation or let-
ter. Written comments must be
received by 3 p.m. the day of the
hearing.

Dated this 25th day of Novem-
ber, 1986.

Kathleen A. Earnst
Town Clerk

Published in Channel Town
Press, November 26, and Decem-
ber 3, 1986.

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON.

County of Skagit

ss.

No. 638

Pattie A. Gustafson, being first duly sworn

on oath deposes and says that he is the bookkeeper
of CHANNEL TOWN PRESS, a weekly newspaper. That said newspaper is a
legal newspaper which has been approved by order of the Superior Court in
Skagit County May 27, 1977 in compliance with Chapter 213 of Washington
Laws of 1941, and it is now and has been for more than six months prior to the
date of publication hereinafter referred to, published in the English language
continually as a weekly newspaper in LaConner, Skagit County, Washington,
and it is now and during all of said time was printed in an office maintained at
the aforesaid place of publication of said newspaper. That the annexed is a
true copy of a

P.H. - Rezone Request #86-1- Blades as it was
published in regular issues (and not in supplement form) of said newspaper

once each week for a period of two consecutive weeks,

commencing on the 26th day of November, 19 86.

and ending on the 3rd day of Dec., 19 86,

both dates inclusive, and that such newspaper was regularly distributed to its
subscribers during all of said period. That the full amount of the fee charged

for the foregoing publication is the sum of \$ 30.80, which
amount has been paid in full.

Pattie A. Gustafson

Subscribed and sworn to before me this 10th day of

December, 19 86

Susan Kilder

Notary Public in and for the State of Washington.
Residing at LaConner-Anacortes

Feb. 11, 87

Mrs. Mary Lam, Mayor of La Conner

Mr. Gary Gidley, Town Planner

Planning Commission of La Conner

Mr. John Thayer, Environmental officer, Health Dept.

Dept. of Ecology, Olympia, Wa.

Dear Ladies & Gentlemen,

I have been told that it is necessary for me to put this in writing to you all, therefore this letter. It is not something I want to do because friendships with my neighbors are involved.

When the Blades 'contract rezone' was granted many statements were made that the storage tanks were to be removed, and the rezone was granted on that basis. Since they had been abandoned, the pre-existing non-conforming use should not have been started up again without it being examined for compliance to the contract rezone. These tanks are being used now daily, and the use is not the same as it historically was. Tanker trucks, double & single are pumping oil in and out of them for as long as three hours a day. They are parked 30 feet from my house which is zoned residential, with their engines & pumps running, hour after hour. This creates noise which is not customary in the area in violation of zoning ordinance 1.03.26- on page 5 (definitions) & 3.09.03.10 on page 25 of zoning ordinances.

It is not compatible with a residential area. Double tanker trucks cannot negotiate the corners. The equipment is ancient and the concrete bulkhead which contains the tanks is cracked which allow any spillage or leakage to seep into the ground water table, affecting public safety, and killing any trees in the area.

Since I helped the Blades to get their rezone I feel betrayed and worry what will happen to my property value if this continues. Please can we get a FIRM answer on how long this is going to continue as I have been unable to. My response to the situation really depends on the length of time I must endure it.

Thank you,

Betty Eatchelor

116 Third

La Conner

To: Mayor Lam

4/9/87

From: Vince Sellen

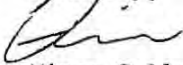
Re: Citizen complaints in reference to activities on Blades Morris Ave.
properties.

I have had complaints from community members over certain activities
that may be non-compliant uses and/or safety and environmental hazards.

Complaints:

1. Use of storage tanks
 - a. Questions about types of materials stored.
 - b. Concern for condition of tanks and pumping equipment.
 - c. Noise level of operation
 - d. Attitude of truckdrivers
 1. Threatening?
 2. Secretive
 - e. Industrial Use in Commercial Zone?
 - f. "50 gal. Spill."
2. Travel Trailers being used as residences since fall.
3. When is property going to be cleaned up?
4. Didn't Blades say they were going to remove tanks?

Sincerely,



Vince Sellen

Councilman

SKAGIT COUNTY
DEPARTMENT OF EMERGENCY MANAGEMENT

County Administration Bldg, Rm. 203, 2nd & Kincaid St Mount Vernon, WA 98273
Phone: (206) 336-9400 or 336-9403

EMERGENCY
Mitigation
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Burlington
Concrete
Hamilton
La Conner
Lyman
Mount Vernon
Sedro-Woolley
Skagit County

M E M O

TO: Mayor Mary Lam
FROM: Tom Sheahan, Director *TJS*
DATE: April 20, 1987
SUBJECT: Above Ground Fuel Storage (Center and 3rd Streets)

In review of the above ground storage facility located near Center and 3rd Streets and on property owned by Jerry Blades (see attached map), there was a product release at the loading ramp.

I spoke with Mr. Blades, and he indicated he has his tanks leased to a Mr. John Laxdal, owner of Vintage Oil, 1404 McLean Road, Mount Vernon. Mr. Laxdal's phone number is 424-6403.

I then called Mr. Laxdal who said he does store used motor oil or waste oil in the tanks, but it is a temporary operation until he completes his refinery located at 763 Marches Point, Anacortes. I asked him what he could tell me about a spill, and he said that a trucker had hooked the lines up but was not aware that a valve was in backwards. This caused a blank in the line and pressure blew the line causing a release of 25 gallons to 15 gallons of oil. The criteria used by the Dept. of Ecology for a reportable release or spill is 42 gallons (one barrel) or any amount that causes damage to the environment.

Mr. Laxdal did say that they used shop sweep material to clean the spill up and also placed new gravel in the area.

I did talk to a nearby property owner who said there are small trucks in and out of the facility quite frequently, but there is only one large truck (maybe Canadian) that comes in once and awhile.

In checking with John Glynn of the Department of Ecology, it does not appear that the spill is enough for them to be involved; but we can see that the property is cleaned up to a greater satisfaction, if you so wish. However, it is my opinion, that the use of the facility is clearly a change of use, and you could require them to submit a change of use of the property (maybe check with the City Attorney).

Page 2
April 20, 1987

The operator of that facility is required by federal law to have a Spill Counter Control Plan (SCCP). This facility should have the plan in place, especially because of the number of contacts at the facility increases the chances of a problem or spill.

After reviewing this report, if you have any questions, please give me a call.

TJS/skv

cc: Jerry Blades
John Laxdal
John Glynn - D.O.E.

May 14, 1987

Donna Blades
P.O. Box 482
La Conner, Washington 98257

RE: Zoning Violations and Change of Use at "The Station"
313 Morris Street

Dear Ms. Blades

Our office has received several complaints regarding the use of your property located at 313 Morris Street:

1. Your bulk oil above ground fuel tanks apparently are now being used in a manner inconsistent with historic uses. The tanks, previously unused for a number of years, are now being utilized by an oil recycling company to store waste oil. While the town applauds the concept of oil recycling, this type of activity is a departure from past uses and is more appropriate for an Industrial Zoning District. Our office has noted very high noise levels created by the bulk fuel tankers as fuel is unloaded and loaded at the site.


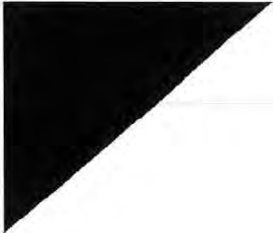
Our office is also concerned about the recent oil spill that happened recently when one of the trucks was loading. Reports indicate that between 15 to 50 gallons of fuel was spilled at the site. Clean-up efforts were minimal and consisted of the spreading of absorbant material and gravel.

2. Our office has also noted that a person or persons are living in a travel trailer along the north side of the building. The site plan approved as part of your original certificate of authorization issued on May 7, 1985 shows this area as part of the required parking for the tenant space in the building.

3. Our office has also noted that parking signs have been erected along the southwest parking lot advertising public parking for a fee. A public parking lot for fee paid was not a part of the original authorization approval.

The aforementioned activities must be discontinued no later than June 15, 1987. Failure to do so will result in a hearing being scheduled before the La Conner Planning Commission to review the certificate of authorization issued for your project.

If you have any questions regarding these activities, please do not hesitate to contact me at 336-9410.



Sincerely,

Gary M. Bidley
Town Planner

VINTAGE OIL COMPANY

1404 McLean Road

Mt. Vernon, WA 98273

(206) 424-6403

JUN 12 1987

June 5, 1987

Mr. Gary Gidley
City of La Conner
Town Hall
La Conner, Washington

Dear Mr. Gidley:

Thank you for your time on the phone. As concerned business people and neighbors, we want to do every reasonable thing to fit into the areas where we do business.

Each time we have hose drip or a careless driver, we have and will continue to clean up the oil. One should be reminded that the State of Washington still allows dust control with used oil, and unless the oil is running into the waterways, there is no rule to prevent the use of used oil on ones property.

As to the noise, we have been trying to work only within the hours of 7:30 a.m. to 6:00 p.m. Monday through Friday, and will continue to do so for the two large trucks per week and the 7 or 8 times the little trucks off-load each week.

Our plan is to move the tanks and all of the operation to March Point Road before the end of this year, with luck by the end of September.

Sorry to cause anyone concern. We would appreciate any suggestions you may have on this matter.

Yours truly,


W. L. Briggs

WLB:mb

cc: Gerald Blades
128 S. 1st
La Conner, WA 98257

Laurence Station/Barrow
c/o Larry Stader
(315 Morris Street)
P.O. Box 482
No. Lawrence, Alaska 98257
6-14-1987

Larry Kilday
Barrow
P.O. Box 400
No. Lawrence, Alaska 98257

Dear Larry,
Re: Answer to your letter of 5-14-87 as
per your instructions.

Problem #2 - Trailer/Cantanker

Mr. David Davis has been notified that
he must move from behind Kalman Station
building by 6-15-87. Also stating that he
hasn't a lot of time to any more moving

around on the back of our property after
hours. Since there are no trailer parked in
the town of Kalman he is thinking, maybe
to get a place to move the trailer. If he
can't at the port is not a trailer park for

the average person and it is rather expensive.
The Community Commission in Kalman should
discuss with me a place for a trailer
park.

One other alternative to the people of the
town and community is for the people to move away
after a day or at least park on their own

"AM. hours" when most crimes take place and then we wouldn't need a night watchman.

By the way there are several trailers being lived in within 300' of our property.

Also our architect told us we had furnished more parking than was necessary as per our original authorization approval 5-7-1985

#3 Parking Signs

The temporary signs have been removed from the West Side of La Conner Station.

They were only supposed to be there for the Gulip Congestion but they did keep our neighbors' cars in their own parking area. The signs were rather tacky and I apologize for that. It did show us that we will have to put up some type of sign that will control our parking area for our tenants.

You'd be surprised, by putting a minimal charge on use, I thinned out 75% of "users". Any charges help to pay for the cost of our water and sewer due to the additional use of our restrooms. Maybe "Planning Commission" could work on some future and present problem like where to put and how to get a

Nice restroom for Morris Street. That's a very important subject that should be addressed. Why should the few properties provide these things, "parking" and "bathrooms" for the whole town? They are not well to do people that can let our property just sit and not be productive. Pardon us for trying to keep our heads above water! I should say ^{about} taxes, tidel and leases, sewer and water assessments.

#1 Last but not least! Commercial Use of LaConner Station.

Our LaConner Station property has been used historically from the beginning of time for Petroleum Products, oil, diesel, gas all of which are petroleum products. Those tanks have never been empty nor unused. I for one will be watching the recent Supreme Court Ruling on Property use and zoning.

To address Betty Batchelor's noise Complaint - The noise level is not too different from trucks that run on third Street, Morris Street, Maple Street and the trucks that drive in to buy Auto Parts. It is and always has been Commercial Property and the trucks came thru there at the time and before the neighboring properties were bought.

The live rept. door to the "Light House Inn" and at 5:30 AM. most every morning refrigeration trucks stop to unload their products. I've never once thought of complaining. The trucks come there before me and are very necessary to the Light House business. Trucks come and go all morning till at least after 8:30 AM.

A couple times a year a cleaning truck comes to clean the Light House Reefs and it runs all night! I still don't complain, I must be more tolerant than my neighbors at LaConner Station.

Betty complains when a couple boys play basket ball along side of the Auto Parts! She must be using some tape / I know her house!

Mr. Gibbons and John, his partner have taken away all the old gravel and soil that had any oil in it and have replaced it with crushed rock. As per Mr. Gibbons conversation with me, he is to send you what they will be doing to make the corrections. All I can say to you at this time; "the grounds look good to me as far as the spill."

Gary, I realize some of these things you don't have control over so I'm just reporting, and I appreciate your listening. (I do this ever so often) to.

I appreciate your good thoughts, suggestions and the ease that you deal with people about all of LeConners problems.

I just hope that in the future 1988-planner
that we'll end up getting as nice and
as fair a person as you have been.

Thanks for your input to us
and to La. Confr. It's really been a help.

Sincerely,
Hanna Blades

BISAGNA & GODDARD

ATTORNEYS AT LAW

DONALD J. BISAGNA
DIANNE EDMONDS GODDARD

105 BROADWAY
MOUNT VERNON, WASHINGTON 98273

(206) 336-8675

July 24, 1987

FOR YOUR INFORMATION ONLY
NO ACTION REQUIRED

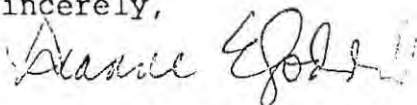
David E. Duskin
Attorney at Law
P.O. Box 188
Arlington, WA 98223

Dear Mr. Duskin:

Thank you for your correspondence of July 21. The property owners from whom you client, Vintage Oil, leases oil storage tanks received a rezoning of their property for commercial, not industrial, use on a contract basis. In receiving that contract rezoning, the Blades represented to the Town of LaConner that they planned to remove the oil storage tanks. Those tanks had not been used for many years, and hence any prior permissible non-conforming use is no longer permissible under the LaConner zoning ordinance. There is no "grandfather" use issue here.

The Town has received several complaints of the noise and the dirt caused by Vintage Oil's use of the tanks. Based on my involvement in the contract rezoning hearings and based on my review of LaConner's zoning ordinance, the use of those tanks for oil storage is not permitted in a commercial zone. That type of use is reserved for industrial zones. The Town is adamant that Vintage Oil cease using these tanks immediately. If Vintage Oil entered into some lease arrangement with the Blades, then it would appear the Blades have leased the tanks in violation of the present zoning and in violation of the contract rezoning.

Sincerely,



Dianne Edmonds Goddard

xc - Mary Lam, Mayor of LaConner

CLIENT'S COPY

STEVEN J. PEIFFLE
MICKIE E. JARVILL,
WASHINGTON AND OREGON STATE BARS
DAVID E. DUSKIN
RICHARD A. BAILEY

BAILEY, DUSKIN & JARVILL
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS
INTERSECTION STATE HIGHWAYS 9 AND 530
POST OFFICE BOX 188
ARLINGTON, WASHINGTON 98223-0188

FOR YOUR INFORMATION ONLY
NO ACTION REQUIRED

(206) 435-2168
(206) 652-8100

August 14, 1987

RECEIVED
AUG 14 1987

BISAGNA & GODDARD
ATTORNEYS AT LAW

Ms. Dianne Edmonds Goddard
Attorney at Law
108 Broadway
Mount Vernon, Washington 98273

Re: Vintage Oil;
Our File No. 8929

Dear Ms. Goddard:

I have not had an opportunity to examine the contract rezone. I am advised, however, that the contract rezone has no language in it which would support your view that a grandfathered use would be extinguished.

The Blades can document the fact that the property was used for an auto dealership and for fuel storage and sales long before the City had ever enacted its Zoning Code. Through some mistake at the time the zoning law was enacted, the Zoning Code failed to recognize the fact that the property was being used for commercial purposes.

The present lease goes back to 1984. The contract rezone was not until 1986. It is still my continued belief that the use is valid and that no permits are required.

If you can document or provide additional authority for your position, I would be happy to consider the same. In the meantime, I am advising my clients that their use of the property is not in violation of the City of LaConner's Zoning Code.

Very sincerely,

BAILEY, DUSKIN, JARVILL & PEIFFLE



David E. Duskin

DED/tdk
cc: Vintage Oil

CLIENT'S COPY

BAILEY, DUSKIN & JARVILL

A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS

INTERSECTION STATE HIGHWAYS 9 AND 530
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(206) 435-2168

(206) 652-8100

STEVEN J. PEIFFLE

MICKIE E. JARVILL,

WASHINGTON AND OREGON STATE BARS

DAVID E. DUSKIN

RICHARD A. BAILEY

August 18, 1987

RECEIVED
AUG 22 1987

FOR YOUR INFORMATION ONLY
NO ACTION REQUIRED

BISAGNA & GODDARD
ATTORNEYS AT LAW

Ms. Dianne Edmonds Goddard
Attorney at Law
108 Broadway
Mt. Vernon, Washington 98273

Re: Vintage Oil;
Our File No. 8929

Dear Ms. Goddard:

Mr. and Mrs. Blades have furnished me with a copy of the Contract Rezone with the Town of LaConner dated December 21, 1986. There is nothing within the agreement to change the view I expressed in my letter of August 14.

The tanks at issue have been used and have existed since 1904. There has never been a lapse in the use of the tanks. In June of 1984, they were leased to the principals of Vintage Oil. The use is clearly a "grandfathered" use.

You have said nothing more to me about the business permit and, therefore, I assume you have concluded the same is not applicable.

Very sincerely,

BAILEY, DUSKIN, JARVILL & PEIFFLE



David E. Duskin

DED/fw

cc: Vintage Oil

CLIENT'S COPY

Feb. 9 1988
La Conner

Bud Moore, Mayor

Dear Sir,

A year ago I corresponded ^{with} the city about the noise from the oil tanker type trucks which are pumping used oil in and out of these tanks behind my house. These tanks had been declared abandoned in the rezoning hearings during which the Blades were granted a contract rezoning, meaning that they would have to comply with the historical districts guidelines in any commercial development of this property.

Since I am zoned Residential and wish to enjoy my property and yard the constant daily noise and fumes from these trucks are inhibiting my use of my own home. There has already been an oil spill requiring the removal of the contaminated soil.

We were first assured these trucks would be gone in June '87, then we were sent a letter stating they would be gone in Sept.

Please can we get a straight answer from these people. It is my opinion that they are in non-compliance with their rezoning

Thank you very much for your consideration,

Betty Batchelor

Betty Batchelor