

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

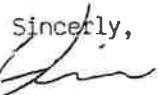
From: Vince Sellen

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 & Klucalt St. Mount Vernon, WA 98273  
Phone: (206) 336-9400 or 336-9403

EMERGENCY  
Mitigation  
Preparedness  
Response  
Recovery

SERVING  
Anacortes  
Burlington  
Concrete  
Hamilton  
La Conner  
Lyman  
Mount Vernon  
Sedro-Woolley  
Skagit County

M E M O

TO: Mayor Mary Lam  
FROM: Tom Sheahan, Director *CHS*  
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. Gidley  
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*  
W. L. Briggs

WLB:mb

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

Our initial attention is to the issue of the future role of the central bank in the economy. We find that the central bank's role is likely to change in a significant way. The central bank will likely become more involved in the economy, and its influence will likely increase.

your substitution.

Re: Summary of your letter of 5-14-89 re

“*holy, mere*”

15235, 4th. 5325

GO. A. 200

Georgi G. G. G.

182

L861-41-9

Albion, N.Y. 19257

22/12/1974 10:00

## Digitized by srujanika@gmail.com

جاءه العذاب، فالله أرحم

"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 Tulip康定 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 power 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. This is a very important subject that should be addressed. Why should the few properties provide these things, "parking" and "bathrooms" for the whole town?

It is 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. Or I should say <sup>above</sup> taxes, tides 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 Big 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.

I live next 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 Rugs 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 spouting, and I appreciate your listening. (I do this every so often).!

I appreciate your good thoughts, suggestions and the ease that you deal with people about all of LaConner's 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 Confer. 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) 336-6675

July 24, 1987

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 rezone of their property for commercial, not industrial, use on a contract basis. In receiving that contract rezone, 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 rezone 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 rezone.

Sincerely,



Dianne Edmonds Goddard

xc - Mary Lam, Mayor of LaConner

CLIENT'S COPY

BAILEY, DUSKIN & JARVILL

A PROFESSIONAL SERVICE CORPORATION

ATTORNEYS

INTERSECTION STATE HIGHWAYS 9 AND 530

POST OFFICE BOX 188

ARLINGTON, WASHINGTON 98223-0188

STEVEN J. PEIFFLE

MICKIE E. JARVILL,

WASHINGTON AND OREGON STATE BARS

DAVID E. DUSKIN

RICHARD A. BAILEY

FOR YOUR INFORMATION ONLY  
NO ACTION REQUIRED

(206) 435-2168

(206) 652-8100

August 14, 1987

RECEIVED  
AUG 14 1987

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

BISAGNA & GODDARD  
ATTORNEYS AT LAW

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

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

INTERSECTION STATE HIGHWAYS 9 AND 530  
POST OFFICE BOX 188  
ARLINGTON, WASHINGTON 98223-0188

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

August 18, 1987

RECEIVED  
AUG 20 1987

FOR YOUR INFORMATION ONLY  
NO ACTION REQUIRED BAGNA & 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 rezone hearings during which the Blades were granted a contract rezone, 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 you 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 rezone

Thank you very much for your consideration,

*Petty Batchelor*  
Petty Batchelor

**CENTRE  
306**

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 25 day of December, 1986.



GERALD SLADE

Donna Blades  
DONNA BLADES

STATE OF WASHINGTON)  
                         ) SS.  
COUNTY OF SKAGIT   )

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

Dee 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 M. Lam  
MARY LAM, Mayor

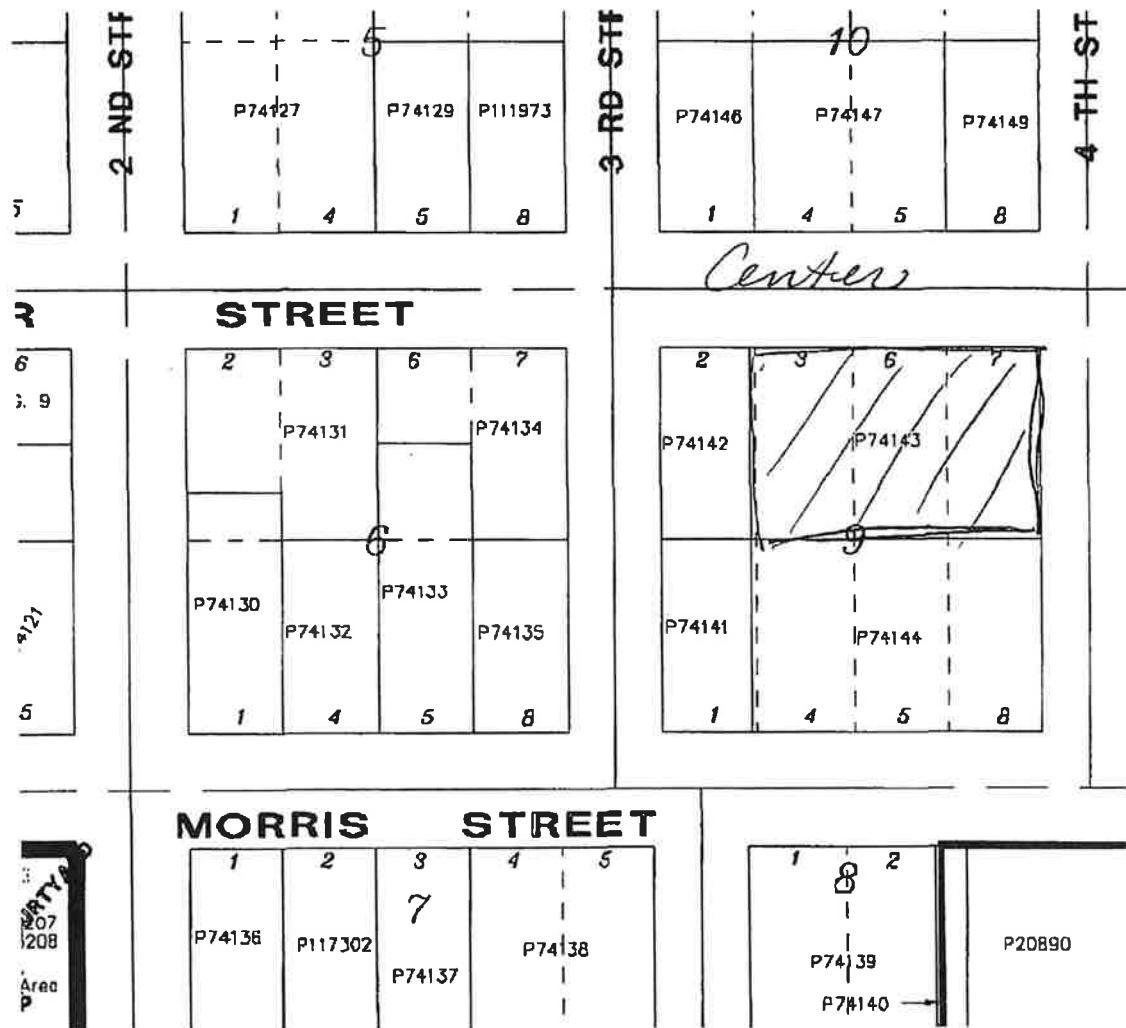
Attested by:

William A. Easke  
Town Clerk

Approved as to form:

Deanne Edmonds Goddard  
DIANNE EDMONDS GODDARD  
La Conner City Attorney

CONTRACT REZONE  
Page 3 of 3



ORDINANCE NO. 568

AN ORDINANCE PERTAINING TO THE COMPREHENSIVE PLAN OF THE  
TOWN OF LA CONNER, ADOPTING THE ZONING MAP AND REPEALING  
ORDINANCE NO. 458, 459, 506, AND ORDINANCE NO. 561.

ADOPTED THIS 26<sup>th</sup> day of September, 1989

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## CHAPTER 100 GENERAL PROVISIONS

SECTIONS:	101	TITLE
	102	PURPOSE
	103	SCOPE AND INTERPRETATION
	104	REVIEW PROCEDURES & AUTHORITY
	105	SCHEDULE OF FEES

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### 101 TITLE

101.01 The Ordinance codified under this Title shall be known as the Zoning Ordinance of the Town of La Conner.

### 102 PURPOSE

102.01 The purpose of the Title is to further the objectives and goals of the Comprehensive Plan. It is to assure orderly community growth, conserve the value of property, and safeguard public health, safety and welfare by:

- A. Encouraging the most appropriate use of land.
- B. Providing for efficient and safe traffic flow.
- C. Providing adequate light, air, access and privacy.
- D. Providing safety from fire and other dangers.
- E. Providing an appropriate allotment of land for all requirements of community life.
- F. Preserving and restoring the historic value and artistic tradition of La Conner.
- G. Conserving the Town's natural beauty and other natural resources.

### 103 SCOPE AND INTERPRETATION

103.01 Interpretation: The provisions of this Title shall be held to the minimum requirements for protection of public health, safety and general welfare.

103.02 Compliance will be required to the Comprehensive Plan, and where applicable, to the Shoreline Ordinance, the Floodplain Ordinance and the Subdivision Ordinance.

103.03 Private Agreements: This Title supersedes a private agreement

only when this Title is more restrictive or imposes higher standards.

103.04 Status of Nonconforming Uses: No building, structure, or use which was lawful prior to the Ordinance codified in this Title shall become unlawful solely by reason of the adoption of the Ordinance codified in this Title, unless specific "sunset" provisions are included in this ordinance.

#### 104 REVIEW PROCEDURES AND AUTHORITY

104.01 Planning Director Authority: The Town Planning Director, or designee, may approve, approve with conditions, or deny the following:

- A. SEPA Checklists or EIS documents;
- B. Certificates of Authorization for signs and single family residential permits outside of the Historic Preservation District.
- C. Within the Historic Preservation District, the Planning Director may approve signs and minor projects such as interior remodels, porch and window replacements, roofing, foundation repair and painting, up to a building permit valuation of \$10,000.00.
- D. A list of the Planner's approvals and denials will be published weekly.
- E. Appeals: Actions under B & C above may be appealed to the Planning Commission. Actions under A may be appealed to the Town Council. Appeals must be filed within ten (10) days after action is taken.

104.02 Board of Adjustment Authority: The Board of Adjustment shall review and approve, approve with conditions, or deny all variance requests.

104.03 Planning Commission Authority: The Planning Commission shall review and approve, approve with conditions, or deny the following:

- A. Certificates of Authorization for all developments not included under the Planning Director's Authority under 104.01.B and 104.01.C above.
- B. Conditional Use Permits, except in the case of multi-family developments, the action of the Planning Commission shall be a recommendation to the Town Council.
- C. Short Plats and Lot Line Adjustments.
- D. A list of Planning Commission decisions will be published after each meeting.

104.04 Planning Commission Recommending Authority: The Planning Commission shall review and recommend approval, approval with conditions, or denial on the following:

- A. Shoreline Management Permits;
- B. Plan Change/Zone Change Requests;
- C. Text amendments to the Comprehensive Plan and Zoning Ordinance.

104.05 Town Council Authority: The Town Council shall have authority under this ordinance to:

- A. Hear all appeals of actions taken by the Planning Commission under 104.03 above;
- B. Hear all recommendations of the Planning Commission under 104.04 above;
- C. Hear all appeals of action taken by the Planning Director under the State Environmental Policy Act.
- D. When procedures and authority are not specifically mentioned, the use, requirement, or regulations shall be determined by the Town Council.

104.06 Once an applicant or opponent has exhausted the Town's administrative appeal process as established in this ordinance, he or she shall have twenty (20) days from the date of the last Town action approving, approving with conditions, or denying an application to apply to the Superior Court of Skagit County for a writ of review.

## 105 SCHEDULE OF FEES

105.01 Standard Fees: The following schedule of fees shall apply:

- A. Zone Change.....\$200.00
- B. Conditional Use Permit.....\$150.00
- C. Short Plat...Single Family.....\$ 50.00  
Others.....\$100.00
- D. Boundary Line Adjustment.....\$ 50.00
- E. Variance.....\$100.00
- F. Zoning Compliance and/or Certificate of Authorization...Single Family.....\$ 25.00  
Commercial, Industrial or Historic District....\$ 50.00
- G. Sign Application.....\$ 20.00
- H. Shoreline Permit.....\$100.00

I. SEPA Review.....	\$ 50.00
J. Appeal.....	1/2 original fee

105.02 **Penalties:** If project has commenced before permit application is submitted, the fee schedule shall be doubled.

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## CHAPTER 200 DEFINITIONS

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### 201 GENERAL PROVISIONS

201.01 For the purpose of this Title certain terms or words used shall mean the following:

- A. "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. "Shall" is a mandatory requirement, "May" is a permissive requirement, "Should" is a preferred requirement.
- D. "Used" or "Occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. "Lot" includes the words "plot" or "parcel".

### 202 DEFINITIONS

**ACCESSORY USE OR STRUCTURE:** Use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**ALLEY:** See Thoroughfare.

**ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**APARTMENT HOUSE:** See Dwelling, Multi-Family.

**ARCHITECTURAL FEATURES:** Features include, but are not limited to, cornices, canopies, sunshades, gutters, chimneys, fireplaces, flues and eaves. Architectural features shall not include any portion of the structure built for the support, occupancy, shelter, or enclosure of persons or property of any kind.

**BED AND BREAKFAST:** A use carried on in a structure designed for residential purposes which provides overnight accommodations plus breakfast and occasionally family style meals for guests, in an

owner-occupied home that provides up to four rooms for this purpose. No one individual may occupy accommodations for more than thirty (30) days in any one calendar year.

**BILLBOARDS** - See Signs. Any board, fence, sign or structure upon which any advertising is shown.

**BOARDING HOUSE, ROOMING HOUSE, LODGING HOUSE\_OR DORMITORY:** A building or part thereof other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for one or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

**BOAT:** A boat is a vehicle for traveling in or on water.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

**BUILDING, ACCESSORY:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

**BUILDING, HEIGHT:** The vertical distance of a building measured from the average elevation of the existing grade within twenty (20) feet of the structure to the highest point of the roof.

**BUILDING LINE:** See Setback Line.

**BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which the building is situated.

**BUSINESS OR COMMERCE:** The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit.

**CLUB:** A building or portion thereof or premises owned or operated by persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.

**COMMERCIAL:** Activities and facilities conducted for profit.

**COMPREHENSIVE PLAN:** Long term goals and objectives for community development which includes a land use plan, a thoroughfare plan, a community facilities plan, (consisting of plans for schools, parks, water, sewer, drainage system, and others) and special plans to meet the individual needs of the community.

**CONDITIONAL USE:** A use addressing a limited or specific need but, due to a potential adverse effect upon permitted uses or public services and facilities, is only allowed subject to review and the use standards of the district and the criteria in Chapter 1202.

**CONDOMINIUM:** A building, or group of buildings, in which units are

owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CORNER LOT: See Lot Types.

CUL-DE-SAC: See Thoroughfare, Street or Road.

DEAD END STREET: See Thoroughfare, Street or Road.

DENSITY: The number of dwelling units per acre of land.

DENSITY GROSS: The number of dwelling units per acre of the total land to be developed.

DENSITY, NET: The number of dwelling units per acre of land when the acreage involved includes only the sum of the individual lots.

**DWELLING**

- A. Single Family - a detached building containing one dwelling unit.
- B. Duplex - a detached building containing two dwelling units.
- C. Multi-family - a detached building containing three or more dwelling units.

DWELLING UNIT: One room, or rooms, connected together constituting a separate, independent housekeeping unit for one family and physically separated from any other dwelling units which may be in the same structure, and containing independent cooking, sleeping and toilet facilities. This also includes houseboats and liveaboards.

FAMILY: A group of persons who form a household.

FLOOR AREA, USABLE: Measurement of "usable floor area" is the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FLOODPLAIN: As defined by the Federal Emergency Management Agency Town of La Conner Flood Insurance Study, the relatively flat area or low lands adjoining the channel of a river, stream, watercourse, or other similar body of water, which has been or may be covered with floodwater.

FLOODWAY: The channel of watercourse or drainway and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwaters of the watercourse or drainway as designated by the U.S. Army Corps of Engineers and/or Federal Insurance Administration.

HISTORIC COMMISSION: Refers to the Planning Commission.

HOME OCCUPATION: An occupation, business, or artistic activity which results in a product or service and which is conducted, in

whole or in part, in either the dwelling or in an accessory building normally associated with permitted uses; is conducted by at least one family member occupying the residence; and is clearly subordinate to the residential use of the dwelling and premises.

**HOTEL, MOTEL, OR APARTMENT HOTEL:** A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

**HOUSEBOAT:** Any liveaboard vessel with a barge type infrastructure or any liveaboard vessel supported on the water by flotation devices, and not specifically designed for operating in open waters.

**HOUSEHOLD/HOUSEKEEPING UNIT:** A family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**INDUSTRY, LIGHT AND MEDIUM:** Location of light manufacturing, fabrication, research, wholesale trade and distribution, and bulk retail businesses which are largely devoid of nuisance, hazards and high public facility demand. Land uses involve the creation, processing and handling of products, and may include other compatible enterprises that serve the needs and convenience of such firms.

**KENNEL:** A place where four or more adult dogs or cats are kept for commercial purposes.

**LIVEABOARD:** A vessel used principally as a residence; or a vessel used as a place of business, professional, or other commercial enterprise, and, if used as a means of transportation, said transportation use is a secondary or subsidiary use.

**LOT:** A contiguous quantity of land in possession of, owned by or recorded as the property of a person. A lot shall also include any individually numbered or separately designated parcel of property in an approved subdivision or development.

**LOT COVERAGE:** The amount or percent of ground area of a lot that may have buildings or impervious surfacing located thereon.

**LOT FRONTAGE:** All sides of a lot adjacent to streets shall be considered frontage.

**LOT OF RECORD:** Any platted lot of the Town of La Conner the boundaries of which have been approved by the Planning Commission or Board of Adjustment and are recorded in the County Assessor's Office under a separate tax parcel number.

**LOT TYPES:** Terminology used in this Title with reference to corner lots, interior lots and through lots is as follows:

- A. "Corner Lot" is defined as a lot located at the intersection of two or more street.
- B. "Interior Lot" is a lot other than a corner lot with only one frontage on a street.
- C. "Through Lot" is a lot other than a corner lot with frontage on more than one street.

**MANUFACTURED HOUSING, CLASS A:** A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes which:

- a. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty six feet long.
- b. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch.
- c. Has exterior siding similar in appearance to siding materials commonly used on conventional site built uniform building code single family residences.

**MANUFACTURED HOUSING PARK:** Any site, or tract of land under single ownership, upon which two or more manufactured houses used for habitation are parked, either free of charge or for revenue purposes; including roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

**MODULAR STRUCTURE:** A structure designed and constructed for residential, commercial, or industrial purposes which satisfies the 1985 Washington Uniform Building Code for the intended purpose, and which is partially or entirely constructed off-site and moved onto a foundation on the site.

**NONCONFORMING USE:** A building, structure, or use of land existing at the time of enactment of the Ordinances codified in this Title, and which does not conform to the regulations of the districts or zone in which it is situated.

**ONE HUNDRED YEAR FLOOD:** The flood having a one percent chance of occurrence or its being equaled or exceeded in any given year.

**OPEN AIR VENDING:** Commercial activity conducted without an enclosed permanent structure where goods or merchandise is displayed, advertised, or for sale.

**PARKING SPACE, OFF-STREET:** An area adequate for parking an automobile with room for opening doors on both sides, but shall be located totally outside of any street or alley.

**PROFESSIONAL OFFICES:** Offices used as a place of business conducted by persons engaged in recognized professions.

**PUBLIC USE:** Areas and facilities used by the public or

utilized for the benefit of the public.

**RECREATION VEHICLE:** A recreational vehicle is any portable, temporary dwelling used for travel, recreation and vacation purposes, and includes travel trailers, pickup campers, motor homes and camping and tent trailers.

**RECREATIONAL VEHICLE PARK:** Any tract or parcel of land upon which two (2) or more recreational vehicle spaces for overnight use are provided, with or without utility services. A manufactured housing court or park or an approved storage facility shall not be considered a "recreational vehicle park".

**REST HOMES, NURSING HOMES, HOMES FOR THE ELDERLY:** A private home or institution for the care of the aged or the infirm.

**RETIREMENT APARTMENTS:** A multi-family residential development designed and developed for exclusive use by senior citizens, as defined by the most recently adopted state law.

**RIGHT OF WAY:** A strip of land taken or dedicated for use as public way.

**SETBACK LINE:** A line established by the subdivision regulations and/or Zoning Ordinance generally parallel with and measured from the lot line or right of way, defining the limits of a yard in which no building, other than accessory building or structure may be located above ground, except as may be provided in such regulations.

**SIGNS:** A publicly displayed advertising, directional, or informational notice, or any other device that may be displayed to attract attention to a business or event.

**SIGN, OFF-PREMISE:** A sign which advertises goods, products, or services which are not sold, manufactured, or distributed, or events not held on the premises on which the sign is located.

**STRUCTURE:** Anything constructed or erected on or attached to land. Among other things "structure" includes buildings, manufactured housing walls, fences, signs, and billboards.

**SUBSTANTIAL IMPROVEMENTS:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds \$10,000.00.

**TEMPORARY STRUCTURES:** Any structure or vehicle designed to be easily transported or dismantled after function has been fulfilled.

**TEMPORARY USES:** Those uses of land or existing structures and improvements which do not require permanent changes, or the permanent commitment of the land or existing structure to the proposed use.

**THOROUGHFARE, STREET OR ROAD:** The full width between property lines bounding every public way of whatever nature, with a part thereof

to be used for vehicular traffic and designated as follows:

- A. Alley means a minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Cul De Sac means a local street of relatively short length with one end open to traffic and other end terminating in a vehicular turnaround.
- C. Dead End Street means temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

TRAIL: See Walkway. A path that may be used for walking, bicycle riding or horseback riding.

TRAVEL TRAILER: See Recreation Vehicle. A vehicle used as a temporary living quarters for recreational, camping, or travel use.

USE: The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE: A Variance is the means by which an adjustment is made in the application of a specified regulation of a Zoning Ordinance to a particular piece of property, which property, because of the special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment will remedy disparity in privileges.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, and medical treatment of animals, and may include overnight accommodations on the premises for the appropriate treatment.

WALKWAY: See Trail. A dedicated public way, three feet or more in width for pedestrian use only, whether along the side of the road or not.

WATERTIGHT: Completely dry without human intervention during flooding.

YARD: A required open space unoccupied and unobstructed by any structure or portion of a structure.

YARD, FRONT: Any yard adjoining a street right-of-way.

YARD, REAR: A yard extending between side lot lines across the rear of a lot and lying to the rear of the principal building.

YARD, SIDE: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**CHAPTER 300****DISTRICTS AND BOUNDARIES**

SECTIONS:	301	ZONE
	302	MAP - BOUNDARIES
	303	BOUNDARIES - DETERMINATION
	304	VACATED STREETS AND ALLEYS - BOUNDARIES

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**301 ZONE**

For the purpose of this Title, the Town of La Conner is divided into five zoning districts or classifications as follows:

SUBSECTION	ABBREVIATED DESIGNATION	ZONE CLASSIFICATION
A	RSD	Single Family Residential District
B	C	Commercial
C	IND	Light and Medium Industry
D	PU	Public Use
E	HPD	Historic Preservation District

**302 MAP - BOUNDARIES**

The Title consists of the text together with a map, which is on file at the office of the Town Clerk showing the boundaries of different use districts. Unless otherwise specified the zone boundary lines are the centerlines of the street, public alleys, highways or waterways. In case of navigable water, the centerline of the Swinomish Channel shall be the boundary line. The Historic Preservation District overlies portions of each of the first four zones. For additional requirements, refer to the Historic Preservation Ordinance.

**303 BOUNDARIES - DETERMINATION**

When any uncertainty exists as to zone boundaries, the Planning Commission may require the interested parties to determine by survey the location of boundaries.

**304 VACATED STREETS AND ALLEYS - BOUNDARIES**

Vacated streets and alleys shall assume the Zone Classification of abutting property with the former centerline as the new boundary.

<b>CHAPTER 400</b>	<b>RSD SINGLE FAMILY RESIDENTIAL ZONE</b>
<b>SECTIONS:</b>	
401.01	GENERAL PROVISIONS
401.02	PERMITTED USES
401.03	ACCESSORY USES
401.04	CONDITIONAL USES
401.05	DIMENSIONAL STANDARDS - SINGLE FAMILY
401.06	DIMENSIONAL STANDARDS - MULTI-FAMILY
401.07	CONDITIONAL USE PERMIT - PLOT PLANS - MULTI-FAMILY
401.08	CONDITIONAL USE PERMIT - MODIFICATIONS- MULTI-FAMILY
401.09	MANUFACTURED HOUSING STANDARDS

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#### **401 SINGLE FAMILY RESIDENTIAL ZONE**

##### **401.01 PURPOSE**

- A. The purpose of this zone is to provide for and protect areas of single family residential and related uses and to promote the safety, efficiency and convenience of the residents of the Town.

##### **401.02 PERMITTED USES**

See Historic Preservation Ordinance for additional requirements.

- A. One single family dwelling per lot.
- B. A manufactured home.
- C. A modular home.
- D. Planned Unit Residential Developments, as set forth in Ordinance No. 447.

##### **401.03 ACCESSORY USES**

- A. Accessory uses and buildings normally incidental to single family residences and not to exceed 18 feet in height.

- B. Parking as set forth in Chapter 1002.

- C. Private, noncommercial docks, piers, and boathouses provided they meet the requirements of the La Conner Shoreline Master Program.

- D. Gardens, orchards, private and noncommercial greenhouses.

- E. Home Occupations: The establishment of a Home Occupation

requires a permit granted by the Town Planner. The applicant shall prepare an application which states that the applicant will comply with the following conditions:

1. The dwelling must be the primary residence of the applicant.
2. The occupation or profession shall be carried on wholly within the principal building or other structure accessory thereto, and it shall utilize no more than 25% of the gross floor area of the buildings.
3. Not more than one person who is not a member of the applicant's immediate family and who is not a resident in the applicant's home may be employed.
4. There shall be no exterior display, no exterior alteration of the property including expansion of parking, no exterior storage of materials and no other exterior indication of a home occupation or variation from the residential character of the premises. A sign not exceeding three (3) square feet, identifying the name of the business, may be attached to the building on the premises.
5. No use shall require structural alterations to the interior of the building which changes the residential character thereof.
6. The use of electrical or mechanical equipment that would change the fire rating of the structure or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
7. In no case shall the home occupation cause more than two additional vehicles to be parked on or near the premises, on a regular basis.
8. Any equipment or process used in a home occupation shall comply with Chapter 1004, Environmental Standards.

F. Parks, playgrounds, swimming or wading pools, tennis courts, and other recreational uses, all of a private nature, when provided in conjunction with a permitted or conditional use in the district.

G. Antennas which are smaller than those requiring Conditional Use approval are subject to provisions under Chapter 900.

#### 401.04 CONDITIONAL USES

See Chapter 1202 for Procedures.

In RSD District the following are conditional uses:

- A. Multi-family residential units or apartments, to include

duplexes; it is the intent of this section to allow multi-family dwellings interspersed in the single family zone based on individual approval.

- B. Roominghouses, boardinghouses, bed and breakfasts, not to exceed four guest room rentals.
- C. Day care centers, provided adequate off-street parking and loading area is provided for the safe arrival and departure of the children. Adequate fencing shall be required for the safety of the children. Day care centers shall also comply with state requirements.
- D. Churches provided the building has setbacks of at least 25 feet on all sides from any other lot in the RSD Zone.
- E. Rest/convalescent homes provided all buildings are set back at least 25 feet on all sides from property lines.
- F. Retirement apartments for senior citizens.
- G. Private or public lodges, clubs and community organizations, setbacks of 50 feet.
- H. Antennas. Antennas plus antenna mounts of more than 20 feet in height, 4 feet in width and of bulk area more than 16 square feet, subject to criteria under Chapter 900.
- I. Parks, playgrounds and recreation uses such as ballfields, tennis courts, athletic fields, pools and restrooms for use of the general public, provided that subject property is under lease to or otherwise under complete control of the Town of La Conner. Conditional Use Permit will be revoked when not under the control of the Town of La Conner.

#### 401.05 DIMENSIONAL STANDARDS-SINGLE FAMILY

- A. Minimum lot size - 7,500 square feet or those lots platted before September 9, 1980 that are undersized can be built upon if they can meet the setback criteria as stated in Section C.
- B. Maximum building Height - 30 feet from existing grade.
- C. Minimum Building Setbacks (from property lines) as follows:

	5000 sq. ft. or larger	4001-4,999 sq. ft.
Front Yard	15 feet	14 feet
Front Yard, corner lots	15 feet	.003 x lot size
Side Yards	5 feet	.001 x lot size

	5000 sq. ft. or larger	4001-4999 sq. ft.
Rear Yard (residence)	10 feet	.002 x lot size
Sum of both side yards (accessory building)	15 feet 5 feet	.003 x lot size .001 x lot size
	3001 - 4000 sq. ft.	Under 3,000 sq. ft.
Front Yard	13 feet	12 feet
Front Yard, corner lots	.003 x lot size	9 feet
Side Yards	.001 x lot size	3 feet
Sum of both Side Yards	.003 x lot size	9 feet
Rear Yard (residence) (accessory)	.002 x lot size .001 x lot size	6 feet 3 feet

- D. Corner Lots have two front yards and two side yards; see Chapter 901.20 for additional requirements.
- E. Minimum Lot Frontage: No building permit shall be issued on any lot or parcel which does not have at least twenty-five (25) feet of lot frontage on an existing developed public, Town or County road, except as specifically approved by the Board of Adjustment under the procedures for a Variance, or by the Planning Commission under the procedures for a Short Plat or Subdivision. The Town of La Conner shall establish the minimum standards for development of any proposed, or existing undeveloped, right-of-way.

#### 401.06 MULTI-FAMILY DIMENSIONAL STANDARDS

Duplexes and larger: Conditional Use Permit required in all Zones.

- A. Minimum Lot Size - 10,000 square feet for first two units; 3,300 square feet for each additional unit;
- B. Minimum Lot Width - 100 feet at the building line;
- C. Maximum Lot Coverage - 50% for all buildings and impervious surfacing;
- D. Maximum Building Height - 30 feet from existing grade.
- E. Unit density per lot for senior citizen housing may be increased up to 50%.

F. Minimum Building Setbacks:

	FRONT	SIDE	REAR
Primary Building, Interior Lot	30 ft.	10 ft.	25 ft. (total 20)
Primary Building, corner lot,	30 ft.	30 ft.	25 ft. (street side)
Accessory less than 75 feet from property line	20 ft.	15 ft.	15 ft. (20 ft. corner)
Accessory greater than 75 feet from property line	N/A	10 ft.	10 feet (20 ft. corner)

401.08 CONDITIONAL USE PERMIT-MODIFICATION MULTI-FAMILY

When detailed plans are submitted, the Planning Commission may allow dimensional requirement modifications if the plans provide for open space, recreational facilities, architectural style or energy efficient siting or design.

401.09 MOBILE HOME STANDARDS  
To Follow.

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CHAPTER 500	COMMERCIAL ZONE	
SECTIONS:	501.01	PURPOSE
	501.02	PERMITTED USES
	501.03	ACCESSORY USES
	501.04	CONDITIONAL USES
	501.05	DIMENSIONAL STANDARDS
	501.06	DEVELOPMENT STANDARDS
	501.07	RECREATIONAL VEHICLE PARKS

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501.01 PURPOSE

The purpose of the Commercial Zoning District is to allow for a variety of commercial activities and facilities necessary to serve the needs of the residents and visitors.

501.02 PERMITTED USES

See Historic Preservation Ordinance for additional requirements.

- A. CHILD CARE FACILITIES: nurseries, day care centers and private schools.
- B. ENTERTAINMENT FACILITIES: theaters, bowling alleys and arcades.
- C. FOOD SERVICE ESTABLISHMENTS: restaurants, delicatessens, ice cream shops.
- D. HOSPITALS AND RESTHOMES.
- E. LODGING ESTABLISHMENTS: hotels, motels and inns.
- F. MARINE FACILITIES: marinas, boat launches, dry boat storage, boat repair and gas docks.
- G. MEDICAL OFFICE AND CLINICS: doctors, dentists, chiropractors and laboratories.
- H. OTHER OFFICES: lawyers, banks, accountants, realtors and consultants.
- I. PUBLIC USE FACILITIES: parks, floats, parking lots, libraries and government buildings.
- J. RECREATIONAL VEHICLE PARKS
- K. RETAIL SALES ESTABLISHMENTS WITH OUTDOOR SALES AND LOTS: auto dealers, lumber yards, heavy equipment sales and yacht sales.
- L. RETAIL SALES OF NON-PERISHABLE GOODS: clothing stores, bookstores, gift shops, pharmacies, hardware stores, and antique shops.
- M. RETAIL SALES OF PERISHABLE GOODS: grocery stores, bakeries, meat markets, candy stores, feed and seed stores.
- N. SERVICE ESTABLISHMENTS: service stations, upholstery shops, woodworking shops, boat repair, auto repair shops and laundries.
- O. TEACHING STUDIOS: art, dancing and music.

501.03 ACCESSORY USES

- A. Temporary structures incidental to construction work, which shall be removed upon completion or abandonment of the construction work.
- B. Interior storage areas for materials and products sold from the site.

501.04 CONDITIONAL USES

- A. Dwelling units, attached or unattached, dimensional standards to be determined on a case by case basis. Houseboats will be considered an unattached dwelling unit.
- B. All light industrial uses and those commercial uses which would create noise, light, odors, traffic congestion or dust not normally associated with commercial operations, provided that:
  - 1. The building design is similar to those structures housing commercial uses in the district, and the operational characteristics are compatible with surrounding uses.
  - 2. There shall be no unusual fire, explosion, or safety hazards.
  - 3. There shall be no production of noise at any property line of any use in the Commercial District in excess of the average intensity of street and traffic noise found in the district.
  - 4. Pollution and safety standards set by regional, State or Federal agencies, boards, or commissions shall be satisfied. Failure to comply with such regulations shall void the Conditional Use; refer to 1202.10 & 1202.20.
- C. Animal Hospitals, kennels, veterinary clinics and animal grooming parlors, on a case by case basis.
- D. Antenna - Antennas plus antenna mount of more than 20 feet in height, four feet in width and of bulk area more than 16 feet need a conditional use permit. See section 900.
- E. Parks, playgrounds and recreation uses such as ballfields, athletic fields, tennis courts, pools and restrooms as accessory uses provided that subject property is under lease or otherwise under the control of the Town of La Conner. Conditional Use Permit will be revoked when not under the control of the Town.
- F. Any business serving spirits by the drink needing a Class D, or higher, license.

501.05 DIMENSIONAL STANDARDS

- A. Minimum Lot Size - no minimum lot size.
- B. There shall be no minimum lot width unless so specified by the Planning Commission.
- C. Maximum lot coverage for buildings and impervious surfaces shall be ninety percent (90%) unless otherwise specified or

dictated by other provisions of this section. National Historic District is exempt.

- D. Minimum landscaping area: Ten percent (10%) of the lot area. Commercial property within the National Historic District south of Morris Street shall be exempt from the minimum landscaping requirement.
- E. Minimum Building Setback - there shall be no minimum provided that if the Commercial use is adjacent to a RSD Zone, the side yard setback shall be 10 feet and the rear yard setback shall be 25 feet.
- F. Maximum Floor area shall be no more than two times the property area.
- G. Height - maximum height is 30 feet from existing grade to the ridge.

#### 501.06 DEVELOPMENT STANDARDS

- A. All development in this district shall comply with the Development Standards under Section 1000 of this Ordinance.
- B. Appropriate screening shall be provided if any of these uses and zones are adjacent to residential uses and zones as provided under Section 1001, Landscaping.

#### 501.07 RECREATIONAL VEHICLE PARKS

- A. Campsite/Area Requirements: The maximum number of campsites shall not exceed one per 1500 square feet of net site area. Each campsite shall be at least 1000 square feet, exclusive of roadways.
- B. Minimum Improvements: Each recreational vehicle campsite shall have the following improvements:
  1. Electrical service hookup.
  2. Potable water hookup.
  3. Sewage disposal service.
  4. A hard surfaced area of at least 12 x 20 feet for parking of the recreational vehicle.
  5. The part of the campsite which is not intended to be occupied by the recreational vehicle or used for a parking space shall be landscaped.
- C. Parking Requirements: In addition to the parking spaces provided for the recreational vehicles, manager and employees of the park, a minimum of one (1) parking space per campsite shall be provided, and may or may not be located on the same

site with the recreational vehicle space.

D. Accessory Uses: The following uses and services may be provided at a scale intended to serve the tenants of the recreational vehicle camping facility:

1. A caretaker's/manager's residence or office.
2. Recreational areas and equipment.
3. Clubhouses.
4. Tourist Information centers.
5. Laundry, restroom and shower facilities.
6. Storage and/or maintenance buildings.
7. Other similar uses as determined by the Planning Director.

E. Access and Circulation: The location of access driveways shall be subject to approval by the Planning and Public Works Departments. Any driveway, or portion thereof, which does not provide for continuous circulation shall not exceed six hundred (600) feet, and shall be terminated with a turnaround having a diameter of at least sixty (60) feet. The minimum driveway width for two-way traffic shall be twenty-four (24) feet, or not less than thirty-two (32) feet if parking is permitted on the margins of the road. The minimum driveway width for one-way traffic shall be sixteen (16) feet, or not less than twenty-four (24) feet if parking is permitted on the margins of the road. Driveways shall be hard surfaced.

F. Screening: Refer to 1001.07.

G. Maintenance: Storage of materials or equipment shall be within enclosed structures. Trash receptacles shall be provided in convenient locations for use by guests of the park, and in such number and of such capacity that there is no uncovered accumulation of trash at any time.

H. All recreational vehicle camping facilities shall comply with all applicable rules and regulations of the County Health Department, and State agencies governing such facilities.

I. No person shall occupy space within a recreational vehicle park for more than thirty (30) days in a calendar year. New recreational vehicle parks developed after the effective date of this ordinance shall satisfy industry standards for spacing, utilities, driveway widths and circulation, and landscaping, including screening from residential and industrial properties using one of the techniques described under Section 1001.07.

## CHAPTER 600 INDUSTRIAL ZONE

SECTIONS:	601.01	PURPOSE
	601.02	PERMITTED USES
	601.03	CONDITIONAL USES
	601.04	DIMENSIONAL STANDARDS
	601.05	OTHER STANDARDS AND LIMITATIONS
	601.06	PERFORMANCE STANDARDS

### 601.01 PURPOSE

The purpose of the Industrial Zoning District is to provide areas for light to medium industry uses and manage the development of these uses to minimize or eliminate nuisance factors and hazards to surrounding areas, and the Town.

### 601.02 PERMITTED USES

- A Any light or medium industry use to include:
  - 1. Parks, public or private.
  - 2. Wholesale trade to include general merchandise, products, supplies, materials, equipment.
  - 3. Bulk retail to include lumber, building materials, paint, glass, heating, plumbing and electrical materials.
  - 4. Retail sales of farm equipment, manufactured housing, recreational vehicles, heavy equipment and boats.
  - 5. Farm supplies.
  - 6. Food products manufacturing.
  - 7. Textile products manufacturing.
  - 8. Lumber, wood products manufacturing.
  - 9. Paper products manufacturing except milling.
  - 10. Light stone, clay, glass products manufacturing and glass, pottery, china, ceramic products, stone cutting and engraving.
  - 11. Signs, advertising and manufacturing.
  - 12. Office machine, equipment manufacturing, computer.
  - 13. Small electrical equipment component manufacturing.
  - 14. Transportation equipment and parts manufacturing.
  - 15. Fabricated metal products manufacturing.
  - 16. Light fabricated building components.
  - 17. Light fabrication assembly and manufacturing.
  - 18. Commercial/Industrial photography and Video productions.
  - 19. Warehouses for storage and services in association with office and manufacturing.
  - 20. Mini warehouses - storage only.
  - 21. Rental services of heavy equipment, furniture, tools, passenger automobiles, trailers, recreation.

22. Auto and boat repair services.
23. Government services such as shops, maintenance.
24. Special vocational schools.
25. Truck, heavy equipment repair and storage.
26. Research and development facilities.
27. Commercial auto parking lots and garages.
28. Tow truck operations and auto impoundment.
29. Utility and communications storage and distribution, substations.
30. Shipbuilding and Shipyards.
31. Public parking lots.
32. Agricultural processing, food processing.

601.03 ACCESSORY USES

- A. On-site recycling and treatment of waste products associated with principal uses on the same site, subject to all applicable County, State and Federal regulations and permits.
- B. Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.

601.04 CONDITIONAL USES

- A. Antennas plus antenna mount of more than 20 feet in height, 4 feet in width and of bulk area more than 16 feet need a conditional use permit. See Chapter 900.
- B. Recycling collection depots for paper, glass, aluminum and metal, provided all storage is contained within a structure or sight-obscuring enclosure.

601.05 DIMENSIONAL STANDARDS

- A. There shall be no minimum lot size.
- B. No minimum lot width unless so specified by the Planning Commission.
- C. Maximum lot coverage by all buildings and impervious surfaces shall be ninety (90%) percent, unless otherwise specified or dictated by other provisions in this section.
- D. Minimum Landscaping Area: Ten (10%) percent of the net site area.
- E. Minimum Building Setbacks: No minimum except adjacent to, or across the street from, a RSD zone or Public Use Zone, the following setbacks apply:

	FRONT	SIDE	REAR
All buildings (interior lot)	50 ft.	15 (total 30)	50 ft.
All Buildings (corner lot)	50 ft.	50 ft.	25 ft.
Outdoor Storage	25 ft.	25 ft.	25 ft.
G. Maximum Height - 35 feet for all buildings and major structures; variance application necessary for chimneys, vent stacks, smoke stacks, etc.			

#### 601.06 DEVELOPMENT STANDARDS

A. All development shall comply with the Development Standards under Section 1000 of this Ordinance.

CHAPTER	701	PUBLIC USE ZONE
	SECTIONS:	PURPOSE
	701.01	
	701.02	GENERAL PROVISIONS
	701.03	PERMITTED USES
	701.04	DIMENSIONAL STANDARDS

#### 701.01 PURPOSE

The purpose of this designation is to provide for areas or facilities that are used by the public or utilized for the benefit of the public.

#### 701.02 PERMITTED USES

A. Public schools subject to the following conditions:

1. Setback a minimum of 35 feet from any adjacent lot.
2. Setback a minimum of 45 feet from any public right of way;
3. An abutting area of at least one-fourth acre devoted to playfield purposes;

B. Memorial buildings, community, senior, and performing arts centers, and museums;

- C. Governmental buildings including police and fire stations, office buildings, public libraries;
- D. Parks, playgrounds, and public recreation uses such as ballfields, athletic fields, tennis courts, golf courses, swimming beaches, pools, launching ramps.
- E. Public Parking Lots and Public Restrooms.

#### 701.03 DIMENSIONAL STANDARDS

- A. There shall be no minimum lot size or width.
- B. Maximum lot coverage - compatible with surrounding areas.
- C. Maximum height shall be compatible with surrounding areas.
- D. Minimum building setbacks, except for uses specified in Section 701.02 of this Chapter, shall be compatible with surrounding areas.

#### 701.04 DEVELOPMENT STANDARDS

- A. All development in this district shall comply with the Development Standards under Section 1000.
- B. The Planning Commission shall specify an extended building setback of up to 25 feet from agricultural land and uses.
- C. Signs: area not to exceed 20 square feet. In addition, a building directory or schedule of services may be provided which is illuminated, but not a source of light, provided it does not exceed 32 square feet for each face.
- D. Along the boundary between the site and any adjacent residential zone, may be required either a solid wall or sight-obscuring fence between five and six feet in height, or vegetative buffer.

#### 702.00 HISTORIC PRESERVATION

Refer to the Historic Preservation Ordinance for compliance with this section.

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#### CHAPTER 800

#### NONCONFORMING CONDITIONS AND USES

SECTIONS:	801.10	NONCONFORMING BUILDINGS
	801.20	NONCONFORMING USE OF LAND
	801.30	NONCONFORMING USE OF SIGNS
	801.40	EFFECT OF ANNEXATION

801.10        NONCONFORMING BUILDINGS

- A. Any nonconforming building may be continued and maintained.
- B. Reconstruction of nonconforming buildings may be done if the damage done does not exceed fifty percent of the existing assessed value, and if reconstruction is started within nine months and is completed within eighteen months of the date of damage.

801.20        NONCONFORMING USE OF LAND

- A. 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 if superseded by a conforming use, it may not revert back to the nonconforming use.
- B. The nonconforming use of land, where no building is involved, may be continued; provided that, it is not enlarged, changed or extended. If the use ceases for a period of more than ninety days, any subsequent use shall be a conforming use.

801.30        NONCONFORMING SIGNS

Nonconforming signs shall be removed or altered to comply with regulations within one year of the adoption of this Ordinance, codified in this Title or in the case of sandwich board signs within 30 days of adoption of this Ordinance.

801.40        EFFECT OF ANNEXATION

Nonconformance as a result of annexation will be subject to the regulations set forth in this Chapter.

**CHAPTER 900****GENERAL USE PROVISIONS**

SECTIONS:	901.10	FENCES, WALLS, SHRUBS, AND HEDGES
	901.20	VISIBILITY AT INTERSECTIONS
	901.30	ANNEXATION
	901.40	LOT LINE ADJUSTMENTS
	901.50	CONVERSION OF BUILDINGS
	901.60	PROJECTIONS INTO REQUIRED SETBACKS
	901.70	ANTENNAS - CRITERIA FOR INSTALLATION
	901.80	AGRICULTURAL SETBACKS

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**901.10 FENCES, WALLS, SHRUBS AND HEDGES**

A. Fences and walls outside the minimum building setbacks shall meet the following requirements:

1. Fences and walls, when not within the building area shall not exceed seven feet in height.
2. Shrubs and hedges subject to same height restriction as fences.

**901.20 VISIBILITY AT INTERSECTIONS**

On a corner lot in any district, nothing shall be erected, placed or planted in such a manner as materially to impair vision between height of two and one-half feet and ten feet above the centerline grade of the intersecting streets within a triangle formed by the road right of way lines of such corner lots and a line joining points along the road lines thirty feet from the point of intersection. After notification of property owners or occupants by certified letter, the town crew shall remove obstruction, if not removed within fourteen (14) days after notification to protect the health, traffic safety, and welfare of the citizens.

**901.30 ANNEXATIONS**

At time of annexation, after proper public hearing, evaluation, and recommendation by the Planning Commission based upon the Comprehensive Plan and the current use of the area, the Town Council will assign to the area an appropriate zoning classification.

**901.40 LOT LINE ADJUSTMENTS**

A. Lot lines may be adjusted between legal lots of record

provided that no lot conforming to the minimum lot size requirement of the district is reduced below that minimum lot size, and any lot changed by the lot line adjustment shall satisfy, or not decrease, compliance with the minimum width, depth, frontage, yard and setback requirements of the district, and off-street parking requirements for existing uses are satisfied.

B. Lot line adjustments may be allowed between undersized lots in any district provided that the resulting lots satisfy the minimum width, depth, frontage, and yard requirements of the district, and setbacks to existing structures are not reduced by the lot line adjustment below the minimum setback requirements, and off-street parking requirements for existing uses are satisfied.

#### 901.50 CONVERSION OF BUILDINGS

A. The conversion of the use or occupancy of any building, or the conversion of any dwelling so as to accommodate more dwelling units, shall be permitted only within a district in which a new building of similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with the requirements governing new construction and use in such district.

#### 901.60 PROJECTIONS INTO REQUIRED SETBACKS

A. Architectural features may project into the required setback not more than one-third the distance of the setback requirement, and not exceeding forty (40") inches into any required setback adjoining a street right-of-way.

B. Open fire escapes may project a distance not exceeding forty-eight (48") inches.

C. An uncovered porch, deck, terrace, patio, or underground structure may extend to within three (3') feet of a side lot line or within ten (10') feet of a front or rear line.

#### 901.70 ANTENNA - CRITERIA FOR INSTALLATION

A. Transmission or receiving towers shall be set back from all property lines a distance equal to or greater than the height of the tower.

#### 901.80 AGRICULTURAL SETBACKS

A. The Planning Commission shall specify an building setback line of up to twenty-five (25') for all types of structures on lots that border agricultural land to prevent shadows or other intrusions onto or conflicting with the agricultural land or use.

CHAPTER 1000	DEVELOPMENT STANDARDS - LANDSCAPING
SECTIONS:	1001.01 PURPOSE & INTENT
	1001.02 AREAS OF APPLICATION
	1001.03 GENERAL STANDARDS
	1001.04 STREET FRONTAGE REQUIREMENTS
	1001.05 PERIMETER LANDSCAPING
	1001.06 PARKING LOT LANDSCAPING
	1001.07 SCREENING REQUIREMENTS
	1001.08 REVIEW PROCEDURES/MINOR MODIFICATIONS

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#### 1001.01 PURPOSE AND INTENT

Landscaping is necessary to provide a well-balanced, aesthetically pleasing environment for the residents and visitors of La Conner. Specifically, these requirements are intended to accomplish the following:

- A. Maintain and enhance property values;
- B. Enhance the appearance of the development;
- C. Provide adequate buffers between different uses;
- D. Improve the character and appearance of the Town;
- E. Reduce erosion and storm water runoff.

#### 1001.02 AREAS OF APPLICATION

The standards of this section shall apply to all development within the Town of La Conner, except:

- A. A single family residence in any district in which a single family residence is allowed.
- B. The area of the Commercial District within the National Historic District. This area shall be subject to the provisions for the Historic Preservation District under the Historic Preservation Ordinance.

#### 1001.03 GENERAL STANDARDS

The following general standards shall apply to all landscaping required under this section:

- A. LANDSCAPE MATERIALS: Landscaped areas shall include the use of evergreen or deciduous trees and shrubs, perennial or annual flowers, and lawn or combination of such materials. No artificial lawn or plants will be permitted in landscaped areas.

- B. EXISTING SITE VEGETATION: Significant existing trees and shrubs shall be incorporated into the landscaping as much as possible. "Significant trees" shall be those evergreen and deciduous trees at least six (6") inches in diameter at a point five (5') feet above ground level. The site plan for the project shall include the location of significant trees, and shall identify which trees will be retained on the site. Care shall be taken in the grading and construction process so as not to disturb the roots and drip line of existing trees to be retained, and to ensure proper irrigation.
- C. CORNER VISION: All landscaping shall comply with Chapter 901.20.
- D. SAFETY FEATURES/UTILITIES: Installation of landscape materials shall not obstruct access to fire hydrants, standpipes, sprinkler connections, utility vaults, telephone pedestals, and other public and private utility facilities.
- E. RIGHT-OF-WAY LANDSCAPING: In addition to all other landscaping requirements, the developer shall landscape the unused right-of-way between the front property line(s) and the improved roadway, subject to Planner approval.
- F. MAINTENANCE: All landscaping and screening areas shall be maintained in a healthy, growing condition. Broken, dead, or dying trees, shrubs, or other plants shall be replaced. All landscaping and screening shall be kept reasonably free of weeds and trash. Any property owner who fails to reasonably maintain landscaping and screening areas will be considered to have committed an offense under this code.
- G. PERFORMANCE ASSURANCE/BONDING: Unless otherwise required by the Planning Commission, all landscaping and screening required under this section shall be installed prior to occupancy of the development. In the event that landscaping improvements cannot be installed prior to application for occupancy, a cash deposit equal to 120% of the estimated installation costs shall be required. Such deposit shall be accompanied by a letter which shall stipulate completion of all landscape development no later than six (6) months after the issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the Town may use the deposit to perform the landscape development.
- H. PRE-EXISTING DEVELOPMENTS/ALTERATIONS: Any development existing prior to the adoption of this section which does not satisfy the provisions of this section shall be considered a nonconforming use. Additions or alterations to these non-conforming buildings shall require that landscaping commensurate with the extent of improvement be provided in compliance with the provisions of this section.

#### 1001.04 STREET FRONTRAGE REQUIREMENTS

Planting areas along street frontages shall be designed to soften and enhance the development on the site and provide a pleasant pedestrian environment. Landscaping may include planter boxes, raised planter beds, street trees (which do not conflict with underground or overhead utilities). Plants shall be selected for their seasonal colors and interesting textures. Plants with barbs, thorns, poisonous flowers or berries, and other such characteristics shall be avoided along street frontages.

#### 1001.05 PERIMETER LANDSCAPING

Plantings shall be required in areas within side and rear yards which area is not occupied by structures. A minimum of one tree shall be planted for every 30 linear feet, or fraction thereof, of perimeter length. Shrubs and ground cover plantings shall be in quantities and spacing that will provide for eighty (80%) percent ground coverage within three years. When applicable, the screening requirements under 1001.07, below, shall supersede the requirements of this subsection.

#### 1001.06 PARKING LOT LANDSCAPING

Landscaping within parking areas is intended to soften the visual effect created by large expanses of barren asphalt or gravel; increase the amount of permeable surface; and reduce the quantity and speed of runoff from the site. Parking area landscaping shall be located along road frontages and at the ends of parking columns or between parking stalls or rows of parking to break up and define parking areas.

#### 1001.07 SCREENING REQUIREMENTS

When applicable, the requirements of this section shall supersede the requirements of other subsections of this Chapter.

- A. **Purpose and Applicability:** The requirements of this section are intended to reduce the visual impacts and incompatible characteristics of:
  1. Abutting properties with different land use classifications.
  2. Service areas and facilities, including loading and storage areas.
  3. Any other use or area as required under this section or by the Planning Commission.
- B. **Landscaping:** Screen planting shall consist of evergreen trees, such as fir, cedar, pine, etc., planted a maximum of 15 feet on center; deciduous trees for seasonal color and texture; and medium-sized shrubs (3-5 feet at maturity) and ground cover plants at a density to form an

effective barrier to cover eighty-five (85%) percent of the ground surface within two (2) years.

C. Dimensional Requirements: The size of the planting area shall be as specified below, based on the type of screening used:

1. Minimum Width: Screening area shall be 10 feet wide unless the use of a fence or wall is incorporated into the screening, as provided under 2 or 3, below.
2. Fence Alternative: If a fence option is selected the width of the screening area may be reduced to five (5) feet. The fence shall be constructed of wood and be sight-obscuring.
3. Wall Alternative: If a wall at least five (5) feet high is to be used for screening, the screening area may be reduced to two (2) feet. Climbing plants and vines shall be used to add texture and soften the appearance of the wall. Screen walls shall be constructed with masonry, block, or textured concrete, subject to design approval by the Planner or Planning Commission.

#### 1001.08 REVIEW PROCEDURES/MINOR MODIFICATIONS

A. Review Procedures: The Planner shall review development proposals under the provisions of this section. For developments which the Planner has authority to approve, the action of the Planner shall be final, unless appealed to the Planning Commission. When the Planning Commission has authority to approve a development, they shall consider the Planner's recommendation regarding the landscaping, but may modify the requirements during a Public Hearing or plan review process at a regularly scheduled meeting.

B. Modifications: Where full application of these landscaping regulations cannot be met due to lot size, configuration, topography, pre-existing development, etc., the Planner and one member of the Planning Commission will consider minor modifications, substitutions and other methods deemed appropriate to meet the stated intent. If the development can otherwise be approved by the Planner, the action of the Planner and Planning Commission member shall be final. If the development must be approved by the Planning Commission, the Planner and Planning Commission member shall make a recommendation to the Planning Commission regarding the proposed modification. The Planner and the Planning Commission member, or the Planning Commission may take any of the following actions on a modification request:

1. Approve the request with or without specific stipulated conditions.
2. Approve the request with minor or major modifications.
3. Request a revised plan.
4. Deny the request.

CHAPTER 1002 PARKING

SECTIONS:	1002.10	REQUIRED GENERALLY
	1002.20	EXEMPTIONS
	1002.30	INCREASED USE
	1002.40	GENERAL PARKING REQUIREMENTS
	1002.50	OFF-STREET PARKING LOTS
	1002.60	MINIMUM OFF-STREET PARKING REQUIREMENTS
	1002.70	LOADING REQUIREMENTS PERPENDICULAR PARKING

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1002.10 REQUIRED GENERALLY

Every building or use hereafter erected or enlarged shall provide off-street parking and loading spaces in the amount and form set forth in this Chapter.

1002.20 EXEMPTIONS

All commercial uses and buildings containing businesses and one dwelling unit fronting on First Street from Washington to Commercial Street are exempt from parking requirements. HOWEVER, businesses and dwelling units benefiting from this exemption may be assessed a separate charge.

1002.30 INCREASED USE

Any change of use requiring more parking shall comply with these provisions.

1002.40 GENERAL PARKING REQUIREMENTS

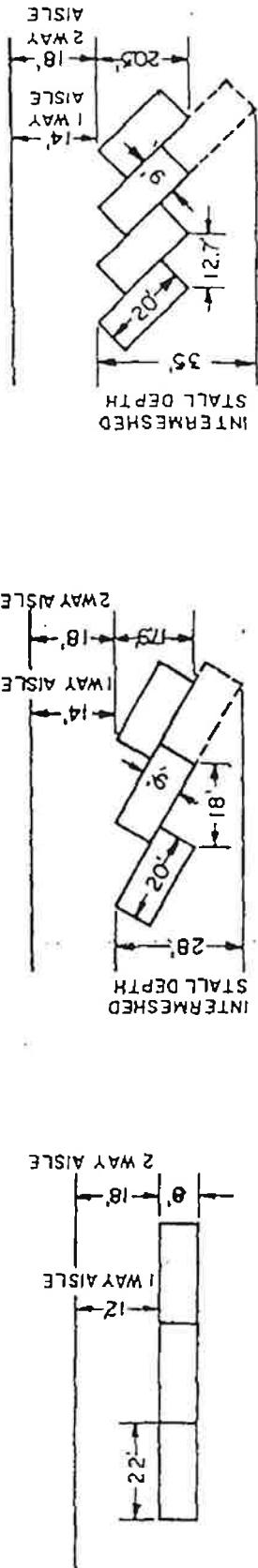
- A. All off-street parking spaces shall be accessible to a public or private street, but the spaces may not project into public street or right-of-way. Up to 25% of the required parking spaces may be of a compact size dimensions as follows:

SEE CHART ON NEXT PAGE

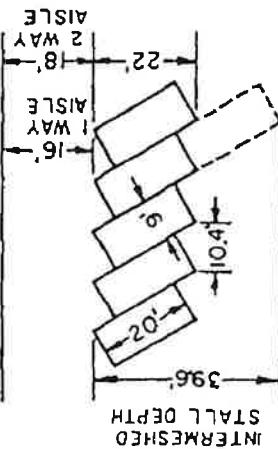
- B. Parking facilities for family dwellings of any type shall be located on the same property.
- C. Recreational Vehicles, Travel Trailers, boats, or commercial vehicles shall not be parked on a public right-of-way longer than 72 hours.

- 1. Boats stored on land shall not be used for dwelling

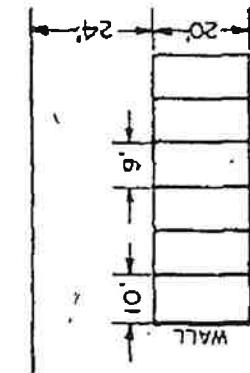
# OFF-STREET PARKING DESIGN STANDARDS



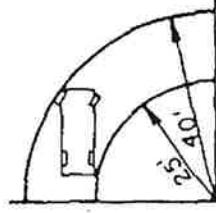
## PARALLEL PARKING



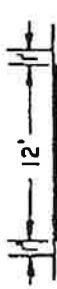
## 30° PARKING



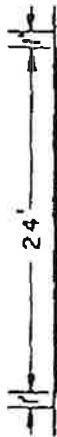
## 45° PARKING



## 90° PARKING



## 60° PARKING



**TWO-LANE DRIVE: 24' PAVED SECTION.  
26' BETWEEN VERTICAL OBSTRUCTIONS.  
25 OR MORE SPACES SERVED.**

ONE-LANE DRIVE: 12' PAVED SECTION.  
14' BETWEEN VERTICAL OBSTRUCTIONS.  
LESS THAN 25 SPACES SERVED.

ONE-LANE DRIVE: 8' PAVED SECTION.  
10' BETWEEN VERTICAL OBSTRUCTIONS.  
MAX. 2 RESIDENTIAL SPACES SERVED.

NOTES:

1. GARAGE, CARPORT & UNCOVERED SPACES WITH A WALL ON ONE OR MORE SIDES SHALL BE 10'X20'. UNENCLOSED SPACES MAY OTHERWISE BE 9'X20'. COMPACT SPACES ARE 8 1/2' X 16'.
2. BACK-OUT PARKING INTO THE STREET RIGHT-OF-WAY IS PROHIBITED EXCEPT FOR SINGLE FAMILY DWELLINGS.

purposes.

2. Recreational vehicles shall be used only for supplemental dwelling purposes. Dwelling use shall be limited to 30 days per year except as listed below.
3. Recreational vehicles may be used as a dwelling, if a permanent dwelling is under construction on the lot, provided:
  - a. A building permit for construction of a permanent dwelling has been issued.
  - b. Electrical connections have been inspected by the State Electrical Inspector.
  - c. Use as a dwelling is discontinued when construction is completed or within one year of issuance of the building permit, whichever comes first.

E. Two or more buildings or uses may collectively provide the required off-street parking; provided that the number of spaces provided is no less than the sum of the required spaces for the several individual uses computed separately. Legally binding documents between the users shall be filed with the Town.

F. Screening shall be provided when a commercial or public parking property abuts a residential area.

#### 1002.50 OFF-STREET PARKING LOTS

- A. Lot used for parking five or more vehicles shall be improved to eliminate problems of dust, grading and drainage.
- B. A parking area shall be developed and completed as required in this Title before an occupancy permit for building is issued.

#### 1002.60 MINIMUM OFF-STREET PARKING REQUIREMENTS

Minimum off-street parking requirements shall be determined in accordance with the following standards:

- A. Residential:
  1. Single family, manufactured houses, duplexes - 2 per unit.
  2. Multi-family dwellings, apartments, condominiums - 2 per unit.
- B. Institutional:
  1. Hospitals, resthomes - 1 per 3 beds and 1 per staff.
  2. Elementary and Middle Schools - 2 per classroom.
  3. High Schools - 6 per classroom.
  4. Auditoriums in conjunction with a school - 1 additional space per 100 square feet of floor area, or portion thereof, of the main auditorium, or one additional space

for each 9 seats, or 18 feet of bench length, or portion

- C. Commercial: Adequate parking for employees shall be provided, in addition to the following requirements:
  - 1. Banks, offices and professional services, 1 per 300 square feet of floor area or portion thereof.
  - 2. Retail and specialty shops, food & convenience stores, hardware, clothing, service shops and similar uses - 1 per 200 for the first 1000 square feet of usable retail floor area, and 1 per 400 square feet of usable floor area over 1000 square feet.
  - 3. Storage areas in conjunction with a commercial use - 1 per 1000 square feet.
  - 4. Hotels, motels, boarding houses, bed and breakfast - 1 per each paid unit plus 1 per on-site manager.
  - 5. Eating and drinking establishments - 1 per 100 square feet of gross floor area, or portion thereof.
- D. Amusement and public assembly:
  - 1. Churches, funeral homes - 1 for each 100 square feet area.
  - 2. Dance or exhibition halls, or places of assembly; skating rinks, and other commercial recreation places - 1 for every 100 square feet of assembly area.
  - 3. Athletic and health clubs - 1 per 200 square feet of exercise area or facility.
  - 4. Stadiums, sports areas, auditoriums and places of assembly with fixed seating - 1 space per each 3 seats.
- E. Industrial, Manufacturing and Processing:
  - 1. 1 for each employee on largest shifts or 1 per each 600 square feet up to 25,000 square feet of area and 1 for each 1,000 square feet over 25,000 square feet of area, whichever is greater.
- F. Warehousing and storage distribution:
  - 1. 0 - 24,999 square feet - 1 per 2000 square feet.
  - 2. 25,000 square feet and over - 1 per 5000 square feet.
- G. Boat moorage or boat landing (public, private or pleasure) - 1/2 space per vessel, excluding transient moorage.
- H. Mixed uses, not specifically defined - 1 for each 100 square feet of gross floor area up to 1000 square feet and 1 for each 200 square feet of gross floor area in excess of 1000 square feet.

#### 1002.80 LOADING REQUIREMENTS

An off-street loading space having access to a public thoroughfare shall be required adjacent to each business hereafter erected or enlarged. The minimum loading space requirement shall be determined by the Planning Commission.

CHAPTER 1003	SIGNS	
SECTIONS:	1003.10	INTENT
	1003.20	APPLICABILITY
	1003.30	SIGNS REQUIRING A CERTIFICATE OF AUTHORIZATION
	1003.30	GENERAL REQUIREMENTS

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#### 1003.10 INTENT

The purpose of this Chapter is to create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and reduce distractions and safety hazards. The overriding consideration in all cases must be to preserve the historic flavor of the Town of La Conner.

#### 1003.20 APPLICABILITY

This Chapter shall apply to all signs as defined by this Ordinance except traffic signs erected under the authority of the Town and signs directing traffic or parking on private property and which contain no advertising.

#### 1003.30 SIGNS EXEMPT FROM A CERTIFICATE OF AUTHORIZATION

Except for the following, all signs shall require a Certificate of Authorization:

- A. Temporary signs no larger than 16 square feet promoting political candidates, grand opening sales, or public or quasi-public events, to be removed within 5 days following cessation of activity or within 5 days following an election.
- B. Temporary real estate signs no larger than four square feet, one per advertised unit.
- C. Signs relating to construction in progress.
- D. Signs printed on the inside of windows.

#### 1003.40 GENERAL REQUIREMENTS

All signs to which this Chapter applies shall conform to the following general requirements regardless of whether a Certificate of Authorization is required:

- A. No sign shall be allowed which impairs:
  - 1. Scenic views,
  - 2. The appearance of surrounding area, or
  - 3. The visibility of traffic or traffic control devices.

B. No off-premise sign shall be allowed other than:

1. Signs pursuant to 1003.30 A;
2. Signs nine square feet or less giving directions to public or quasi-public facilities;

C. Sandwich board signs and off premise advertising signs are not permitted on public property, including sidewalks and right of way. Sandwich board signs that are existing at the time of the passage of this Ordinance shall be declared illegal and removed within 30 days upon written notice to the owners of such signs. Any person not complying with this section will be in violation of this ordinance and subject to the penalties described herein.

One 2 x 3 foot per side sandwich board per business on private property not to be included in the 32 square feet.

D. No outside signs or window signs shall be allowed which:

1. Moves, revolves or contains moving devices such as pennants or streamers.
2. Is unsafe, in poor repair, or blocks fire escapes.
3. Is attached to natural features such as rocks or trees.
4. Contains flashing or intermittent lighting.
5. Are placed on utility poles and Town of La Conner stop signs, street signs and all other road signs.

E. Signs shall conform to the height and setback requirements of the zone in which they are located except that:

1. On-premise signs shall not exceed the height of the building to which they refer to or are attached.
2. Projecting signs are exempt from setback requirements if otherwise in conformance with this Ordinance.

F. The total area of signs employed by any business shall not exceed 32 square feet and shall not exceed three per business.

G. The number of signs affixed flatly to or painted on a building shall not exceed two per business. Second sign may be part of a directory to be placed on the building.

H. In addition, one sign facing the Swinomish Channel will be permitted on buildings fronting on the Swinomish Channel.

I. Free standing or projecting signs shall be limited to one per building regardless of the number of businesses. Free standing signs shall not exceed ten feet in height.

- J. No sign shall project more than four feet or leave less than ten feet of clearance from the ground, except as stated for free standing signs.
- K. Home occupation signs or name plates, if located in residential zone, shall be limited to one sign no larger than three square feet and shall be attached to the home.
- L. Buildings having multi-tenants, signs may be consolidated in the form of a directory.
- M. The following may be required by the Planning Commission when necessary to achieve the intent of this Chapter:
  - 1. Consolidated and joint use of signs to avoid their proliferation.
  - 2. Painted on or flatly attached rather than freestanding or projecting signs.
  - 3. Removal of abandoned signs.
  - 4. Signs less than the maximum size where the maximum size is unnecessary for the purpose being served.

## CHAPTER 1004 ENVIRONMENTAL STANDARDS

### 1004.10 STANDARDS AND LIMITATIONS

- A. All uses shall meet the requirements of the Northwest Air Pollution Authority and Maximum Environmental Noise Levels, Chapter 173.60 WAC and other applicable Federal and State regulatory agencies.
- B. Surface Water: There shall be no pollution of surface or subsurface drainage waters.
- C. Screening: Commercial and Industrial uses and public parking areas shall be screened from adjacent residential uses using one of the techniques under Section 1001.07. The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is erected or in place and approved by the Town Council or designee. An exception to the screening requirement may be granted if the owner of the residential use files a written statement that such screening is not desired, and that any such screening needed in the future shall be installed at the expense of the residential property owner. Fences for the purpose of screening shall be a minimum of five (5) feet in height.
- D. Outdoor Storage Areas: All outdoor storage yards shall be screened by a fence or wall at least six feet high.
- E. Emissions: Emissions of smoke, dust and other particulate matter, toxic and noxious gasses are not to exceed current standards set by the local air pollution authority (Northwest Air Pollution Control Authority) and all Washington State and Federal standards as now exist, or are hereafter amended.
- F. Vibration: Every use shall be so operated that the ground vibration inherently and/or recurrently generated from use and/or equipment other than vehicles is not perceptible without instruments at any point on or beyond any zone district boundary in which the use is located.
- G. Heat, Glare, and Steam: Any activity producing steam, heat or glare shall be carried on in such a manner that the steam, heat or glare shall not create a nuisance beyond the boundary lines of the district within which the use is located. No building materials may be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Direct light from high intensity lamps shall not result in glare upon surrounding residential areas.
- H. Noise: On site sound levels and accumulative industrial district sound levels are not to exceed levels established by noise control regulations of the Department of Labor & Industries. Maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as

established by the State of Washington Department of Ecology as now exists or is hereafter amended. EDNA classifications will conform to certain zone designations established under this Ordinance as follows:

Class A EDNA:	Residential Use Zone
Class B EDNA:	Commercial Zone, Public Use Zone
Class C EDNA:	Industrial Use Zone

- I. **Fire and Explosive Hazards:** The manufacture, use, or processing of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be permitted only in accordance with the regulations of the fire prevention and building codes of the Town of La Conner that now exist or are hereafter amended.
- J. **Disposal of Wastes:** Disposal of wastes shall be subject to regulations of the state and local Health Department, Department of Ecology, and local, state and federal pollution controls as now exist, or are hereafter amended.
  - 1. **Storage of Garbage:** A plan approved by the Town for temporary(1-week) storage of garbage will be required in the Commercial and Industrial areas.
  - 2. **Recycling:** New construction and major remodeling (\$25,000), in all zones, will include an approved site for temporary storage of on-site generated recyclables.
- K. **Erosion:** Property owners must take all reasonable steps to prevent erosion by either wind or water which damages properties or carries objectionable substances into or through neighboring properties, ground water or storm drains.
- L. **Electrical Disturbance:** No activity shall emit electrical disturbance adversely affecting the operation of equipment or appliances at any point beyond the boundaries of the location of the use creating such disturbance.

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CHAPTER 1005 TEMPORARY STRUCTURES AND OPEN AIR VENDING

SECTIONS:	1005.01	DEFINITIONS
	1005.02	CONDITIONAL USE PERMIT REQUIRED
	1005.03	OTHER REQUIREMENTS

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1005.01 DEFINITIONS

- A. Temporary structures shall be defined herein as any structure or vehicle which is designed to be easily transported or

dismantled after its function has been fulfilled, and which is used for residential, commercial or office purposes except the following:

1. Floating structures used for sale of seafood and seafood products.
2. Vehicles used for sale of produce in season, located in the commercial zone provided that this exception shall not affect any regulation of such uses imposed by other chapters of this ordinance.
3. Small prefabricated utility buildings not exceeding 100 square feet, when used for residential accessory purposes.
4. Recreational structures when used for recreation in an appropriately designated area.
5. Temporary structures when used in conjunction with official local events. The structures are to be removed at the conclusion of the event. If not removed within 24 hours thereafter, the owner shall have forfeited any rights in said structure and the Town of La Conner shall have the right to remove said structure.

B. Temporary Uses shall be defined as those uses of land or existing structures and improvements which do not require permanent changes, or the permanent commitment of the land or existing structure to the proposed use. Temporary uses in conjunction with an official local event shall be subject to the Town's Special Events Application procedure and shall be exempt from the permit procedure of this section.

1. Under this provision, the Planning Commission may allow a temporary permit, subject to the provisions of subsection 1202, for a period not to exceed six (6) months for a use not otherwise allowed in the zone, and not otherwise provided for under subsection 1005, provided that the applicant provides evidence substantiating the following:
  - a. There is no reasonable alternative to the temporary use.
  - b. The permit will be necessary for a limited period of time.
  - c. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of the land.
  - d. The temporary use will not be detrimental to the area or to adjacent properties.
2. The Planning Commission may renew a temporary permit, for

a period not to exceed the maximum period of time allowed for an initial temporary permit under this section, according to the procedure stated in subsection 1202, provided that the applicant provides evidence substantiating the following:

- a. The circumstances under which the original permit was granted remain substantially similar.
- b. The use will not be detrimental to the area or to adjacent properties.
- c. The use will comply with the Comprehensive Plan.

C. Open Air Vending will not be permitted except where forming an integral part of a permanent sheltered business, except for during community sponsored events.

1005.02           **CONDITIONAL USE PERMIT REQUIRED**

Temporary structures shall require a Conditional Use Permit in accordance with Chapter 1202, which permit shall be limited to a set period of time to be established by the Planning Commission, set time not to exceed 180 days. Said structure shall be removed at the end of the permit period. If not removed within 10 days thereafter, the permittee shall have forfeited any rights to said structure and the Town of La Conner shall have the right to remove said structure.

1005.03           **OTHER REQUIREMENTS**

- A. If the proposal includes a sign or is located in the Historic Preservation District, a Certificate of Authorization is also required in accordance with Chapters 702 and/or 1100, which Certificate of Authorization shall be processed concurrently with the Conditional Use Permit.
- B. The use of any temporary structure approved through the Conditional Use Permit process shall remain subject to the restrictions and requirements of the zone in which it is located, the parking and loading requirements of Chapter 1002, and other applicable regulations.
- C. When approved in accordance with this Chapter, the placement or erection of a temporary structure shall not require a building permit, provided that the Town through such action, shall assume no liability or responsibility for the structural integrity of such temporary structure, said liability and responsibility devolving entirely upon the applicant.

CHAPTER 1100 CERTIFICATE OF AUTHORIZATION AND COMPREHENSIVE PLAN COMPLIANCE

SECTIONS:	1100.10	REQUIRED
	1100.20	COMPLIANCE WITH CERTAIN CONDITIONS
	1100.30	REQUIRED INFORMATION
	1100.40	PROCEDURE
	1100.50	APPROVAL AND DENIAL PROCEDURES

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1100.10 REQUIRED

Prior to any construction or occupancy of a building, or portion thereof, the applicant first must obtain from the Planning Commission or Planner a Certificate of Authorization whereby the Town verifies that this and all other Town Ordinances including State Environmental Policy Act and Shoreline Management are complied with.

1100.20 COMPLIANCE WITH CERTAIN CONDITIONS

The applicant must be able to demonstrate to the Planning Commission that the intended structure or development will meet the conditions set forth in this Title including parking requirements, sign regulations, and performance standards for industry, and is in conformance with the goals, objectives, and standards of the Comprehensive Plan.

1100.30 REQUIRED INFORMATION

Site development plans, drawn to scale, showing location of building, landscaping, signs, lighting, access and parking arrangements, elevation drawings of proposed buildings (including surrounding buildings if requested), and an appropriate fee must be submitted together with the application.

1100.40 PROCEDURE

A. Historical: (See HPD Ordinance)

Any development, including signs, in the declared Historic Preservation District will be subject to Planning Commission review and approval except the Town Planning Director may review projects which do not exceed \$10,000 value.

B. Single-family Residential Use and Signs:

Applicant shall fill out and submit to town staff a Certificate of Authorization with appropriate fee paid.

Applicant need not attend regular Planning Commission meeting if project meets all requirements of Zoning Ordinance and

Comprehensive Plan and is not in the Historic Preservation area. Certificate of Authorization form must be approved by the Planner and/or other designee of the Town Council

C. Other Uses

The Certificate of Authorization form for other uses shall be reviewed by the Planning Commission.

**1100.50 CERTIFICATE OF AUTHORIZATION - APPROVAL AND DENIAL PROCEDURES**

Any Certificate of Authorization requiring Planning Commission approval shall be heard by the Planning Commission at a regular or special meeting. The Planning Commission shall review the proposal for compliance with this Chapter, Comprehensive Plan, and Shoreline Management Act, if applicable. The Planning Commission may table the application to gather more information, obtain revisions or view the sight.

Planning Commission action shall be by recorded motion. The Planning Commission shall, to the extent possible, consult with the applicant to find solutions to a proposal's inability to meet the standards of this Chapter, Comprehensive Plan, or Shoreline Management Act.

Any Planning Commission decision on a Certificate of Authorization may be appealed to the Town Council, if application for such is made within ten (10) days of the decision and an appropriate appeal fee is paid. The appeal fee is waived for the applicant.

If, after obtaining a Certificate of Authorization or Conditional Use Permit, the applicant makes any alterations in the use, size, appearance or the ability of the structure to meet the dimensional standards of this Chapter, when obtaining a building permit or thereafter, the changes must be approved by the individual or department of the Town, or its designee, which gave final approval of the project. The review of a change is appealable to the same extent and in the same manner as the original approval would have been, if appealed.

CHAPTER 1200 CRITERIA/PROCEDURES FOR DISCRETIONARY PERMITS

SECTIONS: 1201.10 GENERAL

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1201.10 GENERAL

The Planning Commission and Town Council may allow a Comprehensive Plan/Zone Change, after a public hearing is conducted, provided that the applicant provides evidence substantiating the following:

A. GOALS AND POLICIES

The proposed change is consistent with the goals and policies of the Comprehensive Plan, particularly as they relate to the affected zones and uses.

B. PUBLIC FACILITIES:

The property and affected area is presently provided with adequate public facilities, services, and transportation networks, or such facilities, services, and transportation networks are planned to be provided concurrently with the development of the property, considering:

1. The effect of traffic and parking on the surrounding community
2. The availability and capacity of public facilities and services such as sewer, water, storm drainage, sidewalks, police and fire protection, and schools to serve the proposed use.

C. IMPACTS/COMPATIBILITY:

The proposed use will not adversely impact the general health, safety and welfare of the community.

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CHAPTER 1202 CONDITIONAL USE PERMIT PROCEDURES AND GUIDELINES

SECTION:	1202.10	GENERAL
	1202.20	PROCEDURE
	1202.30	TIME LIMITATIONS
	1202.40	APPEALS

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## 1202.10 CRITERIA

Conditional uses may or may not be permitted, depending on conformance with specific criteria. They are called conditional because they are allowed only when proper conditions exist, or when the proposal can be brought into conformance with the criteria by placing conditions on the permit. The applicant must provide evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district.
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
3. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.
4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
5. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use, Shoreline Management Act, and Floodplain Ordinance, if applicable.
6. The use must cause no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution.

## 1202.20 PROCEDURE

- A. The applicant must complete and submit to the Town Clerk, the application together with plot plans, attachments, development schedule, and fees. The plot plan shall be to scale at least 17 x 25-1/2 inches in size.
- B. An acceptable plot plan shall include the following applicable features:
  1. Name, address and phone number of owner or developer, and property owners within 300 feet.
  2. Contour intervals of five feet or less, unless otherwise determined by the Planning Commission.
  3. Location and dimensions of all vehicular points of ingress and egress, channelizations, traffic circulation and parking facilities.
  4. Location and dimensions of pedestrian entrances, exits,

walks and walkways.

5. General drainage systems.
6. Location, material, and height of all existing and proposed walls and fences.
7. A general landscaping plan showing existing tree cover, tree cover to be preserved, and landscaping to be added.
8. Ground cover, banks, ditches, streams, rock outcroppings, marshlands, or other unusual features of the site.
9. Any other information deemed necessary by the Planning Commission.

C. Vicinity Map: To scale, include a vicinity sketch, showing names, location of property lines, adjacent streets and roads, and the approximate location of developments on adjacent property within 500 feet of the site, and indicating major development structures. Size shall be at least 17 x 25-1/2".

D. The Town Clerk shall publish a Notice of Public Hearing in the legal newspaper of the Town of La Conner and a copy of the notice is to be sent to all property owners within 300 feet of the proposal by mail.

E. The Town Clerk shall schedule a Public Hearing at the next regularly scheduled meeting of the Planning Commission at least ten (10) days following publication and mailing of notices.

F. Following the public hearing and input from Town Staff, the Planning Commission is to determine conformance with Section 1202.30, and approve, approve with conditions, or deny the permit accordingly; EXCEPT that in the case of applications for multi-family dwellings, the Planning Commission shall recommend to the Town Council, which need not hold an additional public hearing, and which shall give final approval, approval with conditions, or disapproval.

G. The Certificate of Authorization shall be processed concurrently with the Conditional Use Permit so as to minimize total processing time.

H. If, after obtaining a Certificate of Authorization or Conditional Use Permit, the applicant makes any alterations in the use, size, appearance, or ability of the structure to meet the dimensional standards of this Chapter, when obtaining a building permit or thereafter, the changes must be approved by the individual or department of the Town or its designee, which gave final approval of the project. The review of a change is appealable to the same extent and in the same manner as the original approval would have been, if appealed.

1202.30 LIMITATIONS

A. Conditional Use Permit shall become void if:

1. Property/structure stands vacant for 12 months or more, or use changes substantially.
2. Construction of new development is not completed and certificate of occupancy is not granted within 24 months of all permit approvals, PROVIDED, that the Planning Commission may, upon showing of good cause, extend said time limitations for periods not to exceed 12 months.

B. Within constraints established by Sections 1202.30A and 1005 (Temporary Structures), a Conditional Use Permit constitutes a permanent permit, regardless of transfers of ownerships. However, any increase in size, or departure from conditions attached to the original permit, shall require review by the Planning Commission, and, if deemed necessary, submission of a new application.

1202.40 APPEALS AND GRANTING OF PERMIT

To be considered a formal appeal, a written petition must be submitted and the appropriate appeal fee paid.

Decisions of the Planning Commission on applications for other than multi-family housing shall be appealable to the Town Council with due cause, if submitted in writing within ten days of decision. If no appeal has been submitted in the ten day time period, decision of the Planning Commission will stand. Appeal fees are waived for an unsuccessful applicant. The decision of the Town Council is final.

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CHAPTER 1203	VARIANCES/BOARD OF ADJUSTMENT
SECTIONS: 1203.10	APPLICATION-CONTENTS
1203.20	APPLICATION-FILING-HEARING-NOTICE
1203.30	FINDINGS BY BOARD
1203.40	ACTION BY BOARD- RECORD
1203.50	PROHIBITED
1203.60	BOARD ESTABLISHED - MEMBERS
1203.70	OFFICERS & MEETINGS
1203.80	RULES & RECORDS
1203.90	POWERS & DUTIES

## 1203.10 APPLICATION-CONTENTS

A Variance from the terms of this Title shall not be granted unless and until a written application for variance is submitted to the Town containing:

- A. Name, address and phone number of applicant;
- B. Name and notarized signature, address and phone number of legal owner of subject property;
- C. Legal description of property;
- D. Description of variance being requested and plot plan;
- E. Narrative statement demonstrating the requested variance conforms to the standards in Sections 1203.20.E.1-5.

## 1203.20 APPLICATION-FILING-HEARING-NOTICE

- A. Upon the filing of an application for variance, the Town Clerk shall schedule a public hearing before the Board of Adjustment at their next regularly scheduled meeting date.
- B. A notice containing sufficient explanation shall be published twice in the legal newspaper of the Town, at least once ten days prior to the intended public hearing.
- C. Written notices of the public hearing shall be sent to the adjacent property owners within three hundred feet of the property upon which the variance is requested.
- D. The applicant shall appear at the public hearing in person, by agent, or by attorney.
- E. Variances shall only be granted when the applicant demonstrates that the following conditions are met:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  2. That literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
  3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting of the variance requested will not confer

on the applicant any special privilege that is denied by this Title to other lands, structures, or buildings in the same district.

5. That the granting of the variance will be in harmony with the general purpose and intent of this Title, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

#### 1203.30 FINDINGS BY BOARD

The Board of Adjustment shall grant a variance only upon findings that the application satisfies all the foregoing.

#### 1203.40 ACTION BY BOARD- RECORD

The Board of Adjustment shall, in making an order, requirement, decision, or determination, include a brief nonverbatim written record of the case and findings of fact upon which the action was based. Actions of the Board of Adjustment are final.

#### 1203.50 PROHIBITED

Under no circumstances shall the Board of Adjustment grant a Variance to allow a use not permissible under the terms of this Title in the district involved, or any use expressly or by implication by the terms of this Title in said district.

#### 1203.60 ESTABLISHED - MEMBERS

A Board of Adjustment is established which shall consist of five members. The member's are to be residents of the Town, appointed by the Mayor with approval of Town Council. Members of the Board of Adjustment may be removed from office by the Mayor with the consent of the Town Council after Public Hearing, for neglect of duty or malfeasance in office. Vacancies shall be filled by appointment by the Mayor with approval of the Town Council, and the term shall be for a period of three years.

#### 1203.70 OFFICERS-MEETING

The Board of Adjustment shall elect a Chairman and Vice Chairman from among its members, and shall provide a secretary who need not be a member of the Board. Meetings will be held as needed and all meetings shall be open to the public.

#### 1203.80 RULES AND RECORDS

The Board of Adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

#### 1203.90 POWERS AND DUTIES

A variance request shall be decided in public session and is final

at that time. If the applicant or its representative is not present when decided, a written decision shall be mailed by First Class Mail to the applicant, unless within twenty days from the date of the action, the original applicant or adverse party makes application to the Court of competent jurisdiction for a writ of certiorari, mandamus, or prohibition.

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1300 PLANNING COMMISSION

SECTIONS:	1300.01	ESTABLISHED-MEMBERS-RULES
	1300.02	MEETINGS
	1300.03	POWERS AND DUTIES
	1300.04	RECOMMENDATIONS-PROCEDURES

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1300.01 ESTABLISHED-MEMBERS-RULES

- A. A Planning Commission is established which shall consist of seven members, appointed by the Mayor with approval of the Town Council. Members may be removed from office by the Mayor for neglect of duty, or malfeasance in office after a public hearing with consent of Town Council. Vacancies shall be filled by appointment by the Mayor with approval of the Town Council. The term of office on the Planning Commission is three years. Members shall be residents of the Town of La Conner.
- B. The Planning Commission shall elect a chairman and vice chairman from among its members, shall appoint a secretary who need not be a member of the Commission, and shall adopt rules for transaction of business and shall keep a record of transactions, findings, and determinations.

1300.02 MEETINGS

No less than one regular meeting shall be held each month unless no matters are pending on the Commission calendar. Four members shall constitute a quorum to conduct business. The Chairman shall vote only in case of a tie.

1300.03 POWERS AND DUTIES

The Planning Commission shall have the following powers and duties:

- A. Preparation and approval of the Comprehensive Plan, and amendments or additions to the plan, for referral to the Town Council.
- B. Provide recommendations to the Town Council on conformance of

public or private projects to the Comprehensive Plan, including recommendations for bringing nonconforming projects into compliance.

- C. Review and make recommendations on all proposed land plats and subdivisions.
- D. Hold hearings, take testimony and make recommendations to the Town Council on amendments to the Town zoning map or zoning ordinance.
- E. Hear and decide on zone compliance, sign permits, certificates of authorization, short plats, and other duties delegated by the Town Council.

**1300.04 RECOMMENDATIONS-PROCEDURE**

- A. Before recommending on an official control or amendment to the Town Council for adoption, the Planning Commission shall hold at least one public hearing.

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**CHAPTER 1400 ENFORCEMENT**

<b>SECTIONS:</b>	<b>1400.01</b>	<b>ENFORCEMENT</b>
	<b>1400.02</b>	<b>SEVERABILITY</b>
	<b>1400.03</b>	<b>REPEAL</b>

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**1400.01 ENFORCEMENT**

**1. DECLARATION OF INTENT**

All violations of land use ordinances, statutes and regulations are determined to be detrimental to the public health, safety, and welfare and are hereby declared to be public nuisances. All conditions which are determined by the Town Council, or designee, to be in violation of any land use ordinance, statute or regulation shall be subject to the provisions of this ordinance and shall be corrected by any reasonable and lawful means as provided herein.

**2. RIGHT OF ENTRY**

- A. Whenever necessary to make an inspection to enforce the provisions of any land use ordinance, statute, or regulation, or whenever the Town Council or designee has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of any land use ordinance, statute or regulation, the Director or designee may enter such building, structure, property or portion thereof at all reasonable times to

inspect the same.

B. If such building, structure, property or portion thereof is occupied, Town Council or designee shall present proper credentials and demand entry.

C. If such building, structure, property or portion thereof is unoccupied, a reasonable effort shall be made to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the owner or such other persons are unable to be located and the Town Council or designee has reason to believe that conditions therein create an immediate and irreparable land use or health hazard, then entry shall be made.

D. It shall be unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper demand to permit prompt entry thereon by the Town Council or designee for the inspection and examination pursuant to this ordinance.

### 3. MISDEMEANOR

As an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates any land use ordinance, statute, regulation, or any order issued pursuant to this ordinance, or by any act of commission or omission procures, aids or abets such violation, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed Two Hundred Fifty Dollars (\$250.00) and/or imprisonment in the county jail for a term not to exceed ninety (90) days. Each day such violation continues shall be considered an additional misdemeanor offense.

### 4. CIVIL PENALTY

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates any land use ordinance, statute or regulation, or by any act of commission or omission procures, aids or abets such violation shall be subject to a civil penalty in an amount of Ten Dollars (\$10.00) per day for each continuous violation to be directly assessed by the Town Council or designee until such violation is corrected. The penalty shall be Twenty Dollars (\$20.00) per day for the second separate violation and Thirty Dollars (\$30.00) per day for the third separate violation of the same regulation within any five-year period. All civil penalties assessed will be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this ordinance.

### 5. ABATEMENT

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, the Town Council or designee may order a land use violation to be abated. The Town Council or designee may order any person who creates or maintains a violation of any land use ordinance, statute or regulation, to commence corrective work and to complete the work within such time as the Town Council or designee determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Town Council or designee will proceed to abate the violation and cause the work to be done. Costs thereof will be charged as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

#### 6. ADDITIONAL ENFORCEMENT

Notwithstanding the existence or use of any other remedy, the Council or designee may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any land use ordinance or rules and regulations adopted thereunder.

#### 7. COMMENCEMENT OF PROCEEDINGS

- A. Whenever the Council or designee has reason to believe that a use or condition exists in violation of any land use ordinance, statute, or regulation, enforcement action shall be initiated as herein provided and/or, at the Council or designee's option, administrative notice and order shall be commenced to cause the enforcement and correction of each violation.
- B. Pending commencement and completion of the notice and order procedure provided for in this section, the Council or designee may cause a "stop work order" to be posted on the subject property or served on persons engaged in any work or activity in violation of a land use ordinance, statute or regulation. The effect of such a "stop work order" shall be to require the immediate cessation of such work or activity until authorized by the Council or designee posting the order to proceed.

#### 8. NOTICE AND ORDER

Whenever the Council or designee has reason to believe that violation of a land use ordinance, statute, or regulation will be most promptly and equitably terminated by an administrative notice and order proceeding, a written notice and order shall be issued directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. The notice and order may be posted on the property and shall contain:

- A. The street address when available and a legal description of the real property and/or description of personal property sufficient for identification of the location where the violation occurred or is located.
- B. A statement that the Council or designee has found the person to be in violation of a land use ordinance, statute or regulation with a brief and concise description of the conditions found to be in violation.
- C. A statement of the corrective action required to be taken. If the Council or designee has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as the Council or designee shall determine is reasonable under the circumstances.
- D. A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent.
- E. Statements advising that (i) if any required work is not commenced or completed within the time specified, the Town Clerk will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and (ii) if any assessed civil penalty is not paid, the Town Clerk will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;
- F. A statement advising that the order shall become final unless, no later than ten (10) days after the notice and order are served, any person aggrieved by the order requests in writing a reconsideration conference with the Town Clerk issuing the order.

9. METHOD OF SERVICE

Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, then a copy of the notice and order shall be mailed to such person at the location of the violation and a copy shall be posted in a conspicuous location on the premises. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

10. RECONSIDERATION CONFERENCE

Upon receipt of a written request from aggrieved person for a reconsideration conference, the Town Council or designee shall schedule such conference with the person or persons making the request. Such conference shall be by agreement of the Town Council or designee and the requesting parties. The request for a reconsideration conference shall state on its face the telephone number and address at which the requesting party may be promptly contacted. The reconsideration conference shall be informal of nature at such time and place as the Town Clerk shall specify and upon such reasonable oral or written notice as the Town Clerk shall give at the telephone number or address indicated upon the face of the request. Within five (5) days after the reconsideration conference or scheduled time thereof, the Town Council or designee shall issue a final order which shall either be served personally or by certified mail at the address indicated upon the reconsideration request. The final order shall be effective three (3) days after personal service or five (5) days after mailing unless within that time the aggrieved party gives the Town Clerk written notice of intent to file a petition for writ of review or institute other appropriate legal proceedings in the Superior Court of the State of Washington in which event the effective date of such final order shall be stayed for an additional ten (10) days and upon such legal proceedings being initiated shall abide the order of said court.

11. SUPPLEMENTAL NOTICE AND ORDER

The Town Clerk may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedure applicable to all notices and orders and contained in this ordinance.

12. ENFORCEMENT OF FINAL ORDER

- A. If, after any order duly issued by the Council or designee has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Council or designee may:
  - i. cause such person to be prosecuted under this ordinance; and/or
  - ii. institute any appropriate action to collect a civil penalty assessed under this ordinance; and/or
  - iii. abate the land use violation using the procedures of this ordinance; and/or
  - iv. file in the office of the Skagit County Auditor a certificate describing the property and the violation and stating that the owner has been so notified; and/or
  - v. pursue any other appropriate remedy at law or equity.

B. Enforcement of any notice and order of Council or designee issued pursuant to this ordinance shall be stayed during the pendency of the request for reconsideration conference under this ordinance, except when Council or designee determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

13. SUSPENSION OF PERMITS

A. The Council or designee may temporarily suspend any permit issued under a land use or health ordinance for (i) failure of the holder to comply with any notice and order issued pursuant to this ordinance.

B. Such permit suspension shall be carried out through the notice and order provisions of this ordinance, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal suspension as provided by this ordinance.

C. Notwithstanding any other provision of this ordinance, whenever the Council or designee finds that a violation of any land use or public health ordinance, statute, or regulation has created, or is creating, an unsanitary, dangerous, or other condition which, in the opinion of Council or designee, constitutes an immediate and irreparable hazard, the operations under the permit may be, without service of a written notice and order, suspended or terminated immediately.

14. REVOCATION OF PERMITS

A. The Council or designee may permanently revoke any permit issued by the Town for (i) failure of the holder to comply with the requirements of any land use ordinance, statute, or regulation, or (ii) failure of the holder to comply with any notice and order issued pursuant to this ordinance, or (iii) interference with the Council or designee in the performance of duties, or (iv) discovery by the Council or designee that a permit was issued in error or on the basis of incorrect information supplied to the Town.

B. Such permit revocation shall be carried out through the notice and order provisions of this ordinance and other revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided by this ordinance.

C. A permit may be suspended pending its revocation or a hearing relative thereto.

15. LIEN AUTHORIZED

The Town of La Conner shall have a lien for any civil penalty

imposed or for the cost of any work of abatement done by it pursuant to this ordinance, or both, against the real property on which the civil penalty was imposed or any of the above work was performed.

**16. PERSONAL OBLIGATION AUTHORIZED**

The civil penalty and the cost of abatement are also joint and separate personal obligations of any person in violation. The Town Attorney on behalf of La Conner may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

**17. NOTICE LIEN MAY BE CLAIMED**

The notice and order of the Council or designee pursuant to this ordinance shall give notice to the owner that a lien for the civil penalty or the cost of abatement, or both, may be claimed by the Town.

**18. PRIORITY**

The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for State and County taxes with which it shall be on a parity.

**19. CLAIM OF LIEN - GENERAL**

- A.** The Council or designee shall cause a claim for lien to be filed or recorded in the office of the Skagit County Auditor within ninety (90) days from the date the civil penalty is due or within ninety (90) days from the date of completion of the work or abatement performed pursuant to this ordinance.
- B.** **Contents.** The claim for lien shall contain the following:
  - i. The authority for imposing a civil penalty or proceeding to abate the violation, or both;
  - ii. A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;
  - iii. A description of the property to be charged with the lien;
  - iv. The name of the known owner or reputed owner, and if not known the fact shall be alleged; and
  - v. The amount, including lawful and reasonable costs, for which the lien is claimed.
- C.** **Verification.** The Council or designee shall sign and verify the claim by oath to the effect that the affiant

believe the claim is just.

D. Amendment. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment.

20. DURATION OF LIEN - LIMITATION OF ACTION

No lien created by this ordinance binds the property subject to the lien for a period longer than three (3) years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.

21. FORECLOSURE - PARTIES

A. Foreclosure. The lien provided by this ordinance may be foreclosed and enforced by a civil action in the Superior Court of the State of Washington for Skagit County.

B. Joinder. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

C. Actions saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

1400.02 SEVERABILITY

In the event that any section, paragraph, or part of this Title is for any reason declared invalid, or held unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

1400.03 REPEAL

Ordinance Nos. 458, 459, 506 and 561 are hereby repealed in their entirety.

DATED THIS 26 DAY OF Sept, 1989

Bud Moon

ATTEST:

MAYOR

Kathleen A. Everett

TOWN CLERK

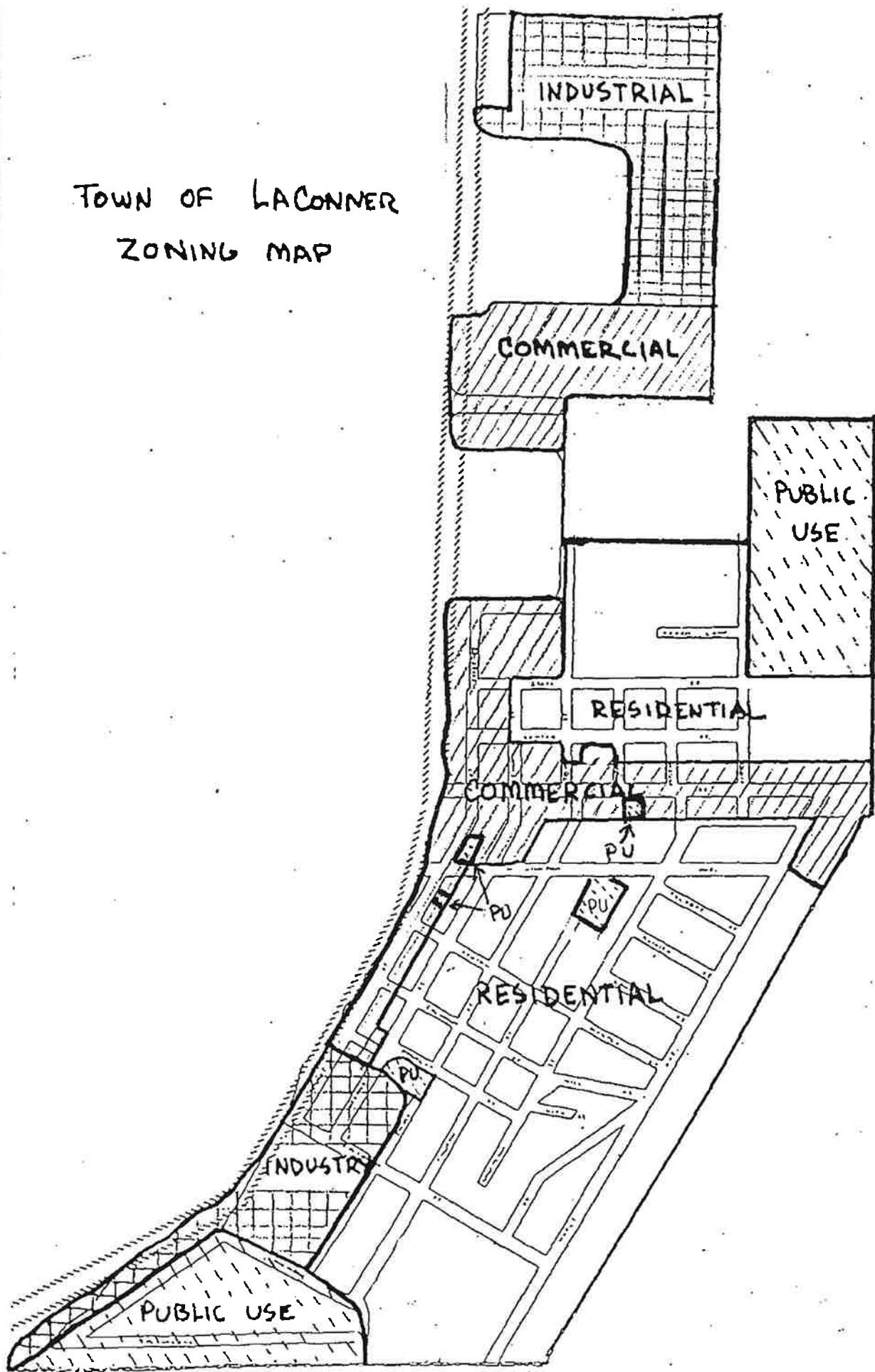
APPROVED AS TO FORM:

BO Furtach

TOWN ATTORNEY

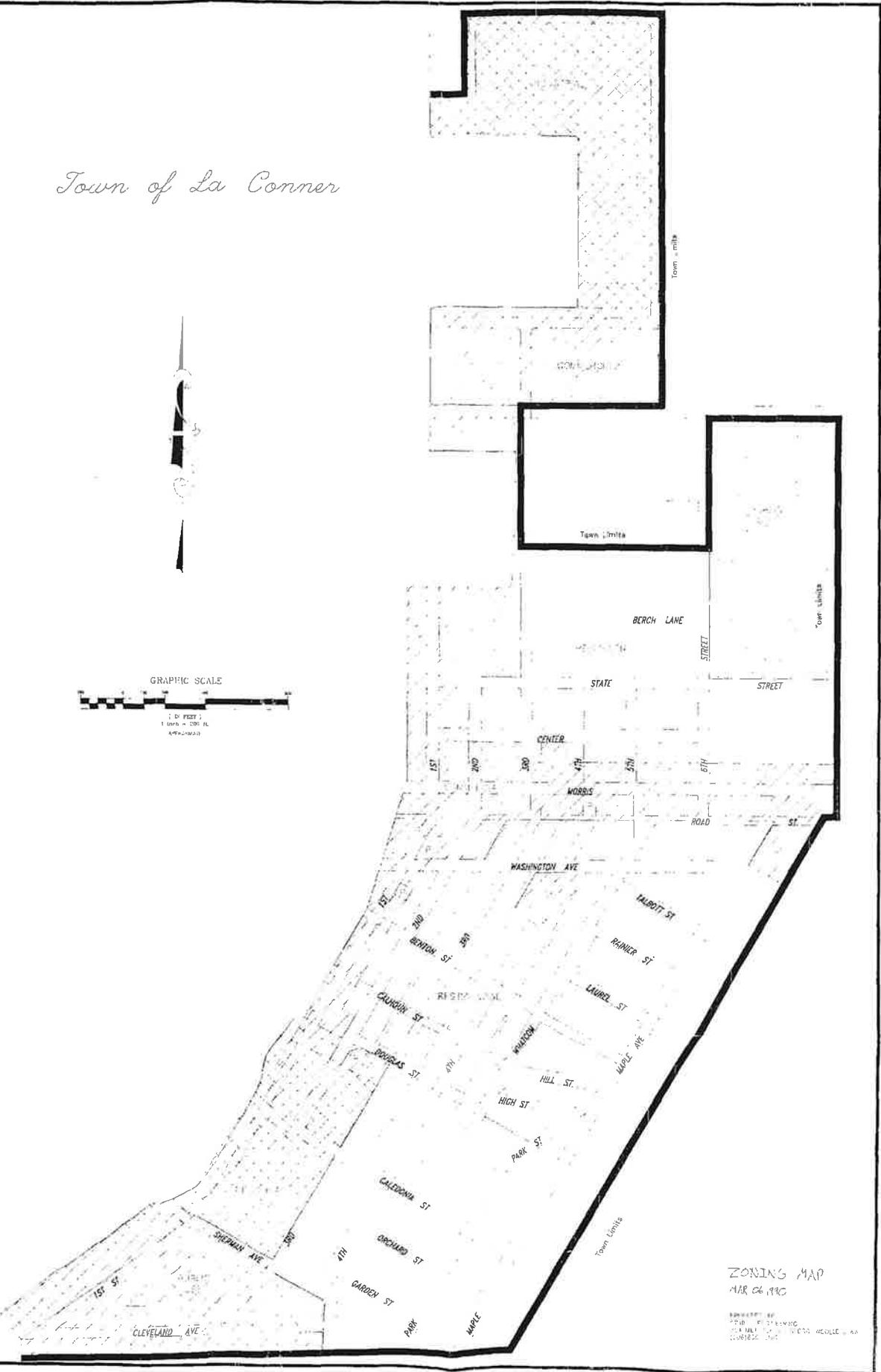


TOWN OF LA CONNER  
ZONING MAP

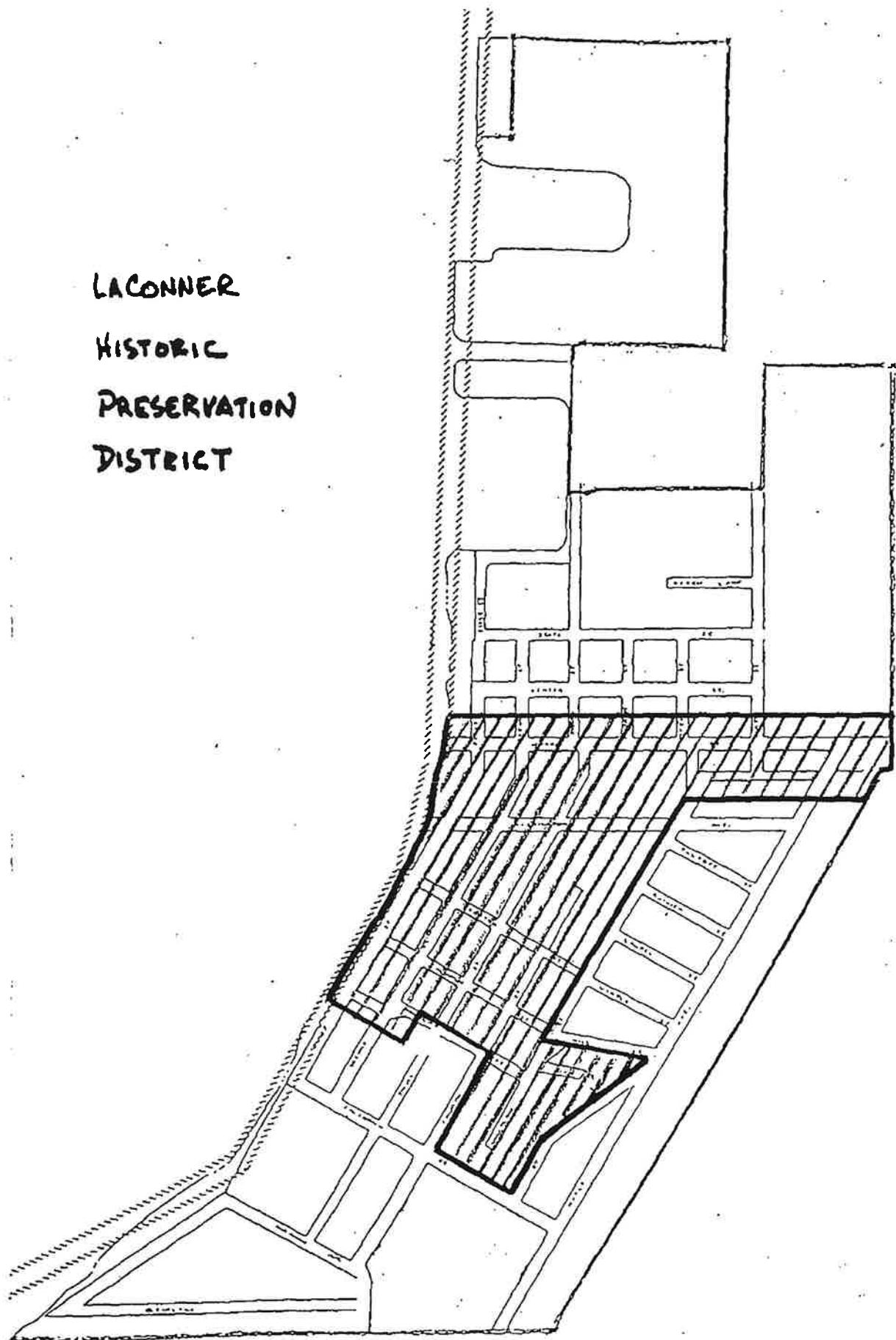


Town of La Conner

GRAPHIC SCALE  
1/4 INCH = 100 FEET  
1 INCH = 200 FEET  
1/2 INCH = 1000 FEET



LA CONNER  
HISTORIC  
PRESERVATION  
DISTRICT



Upon motion by Councilmember Don Wright, second by Councilmember K.C. Coone, the Department of Labor & Industries Retro Rating Contract was approved.

Upon motion by Councilmember Don Wright, second by Councilmember K.C. Coone, the change of fidelity bond coverage from private to the pooling was approved. \$250,000 rather than \$40,000 will be the coverage for a great rate decrease.

The letter from Dan O'Donnell about the Port Shoreline Resolution was read. Al Malden discussed the Port resolution and the Open Public Meetings Act.

Upon motion by Councilmember Don Wright, second by Councilmember Jerry Hedbom, the meeting was adjourned.

*Kathleen J. Ernst*  
TOWN CLERK

*Bud Moore*  
MAYOR

TUESDAY, MARCH 13, 1990

The Tuesday, March 13, 1990 meeting of the La Conner Town Council was called to order at 7:00 p.m. in the Council Chambers by the flag salute. Present were Mayor Bud Moore, Councilmembers Jerry Hedbom, K.C. Coone, Don Wright, Dave Alvord and Tony Morefield.

The minutes of the previous meeting were approved as presented upon motion by Councilmember Don Wright, second by Councilmember Tony Morefield.

PUBLIC HEARING - HISTORIC PRESERVATION ORDINANCE:

A letter from Ron Shrigley was read urging passage of a strong ordinance and a memo from Kendra Smith has been received advising establishment of an advisory board on historic design. It would be advisory to the Planning Commission. The Town Council discussed this idea. Councilmember Jerry Hedbom is opposed and does not want to add another committee. Councilmember K.C. Coone feels that the Planning Commission is too big already. Town Planner Kendra Smith discussed a Planning Commission meeting in January where this committee would have been important in answering questions regarding a remodel of an historic structure. Councilmember Don Wright is not in favor of adding another step and further slowing down the permitting process. Planning Commission member Jerrine Halvorsen feels that this committee would help. Planning Commission member Roberta Nelson does not like the Historic Preservation Commission and Planning Commission combined. Planning Commission member Jim Reeves stated that if the ordinance is a good one, then this committee is not needed. Councilmember Tony Morefield feels that the Planning Commission should make this decision since the group would be advisory to them. The Public Hearing was opened.

A fire call occurred and Councilmembers Don Wright and Dave Alvord left the meeting. Jim Reeves asked if the ordinance was the same as sent from the Planning Commission. No, it now leaves more latitude to the Planning Commission. Dan O'Donnell feels that there should be an addition to the Purposes section referring to the IRS Tax Credits. It would be purpose #I. There being no further comment, the public hearing was closed.

Councilmember K.C. Coone wants to add Dan O'Donnell's statement as I under purposes. Was suggested that wording be "To encourage owners of residential historic properties to take advantage of available IRS tax credits". There was discussion of the committee to advise the Planning Commission. Councilmember Jerry Hedbom moved to adopt Ordinance #580 as is. Councilmember Tony Morefield seconded the motion. Town Attorney Brad Furlong discussed the committee and it is better to add it to the ordinance now rather than amending it later. Mr. Furlong also has some problems with the Appearance of Fairness Doctrine with regard to this committee. Councilmember Tony Morefield was willing to withdraw the motion and wait until next meeting. The question was called for and the motion carried unanimously.

CONDITIONAL USE PERMIT - HOLT 4-PLEX ON MAPLE STREET:

The recorded motion of the Planning Commission was read recommending approval with the Planner's recommendations. Mr. Mike Todd, representing Mr. Holt, stated that the plans meet the square footage, parking, landscaping requirements. The developer feels that the Town needs some more rental units.

Appearance of Fairness disclosures were made. Councilmember Tony Morefield had nothing to disclose. Councilmember K.C. Coone had nothing to disclose. Councilmember Jerry Hedbom had nothing to disclose. Mayor Moore had nothing to disclose. Drainage was discussed. The system will have an oil separator before entering the catch basin. Councilmember Jerry Hedbom moved to approve this conditional use permit with the Planner's recommendations. Councilmember Tony Morefield seconded the motion which carried unanimously.

CONDITIONAL USE PERMIT - MCKENNA BEACH TRIPLEX ON S. 4TH STREET:

Appearance of Fairness disclosures were made. Councilmember Tony Morefield had nothing.

PLANNING COMMISSION MINUTES  
October 4, 1994

Chairman Sellen called the meeting to order at 7:00 p.m.. Present were Jacqueline Born, Jerrine Halverson, Butch Hertz, Bill Robinson, and David Solie. Dean Rogers was absent. This was David Solie's last meeting.

1. MINUTES:

Commissioner Halverson moved, seconded by Commissioner Hertz, that the Planning Commission minutes of September 20, 1994 be approved as read. Motion carried unanimously.

2. PLANNER'S REPORT:

US Army Corps of Engineers Update - the bank stabilization work is progressing faster now. They are up to the Lighthouse and have authorization to start on the bulkhead at Don Olson's place.

Chairman Sellen passed out a "Decision Checklist" to the commissioners for their use.

Mayor O'Donnell came in with a message that Gary Sturdy would not be present for the hearing on the Stormwater Management Plan.

3. NEW BUSINESS:

a. Public Hearing on Conditional Use Permit for Temporary Use of a Mobile Home/Trailer at 315 Morris St. for Donna and Gerald Blades. The applicants proposed to place a 35'x8' trailer for temporary use as a caretaker office and residence behind the existing commercial building known as the LaConner Station. The applicants were present. The Planner summarized the staff report and Chairman Sellen read letters received from Jim and Judy Reeves objecting to the proposal and from Chester Pearson in favor. He also read a memo from Town Attorney, Brad Furlong, to the Planner clarifying the proposed use. (Copies attached.) During the declarations, Commissioner Born declared she leased business space from the applicants and left the meeting. The applicants had the trailer in place since before September 7, 1994 when a Stop Work Order was issued because they had not applied for a permit.

Donna Blades presented her reasons for having the trailer at that site and addressed some of the issues in the staff report. She felt it was better to have a caretaker residence on the property and cited examples of past crimes on her property. Donna brought out the following points - there was no low income housing in La Conner; there is no trailer park here; a caretaker residence is not prohibited by the "blue book"; six months is not enough time to meet their needs; they hope to sell the LaConner Station; they are leaving for Mexico soon and will be away for several months; it was suggested that the trailer be put inside the garage on the property but this wasn't feasible; this was a chance to get the property cleaned up; they would be using their travel trailer parked on the site during their trip to Mexico. She showed the commissioners photographs of the area and drawings of landscaping and drainage plans. Chairman Sellen read the

landscaping plan for the record (copy attached). Stormwater runoff goes into catch basins on the property. Donna also commented that the trailer would go when the property sells; the garage was old and making it into an apartment wouldn't work; she is training their granddaughter to be the caretaker of LaConner Station and Pier 7 properties; this is an opportunity for her granddaughter to have a job and low-income housing; putting the trailer on the site would serve all their needs; it would be a nice tradeoff for the neighbors - the area cleaned up for a trailer; there was a modular home less than 150' from the site; it was not feasible to build an apartment in the garage or upstairs in the LaConner Station building or house her granddaughter and family in their residence while they were gone. The Blades asked for a conditional use permit for temporary use of the trailer on the site for low income custodian for as long as they owned the property. They thought it would be a tradeoff - the proposal would meet Town infill goals, provide low-income housing, give a low income person a job; and bring a young family back to La Conner.

Commissioner Hertz asked if rent was charged. Donna explained the rent was in exchange for being a caretaker.

**PUBLIC HEARING OPENED.**

Jerome Locken commented he knew the Blades who brought revenue to the Town. He thought it would be small town pettiness if they didn't get the variance.

Bev Everton commented that the Blades should be commended for the cleanup. The oil tanks no longer exist; it was a lot worse a year ago than it is now.

Lisa Gallagher commented that she could see the ground and it's beautiful.

Mark Kramer asked how the sewage was handled. Donna stated the trailer was hooked into the sewer. Chairman Sellen pointed out that the sewer was hooked up without going through the process and Kelly Wynn had requested an as-built of the sewer line. Gerry Blades noted that he had applied for a sewer permit to tap the line to go into the StationHouse for future use and an RV dump; it was done to Kelly's standards and he (Gerry) has the as-built. About six inches of the line from the trailer was exposed - between the bottom of the trailer and the drop line.

**PUBLIC HEARING CLOSED.**

Chairman Sellen was concerned about the 150' distance required for placement of manufactured homes. He thought if the Planning Commission couldn't grant the permit because of the 150' then the Blades could go to the Board of Adjustment. Donna noted her attorney was of the opinion that there was no caretaker provision in the ordinance so it can't be controlled. Chairman Sellen pointed out the trailer placement could be only for 180 days, but the use could be extended another six months.

Commissioner Halverson commented the trailer did not meet the standard of housing as referred to in the Comprehensive Plan.

Commissioner Robinson pointed out a person may be a caretaker of a property but would be living there in a residence.

Commissioner Hertz asked if the trailer was a travel or park trailer. Gerry established it was a 1972 park model trailer.

Commissioner Solie commented that it did not meet the definition of manufactured housing and would not be subject to standards of Section 401.09 of the zoning ordinance. The Planner pointed out the trailer was not a manufactured home but could come under the temporary use provisions (any structure or vehicle which is easily transported). It did not meet UBC and Fire Codes for an office or residence in a commercial zone.

Gerry Blades confirmed that a six months authorization would be a problem for them and suggested putting an attachment to their deed that the trailer would be removed when the property sold if they could keep the trailer in place.

Commissioner Hertz thought there would be no adverse effect on the Blades as office space was available. He didn't know of any building in Town that has caretaker status. The park model trailer can be moved; if it's a recreational trailer it's only permitted for 30 days.

Commissioner Solie suggested calling it a temporary structure or handling it as a permanent structure. The Planner noted that a temporary structure wouldn't be subject fire and building codes but a permanent structure would. There would also be a problem with obtaining a variance because of Section 1203.20. E.3 - the applicant caused the situation.

RECESS 8:31-8:36 p.m. The meeting reconvened.

Commission Hertz concluded the trailer was a park model trailer.

Commissioner Solie moved, seconded by Commissioner Robinson, that the Planning Commission approve the Conditional Use Permit #94-1109C for temporary use of a mobile home/trailer on a commercial lot for Gerald and Donna Blades for the 180 day period that the Planning Commission is bound to by ordinance. A friendly amendment was made by Commissioner Halverson to add to the motion "from September 7, 1994 to what is determined to be 180 days from that date". Seconded by Commissioner Hertz. During the discussion Commissioners Robinson and Solie commented that they thought the applicants needed as much time as they could get and showed good faith by cleaning up the area. Commissioner Hertz felt there was room in the StationHouse complex for a caretaker and there was no adverse impact on the Blades. Commissioners Halverson and Hertz voted aye on the amendment. Commissioners Robinson and Solie voted nay. Chairman Sellen broke the tie with an aye vote for the amendment. The entire motion passed unanimously.

b. Certificate of Authorization - Change of Use Permit for Axel and Jacqueline Born, Kofe Inc, 128 S. First St.. The applicants were present but since Jacqueline was on the Planning Commission she was absent during the deliberation and subsequently left the meeting. The Planner summarized the staff report.

The commissioners expressed concern that the applicants had opened their business without permits. Axel Born felt a Change of Use Permit was not necessary because he bought the business as is from the previous owner. It was pointed out the previous owner may have changed the use without obtaining a permit.

# Town of La Conner



## CONDITIONAL USE PERMIT

Issue Date: October 5, 1994  
File No.: 94-1109C

To: Gerald and Donna Blades  
P.O. Box C  
La Conner, WA 98257

Authorization is hereby granted to Gerald and Donna Blades by the Planning Commission, under the provisions of Sections 1005.01 and 1005.02 of Zoning Ordinance No. 568/570, to place a 35'x8' mobile home/trailer on the commercial property commonly known as 315 Morris St. as proposed by application dated September 9, 1994.

The work shall be in accordance with the approved plans and drawings received September 9, 1994 which are incorporated in and made a part of this Certificate of Authorization.

This authorization is subject to the following conditions:

1. Authorization for temporary placement and use of the trailer shall expire 180 days from September 7, 1994 which shall be April 6, 1995.

Any revisions to the authorized work must be submitted to the Planning Department for review and approval pursuant to Zoning Ordinance No. 568.

Noncompliance with the Zoning Ordinance could result in enforcement action. Revisions implemented without authorization could result in denial of a Certificate of Occupancy or the issuance of a Stop Work Order.

Nothing in this authorization shall be construed as excusing you from compliance with any other local, state or Federal statutes, ordinances or regulations which may affect the proposed work.

*Barbara Vibbert*  
Barbara Vibbert  
Planning Director

(206) 466-3125 ~ P.O. Box 400 ~ La Conner, Washington 98257

STAFF REPORT

Date: October 12, 1994

To: Town Council

From: Barbara Vibbert, Planning Director

Applicant: Gerald and Donna Blades

Application: Appeal of 180 Day Conditional Use Permit #94-1109C for Temporary Use of a park model trailer on a commercial lot

Location: Lot 6 of the east 3' of Lot 1, Lot 2, less west 47' and all of lots 3, 4, 5, 6, 7, 8, Block 9, Calhoun Addition to the Town of La Conner, commonly known as 315 Morris St., La Conner, WA

Proposal: The applicant requests an extension of the 180 days granted by the Planning Commission for the placement of a 35'x8' (280 sq. ft.) trailer for temporary use as a caretaker office and residence behind the existing commercial building known as the LaConner Station House.

**Findings:**

1. The applicant has had the trailer in place and occupied since September 7, 1994. A **Conditional Use for temporary placement and use of the trailer was authorized by the Planning Commission on October 4, 1994 with an expiration date of April 6, 1995.** Previous to this authorization, a Notice and Stop Work Order was issued on September 8, 1994 with a 10 day reconsideration period. A meeting with the applicants, their attorney, the Mayor and the Planner took place on October 4, 1994. An application for a Conditional Use Permit for temporary use of the trailer was submitted to Town Hall on September 9, 1994. A Notice of Public Hearing by the Planning Commission on October 4 was prepared on September 14 for publication on September 21, 1994. Notices were also sent to property owners within 300 feet of the proposal on September 14. A SEPA checklist was also submitted; however, no determination was published due to the application being for a temporary use not to exceed six months. A letter, dated September 26, 1994, was received from Jim and Judi Reeves objecting to the proposal and a letter dated October 4, 1994 in favor of the project was received from Chester Pierson.

2. Findings reference Zoning Ordinance No. 568/570:

a. **Temporary Structure** - Any structure **or vehicle** designed to be easily transported or dismantled after its function has been fulfilled. (p. 9) The trailer appears to meet this definition as it is on wheels and not a foundation.

b. **Temporary Uses** - Those uses of land or existing structures and improvements which do not require permanent changes, or the permanent commitment of the land or existing structure to the proposed use. (p. 9) A floodplain permit is not required for a temporary structure in place less than 180 days.

c. **Travel Trailer** - A vehicle used as a temporary living quarters for recreational camping, or travel use. (p. 9) The trailer appears to meet these criteria - **Gerry Blades classified the trailer as a "park model" trailer during the Planning Commission hearing.**

d. **Recreation Vehicle** - A recreational vehicle is any portable, temporary dwelling used for travel, recreation and vacation purposes,

and includes travel trailers, pickup campers, motor homes and camping and tent trailers (p.8). According to John Harvey, mobile home/manufactured homes plan reviewer for Labor & Industries, the Blades' trailer is classified as a "park model" for recreational use only. It is less than 400 sq. ft. in area and built on a single chassis on wheels. This type of trailer is intended specifically for temporary use as a seasonal recreational vehicle for camping or travel. It is not intended for use as a dwelling or commercial unit. The trailer does not meet the HUD standards for mobile home use as an R3 dwelling, nor the UBC standards for a commercial office. (Reference WAC 296.150.B and WAC 296.150.A.) A recreational vehicle must be built to ANSI Standard A119.5 which only includes electrical, heating, air-conditioning, fire and life safety and plumbing.

e. Commercial Section (501, p. 16) - H. Other Offices - lawyers, banks, accountants, realtors and consultants. A caretaker office is not listed as a permitted use in this zone; however, it is a use in a recreational trailer park. Potlatch is the only one in La Conner.

f. Accessory Uses - temporary structures incidental to construction work....(501.03, p. 16) The trailer is not being used in relation to any construction activities.

g. Conditional Uses - 501.04.A - Dwelling units, attached or unattached, dimensional standards to be determined on a case by case basis. (p. 16) A dwelling unit in a commercial zone would have to meet occupancy standards set out in the UBC for a commercial building with a residence.

h. Minimum Building Setback - ...if the commercial use is adjacent to a RSD zone, the side yard setback shall be 10 feet and the rear yard setback shall be 25 feet. (501.05.D., p. 17) A setback line (Definitions, p. 8) is a line established by the subdivision regulations and/or Zoning Ordinance generally parallel with and measured from the lot line or right of way.... The trailer placement meets this criteria.

i. Certificate of Authorization and Comprehensive Plan Compliance - Chapter 1100 - Prior to any construction or occupancy of a building, or portion thereof, the applicant first must obtain from the Planning Commission or Planner a Certificate of Authorization whereby the Town verifies that this and all other Town Ordinances including SEPA and Shoreline Management are complied with. (1100.10, p. 36) The trailer is not a building; however, a Conditional Use Permit for a temporary structure is required under Section 1005.01/02 of the zoning ordinance. No applications were submitted until a Stop Work Order was issued.

j. Compliance with Certain Conditions - 1100.20, p. 36 - The applicant must be able to demonstrate to the Planning Commission that the intended structure or development will meet the conditions set forth in the zoning ordinance, including parking requirements, sign regulations, etc. The applicant must also show compliance with the UBC and Fire Codes for occupancy of a commercial structure with residential use. According to Mr. Harvey, Labor & Industries, a mobile home must be decertified as a residence before it can be used as an office. It cannot be used for both commercial use and a residence. Comprehensive Plan, Housing Element Policy 3 states "Strict enforcement of the Town's ordinances regulating construction,

health and safety standards, landscaping, and historic significance of neighborhoods should be required."

k. Required Information prior to any construction or occupancy of a building - 1100.30, p. 36 - site plans, elevations of proposed building, including surrounding buildings if requested, and fee with application. If a structure were to be placed for permanent use as an office and residence it would have to comply with this section as well as meet floodplain requirements.

l. Parking - it appears 31-33 parking spaces have been allocated over the years for uses in the Station House. The trailer site has room for one 10'x18.5' parking space on the north side and one 8.5'x16' space on the west side of the trailer. Parking Ordinance No. 625, Section 1002.60, requires 1/300 sq. ft. for office space and 2/unit for residential space. This could be met if an approved structure was placed on the site.

3. Sewer and Water - water and sewer hookups have been approved by the Sewer Department and Public Works, for installing a sink in the garage behind the Station House, not for the trailer. The applicants hooked up the trailer lines to the town systems without authorization.

4. The applicants requested a six-month temporary use of the trailer to house their granddaughter and grandchildren until a permanent place could be found. The granddaughter is employed as a caretaker for the La Conner Station working out of an office space in the trailer. The trailer is within walking distance of the school and the place of employment. No significant impact on traffic in the area is anticipated.

5. Per Section 1005.01.B. the Planning Commission may allow a temporary permit, subject to the provisions of Section 1202 (CUP), for a period not to exceed six months for a use not otherwise allowed in a zone, and not otherwise provided for under Section 1005, provided that the applicant provides evidence substantiating the following:

a. There is no reasonable alternative to the temporary use. There is space within the Station House for an office. The applicants do not meet this criteria.

b. The permit will be necessary for a limited period of time. The applicants have stated six months would be sufficient - it would allow time for the children to complete the school term and they would be back from their vacation.

c. The temporary use does not involve the erection of a substantial structure or require any other permanent commitment of the land. Criteria met.

d. The temporary use will not be detrimental to the area or to adjoining properties. Criteria met if removed within allowed time period.

The provisions of the CUP include six criteria, all of which appear to be met (Section 1202.10, p. 38 of Ordinance No. 568/570); however, the proposal is not within the shoreline jurisdiction so this does not apply and although the Comprehensive Plan promotes affordable housing, its policies also require that housing meet certain standards which

the recreational vehicle does not meet for use as an office and residence.

6. Environmental Impacts - No significant adverse effect on the environment is expected as a result of this proposal.

Conclusion: Findings indicate there would be no significant impact on the human or natural environment as a result of the temporary use. The proposal is allowed as a temporary use per Sections 1005.01.B and 1005.02 of the zoning ordinance for a limited period of time if it meets the required criteria - it does except for one - there is a reasonable alternative to the proposal and no significant hardship appears to exist. There is office space in the La Conner Station for a caretaker; temporary housing is available during the applicants' absence at their place of residence. Since the Blades' trailer is classified as a recreational vehicle per Labor & Industries, it also falls under Parking Ordinance No. 625, Section 1002.40.C.2 which states "Recreation vehicles shall be used only for supplemental dwelling purposes. Dwelling use shall be limited to 30 days per year except as listed below" in #3 - "Recreational vehicles may be used as a dwelling, if a permanent dwelling is under construction on the lot..."

Recommendation: Deny extension of trailer placement and use.

13 April 1995

**To: LaConner Planning Commission**

**From: Jim & Judi Reeves**

**Subject: Conditional Use Permit requested for 315 Morris Street  
by Gerald & Donna Blades.**

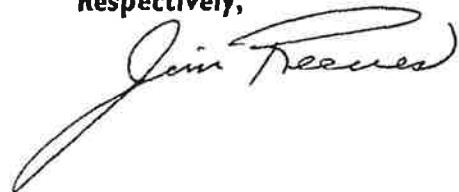
**As owners of the adjacent property, Palace Market Interiors, we have been concerned for some time about the cluttered and unkept appearance of subject property. Particularly since the addition of the travel trailer. It is an eyesore that detracts from the more upscale appearance that most other nearby businesses are trying to project for Morris Street.**

**If it is the Blades intentions to incorporate a living unit within an existing building on their property, we have no objection. However, if their intentions are to make permanent the travel trailer, or place any kind of mobile or prefab living unit on the property, we strongly oppose the granting of this conditional use permit.**

**In any case, this area should be completely screened, with tall landscaping or a fence, from Morris Street and adjacent properties.**

**We would also like to urge the Planning Commission to require more complete disclosure of intended use and/or construction on conditional use applications such as this. Adjacent property owners are entitled to more specific information when notified of public hearing than was provided in this case.**

Respectively,

A handwritten signature in black ink, appearing to read "Jim Reeves".

J A N E T H U S T O N

P.O. Box 845, La Conner, WA. 98257  
(206) 466-5001 or 466-3208

APR 18 1995

April 18, 1995

Planning Commission Meeting  
Council Chambers  
LaConner, WA.

7:00 p.m.

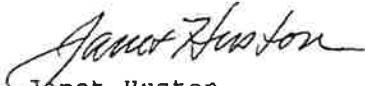
RE: Gerald & Donna Blades' request for a Conditional Use Permit to allow a single family resident on commercial property at 315 Morris Street

I have no objection to people living in the commercial district. However, it is my feeling that in order to allow a residence at the above location, that all the rules and regulations of the Planning Commission, Town and County must be met. Furthermore, I feel that, out of consideration to the neighbors, it be required that the debris be removed and the fence put in good condition. I feel that the debris at the back of the property could offer a health hazard to occupants of a residence as well as being unsightly. A summary of the litter is as follows: West Side - old tires, broken cement, old truck, creosote poles, barrels, cans, fencing, wood scraps, etc. East to North boundary & East to West - Old garbage cans, junk, wood, garbage, trailer, tubing, old Exxon truck, cans, tires, boat, wood scraps, barrels, hoses, old signs, canopy, tables scraps & misc. litter.

I realize that what I consider junk may be prized possessions of someone else. It seems, that at the least, the area should be cleaned up and made orderly with some controls to keep rodents and other unwanted vermin from congregating there. If this is not acceptable to the Blades, possibly the Health Department should make a judgement as to the safety of the area for children & residents. I also believe this debris is an "attractive nuisance".

Also stored on the property is a large boat, a travel trailer, a flatbed trailer, and a truck. This does not includethe occupied travel trailer or the childrens toys.

Respectfully submitted



Janet Huston  
409 Centre Street  
LaConner, WA.

UPDATED  
STAFF REPORT

Date: April 26, 1995  
To: Planning Commission  
From: Barbara Vibbert, Planning Director

Applicant: Gerald and Donna Blades  
Application: Conditional Use Permit #95-1040C to Allow a Single Family Residence on Commercial Property  
Location: Lot 3 and 6 Block 9, Calhoun Addition to the Town of La Conner, commonly known as 315 Morris St., La Conner, WA

Proposal: The applicant proposes to install a single family residential unit behind the existing commercial building known as the LaConner Station House.

**Findings:**

1. The applicant submitted plans for a manufactured home to be used as a residence on the commercial property on April 26, 1995. The 14'x52' single family structure would be manufactured by Champion Home Builders Co. to HUD standards, have a pitched roof, horizontal siding, be less than 30 ft. high, be placed on a permanent foundation to meet the required floodplain elevation of 8 ft., have two exits via porches and steps, and be landscaped on the site.
2. Conditional Use in Commercial Zone - (Section 501.04.A, Zoning Ordinance No. 568/570) - Dwelling units, attached or unattached, dimensional standards to be determined on a case by case basis. (p. 16) A dwelling unit in a commercial zone would have to meet occupancy standards set out in the UBC for a commercial building with a residence, minimum setbacks for the commercial zone, and occupancy requirements. The proposed manufactured home would meet HUD standards for construction and be set on a foundation which would be acceptable as a residential unit.
  - a. Minimum Building Setback - ...if the commercial use is adjacent to a RSD zone, the side yard setback shall be 10 feet and the rear yard setback shall be 25 feet. (501.05.D., p. 17) A setback line (Definitions, p. 8) is a line established by the subdivision regulations and/or Zoning Ordinance generally parallel with and measured from the lot line or right of way. The residential unit would be on Lot 3, fronting Centre St., with at least a 15 ft. front setback, 10 ft. rear (west side), and 30 ft. from the south property line. The front entry would face an existing driveway which would provide ingress and egress from Centre St. to the existing commercial buildings and through ways to Morris and Fourth Streets. The size of the structure would fit the lot and allow for a parking space on each end, landscaping, and access via the existing driveway so vehicles would not have to back out into the street.
  - b. Certificate of Authorization and Comprehensive Plan Compliance - Chapter 1100 - Prior to any construction or occupancy of a building, or portion thereof, the applicant first

must obtain from the Planning Commission or Planner a Certificate of Authorization whereby the Town verifies that this and all other Town Ordinances including SEPA and Shoreline Management are complied with. (1100.10, p. 36) The proposal would meet SEPA requirements. The property does not fall within the shoreline jurisdiction.

c. Compliance with Certain Conditions - (1100.20, p. 36) - The applicant must be able to demonstrate to the Planning Commission that the intended structure or development will meet the conditions set forth in the zoning ordinance, including parking requirements, sign regulations, etc. The applicant must also show compliance with the UBC and Fire Codes for occupancy of a commercial structure with residential use or a separate dwelling unit in the commercial zone. According to Mr. Harvey, Labor & Industries, a mobile home must be certified as a residence before it can be used as such. The proposed manufactured home would meet residential use requirements.

d. Required Information prior to any construction or occupancy of a building - (1100.30, p. 36) - site plans, elevations of proposed building, including surrounding buildings if requested, and fee with application. If a structure were to be placed for permanent use as a residence it would have to comply with this section as well as meet floodplain requirements. A mobile home that meets HUD standards 3280/3282 (WAC 296b.015, #28) or a manufactured, modular, or "stick-built" home that meets UBC standards would qualify as a residence. The proposed manufactured home would qualify.

e. According to Mr. John Harvey, Labor & Industries (L&I) office In Olympia, a travel trailer can never be approved as a residence, only as a recreational vehicle. This type of trailer is intended specifically for temporary use as a seasonal recreational vehicle for camping or travel. It is not intended for use as a dwelling or commercial unit. A travel trailer does not meet the HUD standards for mobile home use as an R3 dwelling, nor the UBC standards. (Reference WAC 296.150.B and WAC 296.150.A.) Mr. Chris Rarig, L&I inspector performed an inspection of the Blades' travel trailer on March 28, 1995 and stated in his report that the trailer was built to ANSI A119.2 and not mobile home HUD standard 3280 nor the UBC. According to Zoning Ordinance No. 568/570, page 9, a travel trailer is a vehicle used as a temporary living quarters for recreational camping, or travel use. A Recreation Vehicle is any portable, temporary dwelling used for travel, recreation and vacation purposes, and includes travel trailers, pickup campers, motor homes and camping and tent trailers (p.8).

3. Notice of Public Hearing/Environmental Checklist - A review of the Environmental Checklist submitted by the applicant on September 9, 1994 for the Conditional Use Permit for temporary use of a travel trailer on the commercial property indicated there would appear to be no significant change in anticipated impacts on the human or natural environment as a result of the proposal for a residential unit on the commercial property at 315 Morris St. A Notice of Public Hearing was published on April 4

for a hearing by the Planning Commission on April 18, 1995. Notices were also sent to property owners within 300 feet of the proposal site. Comment letters from Jim Reeves and Janet Huston were submitted to the Planning Commission at the Public Hearing held on April 18.

4. Background - The applicants have had a travel trailer in place and occupied since September 7, 1994. A Conditional Use for temporary placement and use of the trailer was authorized by the Planning Commission on October 4, 1994 with an expiration date of April 6, 1995. An appeal was made to the Town Council on February 28, 1995 which was postponed until March 22, 1995. A memo from the applicants to the Town Council and Mayor was received on March 22, 1995 requesting deletion from the agenda as they were applying for a Conditional Use Permit for a residence on their commercial property. Previous to the authorization for a Conditional Use for a temporary placement and use of the trailer, a Notice and Stop Work Order was issued on September 8, 1994 with a 10 day reconsideration period. A meeting with the applicants, their attorney, the Mayor and the Planner took place on October 4, 1994. An application for a Conditional Use Permit for temporary use of the trailer was submitted to Town Hall on September 9, 1994. A Notice of Public Hearing by the Planning Commission on October 4 was prepared on September 14 for publication on September 21, 1994. Notices were also sent to property owners within 300 feet of the proposal on September 14. A SEPA checklist was also submitted; however, no determination was published due to the application being for a temporary use not to exceed six months.

5. Characteristics of the Site - The land is flat with less than 1% slope and in the floodplain with a 5.19 ft. elevation above sea level. The property has been developed for commercial use. There is a permanent commercial structure, parking area, and storage building on site.

6. Characteristics of the Area - The proposed location for a residence is in a commercial zone immediately adjacent to, but outside, the Historic Preservation District. A residential zone is across Centre St. to the north.

7. Shoreline Jurisdiction - The proposal is not within the shoreline jurisdiction.

8. Comprehensive Plan - Housing Element Goal 1.b. - Ensure that public facilities and services necessary to support existing and future development is adequate to serve the community without decreasing current service levels below established minimum standards. Goal met - facilities and services available. Goal 4. Neighborhood Conservation - Encourage a well-balanced and organized combination of open space, commercial, industrial, recreation and public uses served by convenient and efficient transportation network while protecting the fabric and character of residential neighborhoods. This goal could be met. The

addition of a residential unit in the commercial zone would not significantly impact the residential neighborhood to the north. Policy 8 - The Town of La Conner shall not issue any development permits which result in a reduction of the Level of Service (LOS) Standards for public facilities identified in the Capital Facilities Element. This policy could be met. The addition of one residential unit would not reduce the LOS for public facilities and services. Policy 49 - Property owners should be encouraged to site and design new construction to minimize disruption of visual amenities and solar resources of adjacent property owners, public road ways, parks, and waterways. This goal could be met. Housing Element Goal 3 - The Town should be flexible in allowing for cost-effective development of affordable housing that is attractive and compatible with adjacent neighborhoods. This goal could be met. Policy 5 - Development standards that protect the rights of the individual and the community as a whole should be encouraged. This policy is covered by the Zoning Ordinances and UBC and related standards adopted by the Town. Policy 7 - Housing should be preserved, improved and developed in an attempt to meet the needs identified for all economic sectors of the La Conner population. This policy could be met by allowing a residential unit in the commercial zone. Policy 4 - Strict enforcement of the Town's ordinances regulating construction, health and safety standards, landscaping, and historic significance of neighborhoods should be required. This policy would be covered under the Zoning Ordinance and UBC and related standards.

9. Environmental Impact - Minimal or no adverse impact on the human or natural environment is anticipated as a result of a proposed residential use on this commercial property.

10. Parking - it appears 31-33 parking spaces have been allocated over the years for uses on the property. Parking Ordinance No. 625, Section 1002.60, requires 2/unit for residential space. This could be met if an approved structure was placed on the site.

11. Sewer and Water - water and sewer hookups have been approved by the Sewer Department and Public Works, for installing a sink in the garage behind the Station House, not for the travel trailer. The manufactured home could be hooked into the Town's sewer and water systems with the approval of the Sewer Superintendent and Public Works Director.

12. Per Section 1002.10 the Planning Commission may approve a Conditional Use Permit if the proposal satisfies the following six criteria:

a. The use is listed as a conditional use in the underlying district. Could be met - a dwelling unit, attached or unattached, is allowed in the commercial zone per Section 501.04.A of Zoning Ordinance No. 568/570. The manufactured home would meet this criteria.

b. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. Could be met - the property has been developed and there is room for placement or construction of a dwelling unit on site.

c. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use. Could be met.

d. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. Could be met - a residential use would not significantly alter the character or impair the use of the area.

e. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use, Shoreline Management Act, and Floodplain Ordinance, if applicable. Could be met - a residential use meets the goals and policies of the Comprehensive Plan.

f. The use must cause no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution. Could be met.

Conclusion: Findings indicate there would be no significant impact on the human or natural environment as a result of the proposed residential use of a manufactured home placed on a permanent foundation on Lot 3.

Recommendation: Approve the Conditional Use Permit for a manufactured home on the property with the following conditions:

1. The applicant shall obtain a Certificate of Authorization for a Building Permit and a Floodplain Permit from the Town and a Building Permit for placing the manufactured home on a permanent foundation on the site from the Skagit County Permit Center prior to construction.
2. The applicant shall install the manufactured home in accordance with applicable Labor and Industry standards.
3. The applicant shall obtain all permits and pay any fees associated with hooking into the Town's sewer, water, and drainage systems prior to occupancy.
4. The applicant shall remove the travel trailer from the site upon installation of the manufactured home which shall be within three months from the date a Certificate of Authorization is issued.
5. The applicant shall submit any revisions to the approved plans to the Planning Director or Planning Commission for review prior to construction.

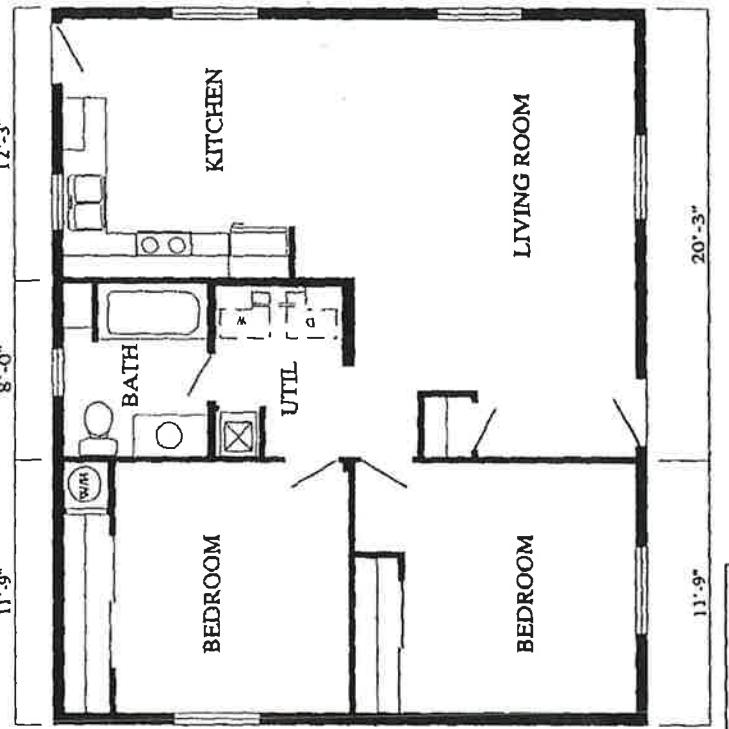
# THE MADISON

Madison Model #28505

Designed for comfortable living,  
the Madison 505 is a very affordable  
first-time or summer home

2 Bedrooms  1 Bath  864 Sq. Ft.

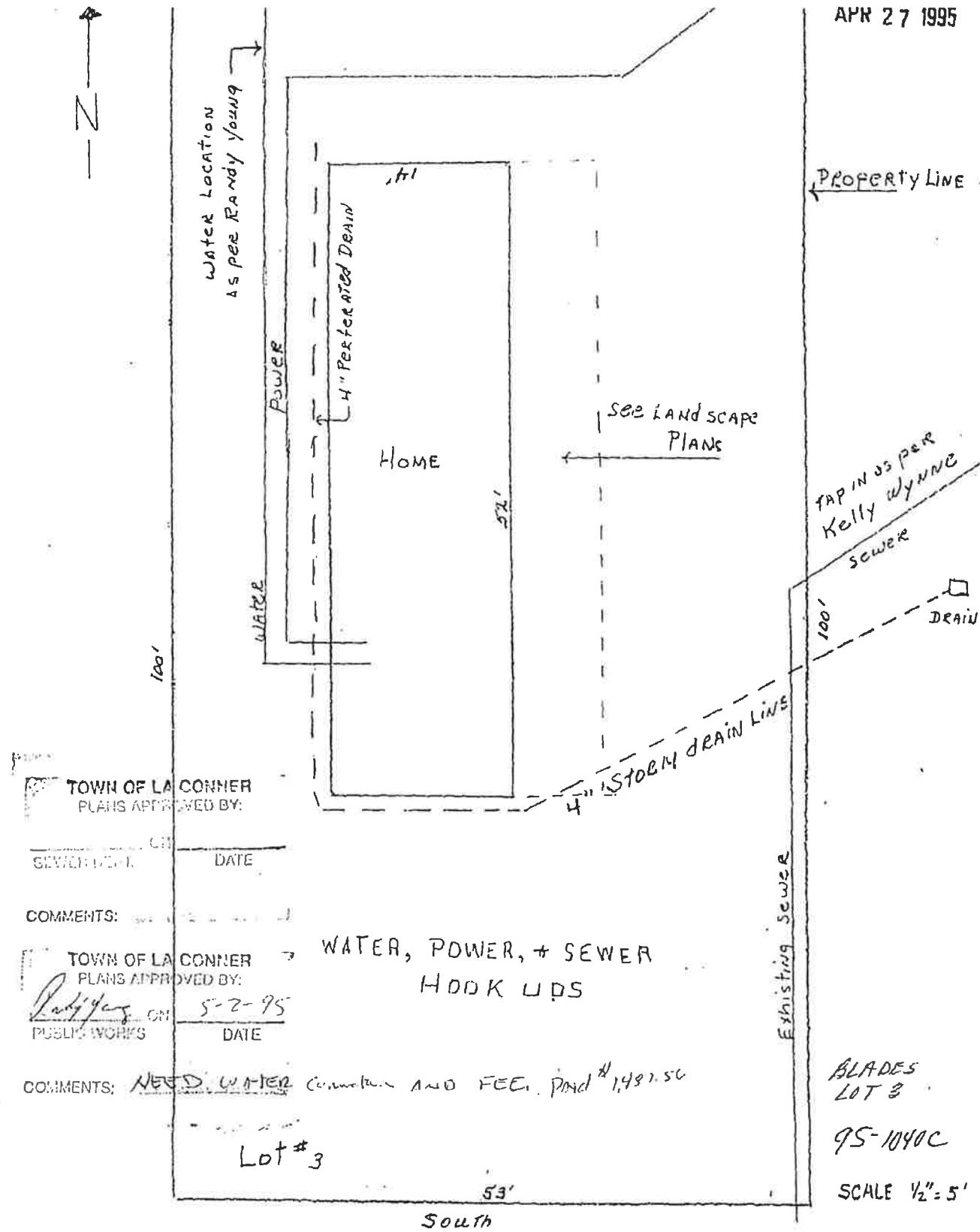
Exterior Rendering Shown with Optional Features:  
Other Exteriors & Options are Available.



**Lamplighter homes**  
by MODULINE

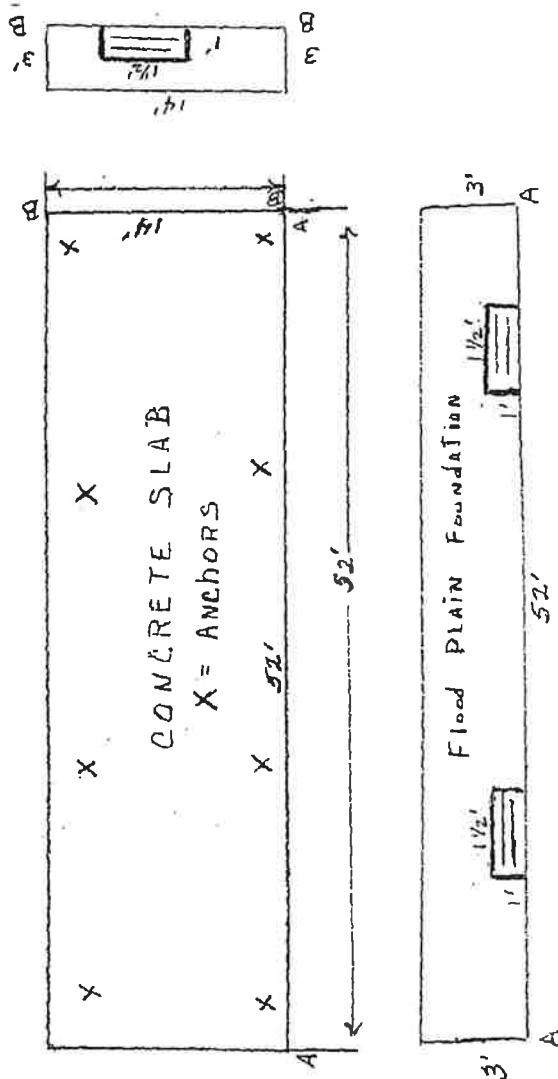
Square footage and room sizes are approximate. Square footage may be affected by recessed windows and porches. Due to our policy of progressive product improvement, all prices and specifications are subject to change without prior notice. 9/93

APR 27 1995



→ Z →

100'



Flood PLAIN

ELEVATION 5.19'

3' FOUNDATION WALL of BLOCK  
CONSTRUCTION, ON CEMENT PADS  
UNDER STRUCTURE.

Lot #3

53'  
South

BLADES  
LOT 3  
95-1040C

SCALE  $1/2'' = 5'$



The Planner asked for clarification on sandwich boards - is a sandwich board "open" sign considered a sandwich board sign. The commissioners agreed that it was.

Chairman Sellen commented that the legislature passed Initiative 164 which would be come effective in July. This would have a major impact on planning and zoning.

**4. NEW BUSINESS:**

a. **Certificate of Authorization - Building Permit, Roxanne Idell, 107 N. Second St., La Conner.** The applicant was present. The Planner summarized the staff report.

Commissioner Halverson asked the applicant if she was satisfied with the conditions. She was. Brian McCourt asked about parking and the temporary booth in front of the building. The booth would be removed effective April 18. Chairman Sellen asked about a time limit on the landscaping. Ms. Idell stated Ms. Fleming was working on it.

Commissioner Olson moved, seconded by Commissioner Harlan, that the Planning Commission grant the permit with the conditions identified in the Planner's report and add to #4 that the landscaping be completed by July 1, 1995 and to #5 - The applicant shall submit any revisions to the plans to the Town Planner for review and approval prior to construction. Motion carried unanimously.

b. **PUBLIC HEARING - Conditional Use Permit Application from Donna Blades to allow a single family residence on commercial property at 315 Morris St.** The applicants were present. There were no disclosures or objections to the commissioners from the audience. The Chairman and the Planner summarized the report. Chairman Sellen read letters from Jim Reeves and Janet Huston.

**PUBLIC HEARING OPENED.**

Jerry Blades commented on the letters read by Chairman Sellen. Concerns were expressed as to the neatness and safety of the site. The Blades have cleaned up the area somewhat but there are still trucks, etc., in the yard. Donna Blades presented before and after photos to the Planning Commission.

Donna Blades gave a presentation on the proposal consisting of their need to have a residential unit on site, their efforts to obtain housing for their grand-daughter, the options they've explored, and why the garage/storage building would not be feasible as an apartment.

Commissioner Halverson asked if she had decided on a manufactured home. The Blades did not have a specific manufactured home or modular to present at this time. They were still looking at models. It would take about 2-3 months to get something on the property.

Chairman Sellen asked if they were asking for a CUP to place some sort of prefab home on the northwest part of the property about 15 ft. from the property line. Donna Blades commented the present trailer wouldn't be moved right away; the new one would go on Lot 3; and they'd need time to bring in the information on the manufactured home they chose.

**PUBLIC HEARING OPENED.**

Janet Huston commented that a residence was fine with her, however health issues were a concern. There may be contaminants on the property. She suggested having the soil tested in the whole area. Donna Blades commented that they had been given a clean bill of health by all inspectors.

Mark Kramer asked if this application was unusual and setting a precedent by the Planning Commission ruling on a project without

plans. Chairman Sellen commented that it was unusual and he'd suggest that the Planning Commission wait for specific plans.

Donna Blades commented that she and Jerry thought a park model trailer was a place to live in. Why should they go buy something else and not have it approved.

Chairman Sellen commented that he'd be reluctant to vote for something if he didn't know what it was. The commissioners have definite rules to go by. He'd recommend to table the application until definite plans were submitted.

Commissioner Halverson asked if the Town Council ruled on the temporary use. They had not.

Mark Kramer mentioned that this proposal had been dragging on for over a year. He asked if the Planning Commission had the authority to resolve this issue. Commissioner Halverson commented that they could make a recommendation to the Town Council on the travel trailer.

Brian McCourt asked if anyone could make comments at a public hearing. Chairman Sellen explained a public hearing was an open meeting and anyone could ask questions.

Donna Blades commented she had been looking for a replacement for the last couple of weeks and wanted to know what the commissioners would approve. Commissioner Halverson commented it was her choice and she must meet the criteria.

Chairman Sellen pointed out that complete plans were needed, there were no guarantees, and the commissioners would not consider a trailer.

Jerry Blades commented they were looking for a modular home to put on the property. It would meet stick building standards.

Chairman Sellen noted aesthetics were a concern.

**PUBLIC HEARING CLOSED.**

Commissioner Halverson commented that they couldn't approve anything because they didn't know what the proposal would be. She expressed her concerns about the travel trailer being on the lot more than 180 days; it was not approved as a residence, and should be addressed by the Town Council.

Commissioner Robinson needed to see a better site plan.

Commissioner Zimmerman asked how much time it would take to put a trailer/modular on the property. Jerry Blades thought they could do it in three months.

Commissioner Olson thought a residential unit was alright and doable, but they needed to look at the aesthetics - the area needed to be cleaned up.

Lisa Gallagher, the Blades granddaughter, commented that she was always working on cleaning up the area.

Mike Harlan needed more information on the project. He wasn't concerned about what was in the yard since any liability would be incurred by the property owner.

Chairman Sellen would encourage some way to certify that the area is safe for children.

Commissioner Robinson noted the minimum width was 24 ft. for a manufactured home in the residential zone in the zoning ordinance. He would have a hard time voting for anything less than 24 ft. in a commercial zone.

Commissioner Zimmerman moved, seconded by Commissioner Robinson, to continue the public hearing on this issue to the next meeting. (May 2, 1995) Motion carried unanimously.

BREAK 8:30 - 8:38 p.m. Meeting reconvened.

PC  
5-295

Commissioner Halverson moved, seconded by Commissioner Zimmerman, to approve the Certificate of Authorization #95-1047B for a new roof for the Methodist Church. Motion carried unanimously.

5. OLD BUSINESS:

A. CONTINUATION OF PUBLIC HEARING - Conditional Use Permit application from Donna and Gerald Blades to allow a single family residence on commercial property at 315 Morris St. The applicants were present. The Planner summarized the staff report.

**PUBLIC HEARING OPENED.**

Chairman Sellen asked where the proposed manufactured home would sit on the property in relation to the existing travel trailer. It would be to the west on Lot 3.

Donna Blades asked all the commissioners how long they had lived in La Conner. Most had lived in town for over 15 years. Ms. Blades gave a history of her business involvements in La Conner. She asked that Mr. Kramer of the Channel Town Press refrain from commenting during the meeting. Chairman Sellen explained that the meeting was a public hearing open to everyone who wished to speak. Mr. Kramer objected to Ms. Blades' comments.

Donna Blades summarized why she and Jerry rejected all their alternatives for a housing unit on the commercial property and why they thought a "caretaker" unit was necessary. They proposed putting an 14'x52' manufactured home on Lot 3 on a block foundation to meet floodplain requirements, with landscaping and stairs in the front and back. The commissioners were shown plans and photos of other buildings in the area. Chairman Sellen read two sets of landscaping plans into the record.

Chairman Sellen noted that if a residential unit was approved the commissioners should give Ms. Blades advice on what was appropriate. He commented that the width requirement in a residential zone for manufactured homes was 24 ft. which was a result of townspeople expressing their opinions that they did not like manufactured housing, especially single wides, in a residential area. Should a manufactured home in the commercial zone be any different. He agreed that the proposed size was legal in a commercial zone, but asked if that was what the community wanted.

Donna Blades felt the 14'x52' size would let them keep a driveway and a unit on Lot 3 alone.

Commissioner Zimmerman asked about the size of their second option. It was 28'x52'. Mr. Blades did not like a wide, short unit, and commented that the setbacks wouldn't work to keep the landscaping and driveway on the lot.

The Planner asked about the width of the driveway. It was unknown. Mr. Blades commented that anything under eight feet was impractical. It was need for emergency access not for the public.

Chairman Sellen pointed out that all information, plans, etc. was needed before a building permit application could be accepted. He asked if Ms. Blades would accept the same setbacks

as required in a residential zone for manufactured housing. She would.

Commissioner Robinson inquired about the foundation construction. It would be a continuous foundation, whether poured or block. Plans would have to be reviewed by the County Permit Center.

**PUBLIC HEARING CLOSED.**

Commissioner Harlan asked Ms. Blades if the 24 ft. rule was applied would it be doable. It would. However, she felt the proposed plan would look like a home.

Commissioner Zimmerman commented that a decision on a residential unit in a commercial zone was on a case by case basis; in a residential zone a manufactured home could not be less than 24 ft.

Commissioner Robinson pointed out Lot 3 was not a small lot so could accommodate the 24 ft. size.

Chairman Sellen commented the decision involved two steps - a. whether or not to allow a CUP for a residence in a commercial zone; b. letting Donna and Jerry Blades know what the Planning Commission thinking was on the width. His opinion was that the community was strongly opposed to single wide trailers. He has mixed feelings because it is a source of affordable housing and personally felt it was inappropriate to approve a single wide that close to a residential area.

Commissioner Zimmerman was in favor of a residential unit on Lot 3 but wasn't comfortable with the 14 ft. width. She agreed with Chairman Sellen.

Commissioner Robinson thought a residential unit was a good idea but not a single wide. He felt they should go by the Town ordinance.

Commissioner Harlan felt residential housing should go by the book and the Blades have the ability to go with a double wide.

Commissioner Halverson had no problem with a residential unit in a commercial zone but had a problem with the 14 ft. width. The proposal was not clear.

Donna Blades made a comparison between a 14 ft. stick-built unit with a 14 ft. wide manufactured home. Chairman Sellen commented the point was community values.

The Planner noted that the size was legal in the commercial zone, but the Planning Commission made their decision on a case by case basis.

Commissioner Robinson thought it was possible to set up a standard size unit on the property.

Commissioner Halverson commented that the CUP is for special use so required conditions.

Commissioner Robinson moved, seconded by Commissioner Halverson that the Planning Commission approve the CUP to allow a single family residence on commercial property, location on Lot 3 and 6, Town of La Conner, commonly known as 315 Morris St., La Conner, WA for Jerry and Donna Blades with the following conditions - the five listed on page 5 of the May 2 report and condition #6 - The home shall meet all standards for manufactured homes in the residential zone. During discussion Commissioner Harlan commented that he had an ethical problem asking people to

spend more money when they don't have to. He was a strong advocate of private property rights. Commissioner Zimmerman agreed with him that private property rights were important, however the commissioners represented their community, could base their decision on a case by case basis, and their requirement was doable. Motion carried 3-1 with Commissioners Halverson, Robinson, and Zimmerman voting aye and Commissioner Harlan voting nay.

Commissioner Halverson moved, seconded by Commissioner Harlan, to ask the Town Council to address the approval of the trailer now in noncompliance at 315 Morris St. with the ordinance. During discussion Ms. Blades commented that the Town Attorney recommended to the Town Council that no action be taken while the CUP was being considered. The Planner recommended she go back to the Town Council for a decision so that she'd be covered during the time it took to get the housing unit in place. Motion carried unanimously.

b. CONTINUATION OF PUBLIC HEARING - Revisions to all land use development ordinances to ensure consistency with the Comprehensive Plan and Subsequent Incorporation into One Document to be known as the Uniform Development Code (UDC) for the Town of La Conner.

Commissioner Zimmerman moved, seconded by Commissioner Robinson, to continue the public hearing on the UDC revisions to May 16 at 6:00 p.m. Motion carried unanimously.

6. MISCELLANEOUS/CORRESPONDENCE: None.

Commissioner Zimmerman moved, seconded by Commissioner Robinson, to adjourn. Motion carried unanimously.

STAFF REPORT

Date: May 3, 1995  
To: Mayor and Town Council  
From: Barbara Vibbert, Planning Director

Applicant: Donna and Gerald Blades  
Proposal: Time Extension for Travel Trailer on Lot 6 on  
La Conner Station Building property at 315 Morris St., La  
Conner.

Findings:

1. The Planning Commission (PC) held public hearings on April 18 and May 2, 1995 for a Conditional Use Permit (CUP) for a residential unit in a commercial zone at 315 Morris St. The Town Council, in a previous meeting, took no action on the travel trailer since the applicants were applying for a CUP.
2. On May 2, the Planning Commissioners, by recorded motion recommended that the Town Council address the approval of the trailer that is not in compliance now. The CUP for temporary use expired on April 6, 1995.
3. A CUP was granted on May 2, copy attached, with six conditions, one of which was that the proposed manufactured home meet the same standards as those in residential zones. The Blades were given three months from the date a Certificate of Authorization (C of A) for a Building Permit to place a manufactured home on the premises was issued to remove the travel trailer. The Blades should submit an application for a building permit and a floodplain permit for the next Planning Commission meeting on May 16. If the manufactured home design meets PC approval, a C of A should be issued by May 17. The travel trailer should be removed by August 17.

Recommend the Town Council grant an extention on the condition that the Blades submit a building permit application to the Planner by May 12 for Planning Commission review on May 16.

*Called by TC till 2d. meeting in August.*

# Town of La Conner



## CONDITIONAL USE PERMIT

Issue Date: May 3, 1995  
File No.: 95-1040C

To: Gerald and Donna Blades  
P.O. Box C  
La Conner, WA 98257

Authorization is hereby granted to Gerald and Donna Blades by the Planning Commission, under the provisions of Sections 104.03, 501.04 and Chapter 1202 of Zoning Ordinance No. 568/570, to place a single family residence on commercial property located on Lot 3, Block 9, Calhoun Addition to the Town of La Conner, commonly known as 315 Morris St., La Conner, as proposed by application dated April 4, 1995.

The work shall be in accordance with the plans and drawings for location of the manufactured home/dwelling unit submitted on April 26, 1995 which are incorporated in and made a part of this Certificate of Authorization. (Manufactured home design and foundation construction plans to be submitted to the Planning Commission with a Building Permit application for review and approval on May 16, 1995.)

This authorization is subject to the following conditions:

1. The applicant shall obtain a Certificate of Authorization for a Building Permit and a Floodplain Permit from the Town and a Building Permit for placing the manufactured home on a permanent foundation on the site from the Skagit County Permit Center prior to construction.
2. The applicant shall install the manufactured home in accordance with applicable Labor and Industry standards.
3. The applicant shall obtain all permits and pay all fees associated with hooking into the Town's sewer, water, and drainage systems prior to occupancy.
4. The applicant shall remove the travel trailer from the site upon installation of the manufactured home which shall be within three months from the date a Certificate of Authorization is issued.
5. The applicant shall submit any revisions to the approved plans to the Planning Director or Planning Commission for review prior to construction.
6. The home shall meet all standards for manufactured homes in residential zones.

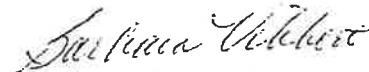
(360)

██████████ 466-3125 ~ P.O. Box 400 ~ La Conner, Washington 98257

Any revisions to the authorized work must be submitted to the Planning Department for review and approval pursuant to Zoning Ordinance No. 568.

Noncompliance with the Zoning Ordinance could result in enforcement action. Revisions implemented without authorization could result in denial of a Certificate of Occupancy or the issuance of a Stop Work Order.

Nothing in this authorization shall be construed as excusing you from compliance with any other local, state or Federal statutes, ordinances or regulations which may affect the proposed work.



Barbara Vibbert  
Planning Director

cc: Skagit County Permit Center  
Randy Young, Public Works  
Kelly Wynn, Wastewater Facilities

# Town of La Conner



## APPLICATION FOR BUILDING PERMIT

OWNER/APPLICANT GERALD + DONNA Blades PHONE: 466-4536  
 MAILING ADDRESS: 128 So. 1st Street P.O. Box C

PHYSICAL ADDRESS: 315 Morris Street LA CONNER 98257

CONTRACTOR: NA PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

CONTRACTOR'S REGISTRATION NO. \_\_\_\_\_  
 (Copy of Contractor License must be attached to this application.)

IF NO CONTRACTOR ON THE PROJECT the Applicant is required to sign the following statement: I hereby certify that no contractor who is required by law to be registered will be performing any work on this project.

APPLICANT SIGNATURE: Donna M. Blades

ENG/ARCH/DESIGNER: NA PHONE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION OF SITE: E 3' of Lot 1 AND Lot #3, in Block #9  
 CAL HOUNS Addition To LA CONNER

(Include Street Address, Plat Name, Short Plat #, Lot #, Block #, Section, Township, Range.)

LOT SIZE: 53' X 100'  
 SETBACKS (In feet): Street \_\_\_\_\_ Side Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_  
 ZONE: Residential  Commercial  Industrial  Historic  
Public 27'X40'

PROJECT DESCRIPTION: MANUFACTURED HOME ON LOT #3  
I installed floorboard on continuous foundation

New Construction  Remodel:  Interior  Exterior  
 Repair/Maintenance  Paint  Fence  Roof  
 Porch  Foundation  Windows

	<u>Sq. Ft.</u>		<u>Sq. Ft.</u>
<input checked="" type="checkbox"/> <u>Single Fam. Residence</u>	<u>1080</u>	<u>Garage Attach.</u>	_____
<input type="checkbox"/> <u>Single Fam. Res. Add.</u>	_____	<u>Garage Unattach.</u>	_____
<input type="checkbox"/> <u>Single Fam. Res. Remod.</u>	_____	<u>Pole Bldg.</u>	_____
<input type="checkbox"/> <u>Commercial</u>	_____	<u>Carport</u>	_____
<input type="checkbox"/> <u>Industrial</u>	_____	<u>Deck</u>	_____
<input checked="" type="checkbox"/> <u>Accessory Dwelling Unit</u>	_____	<input checked="" type="checkbox"/> <u>Mobile Home</u>	<u>Manufactured</u>
<input type="checkbox"/> <u>Multi-Family</u>	_____	<u>No. of Units:</u>	_____

(206) 466-3125 - P.O. Box 400 - La Conner, Washington 98257

0 on lot 2.

Other Buildings on Property: MAIN 6,000 sq. ft. Building  
AND 30x40 Storage Garage.

(Describe: Residence, Accessory Bldg, Commercial, Industrial)

Do you own adjoining parcels of land? yes

Is the property within 200 feet of the shoreline? No.

Will fill and/or grading, other than foundation and backfill be included in this project? ✓ No. of Cubic Yards: ✓

Parking Spaces Provided: 2

Plans Attached: Preliminary Complete - 6 SETS  
Site & Building Mechanical  
Drainage Parking  
SEPA Checklist Landscaping

Project Cost: \$35,000

Other Permits Required: 

<u>Business Lic.</u>	<u>Fill</u>	<u>Excavation</u>
<u>Sign(s)</u>	<u>Home Occupation</u>	<u>Water Meter</u>
<u>Variance</u>	<u>Change of Use</u>	<u>Conditional Use</u>
<u>Floodplain</u>	<u>Shoreline</u>	<u>Shoreline Exempt</u>
<u>County</u>	<u>Special Use</u>	<u>Sewer (Stub/Side)</u>
<u>(Bldg/Mech)</u>	<u>State</u>	<u>Federal</u>
	<u>(DOE/DNR/Fisheries)</u>	<u>(USACOE)</u>

APPLICANT SIGNATURE: Shanna M. Blader DATE: 5-8-95

(Submit to LaConner Town Hall, 204 Douglas Street, LaConner, WA 98257)

Projects will be reviewed and Certificate of Authorization issued or denied in accordance with the Town of LaConner Zoning Ordinances.

\*\*\*\*\*

FOR OFFICE USE ONLY

Fee Paid: \$40.00 Date: 5-9-95 Receipt No. 29889  
FILE NO. 95-1057 B

Comments:

Sever Cornelia Blades

5/9/95

Applicant must increase the common sewer  
line to 6" from the property line on  
Center Street to the junction point on  
the private property (Blades).

H. Wynn  
La Crosse Sewer Dept

# 'Town of La Conner



## TOWN OF LA CONNER FLOODPLAIN DEVELOPMENT/VARIANCE PERMIT

PERMIT No. 95-1041F

ISSUE DATE: 5-17-95

APPLICANT NAME: Gerald and Donna Blades  
ADDRESS: P.O. Box C, La Conner, WA 98257

PROJECT LOCATION: Lot 3, Block 9, Calhoun Addition to Town of La Conner  
(Lot & Block numbers and street address)  
Sec. 36, T34N, R2E, WM, behind building at 315 Morris St., La Conner

PROJECT DESCRIPTION: Place 27'x40' manufactured home on continuous  
concrete foundation as authorized by Permit #95-1057B.

Structure:  RESIDENTIAL  NON-RESIDENTIAL  
 PRE-FIRM REG.  POST-FIRM REG.  
 NEW/EMERGENCY  ACCESSORY

Work:  FILL: — Cubic Yards  EXCAVATION  
 PAVING  UNDERGROUND IMPROVEMENTS  
 DRILLING OPERATIONS

Construction Date: Approximately June-August 1995

The work described above will be constructed/Performed  
in compliance with Floodplain Ordinance No. 648.  
 A variance has been granted (copy attached).  
 A Floodproofing Certification (Certification by a  
Registered Professional Engineer or Architect) is  
attached in accordance with Ordinance No. 648.  
Floodproofing is not permitted on residential structures.

In FIRM zones Al-A30 the lowest floor, including basement, will  
be at an elevation of eight feet (8.0') NGVD. The certified  
Finished Floor Elevation for this project is 8 feet NGVD.

Floodproof Certification will be submitted when building installed.

ISSUED BY: Barbara Vibbert   
Planning Director

(206) 466-3125 ~ P.O. Box 400 ~ La Conner, Washington 98257

TOWN OF LA CONNER PERMIT  
APPLICATION FOR FLOODPLAIN ~~PERMIT/VARIANCE~~

" 4 1995

APPLICANT NAME GERALD & DONNA BLADES PHONE: 466-4536  
ADDRESS 315 Morris Street LaConner, WA 98257 ROBx C

BUILDING/PROPERTY OWNER GERALD & DONNA BLADES PHONE: 466-4536  
ADDRESS same  
CONTRACTOR same PHONE: same

LOCATION: off Central Street between North 3rd & 4th Street  
LEGAL DESCRIPTION: SEE ATTACHED LOT 3 BLK 9, Calhoun Add. BLC  
ZONE:  Commercial  Residential  Industrial  Historic District

DESCRIPTION OF PROPOSED WORK, INCLUDING ELEMENTS DESIGNED TO  
MINIMIZE FLOOD DAMAGE Install concrete foundation

and blocks for continuous foundation to  
manufactured home per Permit 95-10576

TYPE OF CONSTRUCTION:

COMMERCIAL STRUCTURE  RESIDENTIAL STRUCTURE  
 ACCESSORY STRUCTURE  MANUFACTURED HOME  
 (Non-Habitable)  FILL  
 OTHER (Explain) Caretaker - Guard Housing  
21' x 40' MANUFACTURED HOME

MARKET VALUE OF EXISTING STRUCTURE: 41,000 35,000

ESTIMATED PROJECT COST:

ADDITION/RENOVATION/REMODEL IS  More  Less than 50% of the  
market value of the existing structure. (Check One.)

F.I.R.M. DESIGNATION: R-1 2 A7

MINIMUM FLOOR ELEVATION:

(New construction and substantial improvement of any commercial,  
industrial, residential or non-residential structure shall have the  
lowest floor, including basement, elevated one foot or more above  
the base flood elevation (eight feet in LaConner) or meet the  
requirements of Sections 6.2.1 & 6.2.2 of Floodplain Ordinance (6-48)

BENCHMARK ELEVATION: 5.19

SITE PLAN ATTACHED:

(Showing the nature, location, dimensions, and elevations above  
mean sea level of the existing site and proposed development.)

FEMA CERTIFICATES ATTACHED: ELEVATION FLOODPROOFING

VARIANCE JUSTIFICATION ATTACHED:

\*\*\*\*\*

FOR OFFICE USE ONLY

FEE PAID: 1150  
RECEIPT NO. 29749

DATE: 4-4-95  
FILE NO. 95-1091F

SHORELINE:  Exempt  Non-Exempt  
SEPA:  Exempt  Non-Exempt

EFF: 11-17-92

Structure raised 33.72' above  
flood plain

APR 04 1995

April 3, 1995

Planning Director  
Town of La Conner  
P.O. Box  
La Conner, WA 98257

Ref: BENCHMARK DESCRIPTION

Floodplain Permit No.: \_\_\_\_\_

Applicant: Jerry and Donna Blades

Address: P.O. Box C  
315 Morris Street  
La Conner, Wa 98257

Telephone: 466-4536

Project: ON site *MANUFACTURED HOME*  
Caretaker Guard Housing on Commercial  
Project Address: 315 MORRIS STREET LA CONNER

Section 36, Township 34 N., Range 2 E., W.M.

Legal Description: Lots 3 through 8 inclusive, and the East 3 feet of Lots 1 and 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.

Benchmark Description: Standard disk, stamped "TIDAL 4 RESET 1967"

Benchmark Elevation: 5.19 feet N.G.V.D.

Location: Set in Southeast corner of concrete foundation of four storage tanks of the  
Chevron Oil Company, about 200 feet Northeast of centerline of intersection  
of Third and Morris Streets, 90 feet South of centerline of Centre Street, 54½  
feet North-Northwest of Northwest corner of Chevron Service Station, 18½  
feet North of Southeast corner of low concrete wall that surrounds a group of  
oil storage tanks and 1½ feet East of East concrete wall.

Reference Mark: RM2

The above-referenced bench mark is one of two "ELEVATION REFERENCE MARKS" shown  
on the "official" FIRM for the Town of LA CONNER, WASHINGTON, SKAGIT COUNTY.  
These are the bench marks that must be referred to in determining the applicability of regulated  
floodplains. This referenced bench mark is located on the subject property of the applicant.

APR 04 1995

As I stated in my telephone conversation with you this morning, I find this exercise a blatant waste of time and money, but, of course, we must comply with the "FLOODPLAIN MANAGEMENT ORDINANCE NO. 648."

When I reviewed the subject ordinance No. 648, I found some discrepancies which you could possibly clarify for me.

In your request, you stated that the La Conner ordinance was based on the FEMA requirements. The applicable section appears to be 4.2, Number 5: *Benchmark elevations provided on a FEMA Elevation Certificate and certified by a registered professional engineer or architect*. The "FEMA Elevation Certificate" is a document that is prepared once a project is complete. The FEMA Elevation Certificate also states that *"This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state or local law to certify elevation information . . .* Your ordinance does not refer to professional land surveyor, the designated Washington State professional who determines topographic information and elevations. I was unable to find any cross-reference to civil engineers as land surveyors in your ordinance definitions. I do believe that you are, however, accepting FEMA certificates prepared by Professional Land Surveyors.

Since there is no structure in place on the subject property, and therefore no reason for a FEMA Elevation Certificate, then we must be requiring something that is not in the ordinance. Our understanding and practice has, therefore, been to provide an applicant with an elevation reference prior to construction in order that the proposed project will be in compliance with the floodplain management ordinance upon project completion. The information that we supply is not a FEMA Elevation Certificate and since it is for reference only at this time the existing Bench Mark mentioned above in its present form and publication should suffice without this letter.

I also noted that the FEMA Elevation Certificate provides that *Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification.*

In the La Conner Floodplain Management Ordinance No. 648, Section 4.3 appoints the Planning Director as the La Conner "Community Official". Along with Section 4.4 of said ordinance it appears that the planning director can not only "determine the permit requirements" but can, in fact, sign the FEMA Certification.

APR 04 1995

Your help in answering my concerns will allow us to better serve our clients and comply with the La Conner Floodplain Management Ordinance No. 648, its purpose and its application.

I am both a registered professional civil engineer and a land surveyor, so I feel I can make the following declaration:

I declare on the basis of my knowledge, information and belief that the published Bench Mark referred to as RM2 on the Town of La Conner FIRM is accurate and is within 200 feet of the proposed project shown to me by the above applicant.



Donald R. Semrau, P.E. &amp; P.L.S.



Date



STAFF REPORT

Date: May 11, 1995  
To: Planning Commission  
From: Barbara Vibbert, Planning Director

Applicant: Gerald and Donna Blades  
Application: Certificate of Authorization for Building Permit  
#95-1057B  
Location: Lot 3, Block 9, Calhoun Addition to the Town of La Conner, commonly known as 315 Morris St., La Conner, WA

Proposal: The applicant proposes to install a 27'x40' manufactured home single family residential unit behind the existing commercial building known as the LaConner Station Building.

Findings:

1. The applicant submitted plans for a 27'x40' manufactured home, 13.6" high with a roof pitch of 4:12 to be used as a residence on the commercial property on May 8, 1995 in response to the conditions of the Conditional Use Permit approved by the Planning Commission on May 2, 1995 and issued on May 3.

2. Conditional Use in Commercial Zone - (Section 501.04.A, Zoning Ordinance No. 568/570) - Dwelling units, attached or unattached, dimensional standards to be determined on a case by case basis. (p. 16) A dwelling unit in a commercial zone would have to meet occupancy standards set out in the UBC for a commercial building with a residence, minimum setbacks for the commercial zone, and occupancy requirements. The proposed manufactured home would meet HUD standards for construction and be set on a foundation which would be acceptable as a residential unit.

a. Minimum Building Setback - ...if the commercial use is adjacent to a RSD zone, the side yard setback shall be 10 feet and the rear yard setback shall be 25 feet. (501.05.D., p. 17) A setback line (Definitions, p. 8) is a line established by the subdivision regulations and/or Zoning Ordinance generally parallel with and measured from the lot line or right of way. The residential unit would be on Lot 3, accessed by Centre St., with at least a 20 ft. side setback from Centre St., 10 ft. rear (west side), 16 ft. front yard setback from the east property line, and 40 ft. from the south property line. The front entry would face an existing driveway which would provide ingress and egress from Centre St. to the existing commercial buildings and through ways to Morris and Fourth Streets. The size of the structure would fit the lot and allow for two parking spaces on the south end, landscaping, and access via the existing driveway so vehicles would not have to back out into the street.

b. Certificate of Authorization and Comprehensive Plan Compliance - Chapter 1100 - Prior to any construction or occupancy of a building, or portion thereof, the applicant first

must obtain from the Planning Commission or Planner a Certificate of Authorization whereby the Town verifies that this and all other Town Ordinances including SEPA and Shoreline Management are complied with. (1100.10, p. 36) The proposal would meet SEPA requirements. The property does not fall within the shoreline jurisdiction.

c. Compliance with Certain Conditions - (1100.20, p. 36) - The applicant must be able to demonstrate to the Planning Commission that the intended structure or development will meet the conditions set forth in the zoning ordinance, including parking requirements, sign regulations, etc. The applicant must also show compliance with the UBC and Fire Codes for occupancy of a commercial structure with residential use or a separate dwelling unit in the commercial zone. According to Mr. Harvey, Labor & Industries, a mobile home must be certified as a residence before it can be used as such. The proposed manufactured home meets HUD standards for residential use and requirements per Ordinance No. 568/570.

d. Required Information prior to any construction or occupancy of a building - (1100.30, p. 36) - site plans, elevations of proposed building, including surrounding buildings if requested, and fee with application. If a structure were to be placed for permanent use as a residence it would have to comply with this section as well as meet floodplain requirements. The proposed manufactured home meets requirements. A floodplain application has been submitted.

3. Background - The applicants have had a travel trailer in place and occupied since September 7, 1994. A Conditional Use for temporary placement and use of the trailer was authorized by the Planning Commission on October 4, 1994 with an expiration date of April 6, 1995. An appeal was made to the Town Council on February 28, 1995 which was postponed until March 22, 1995. A memo from the applicants to the Town Council and Mayor was received on March 22, 1995 requesting deletion from the agenda as they were applying for a Conditional Use Permit for a residence on their commercial property. The applicants again requested a time extension on the travel trailer until a manufactured home as approved by the Planning Commission was in place, approximately August, 1995. The Town Council took no action but made a motion to review the situation again in August.

4. Characteristics of the Site - The land is flat with less than 1% slope and in the floodplain with a 5.19 ft. elevation above sea level. The property has been developed for commercial use. There is a permanent commercial structure, parking area, and storage building on site.

5. Characteristics of the Area - The proposed location for a residence is in a commercial zone immediately adjacent to, but outside, the Historic Preservation District. A residential zone is across Centre St. to the north.

6. Shoreline Jurisdiction - The proposal is not within the shoreline jurisdiction.

7. Comprehensive Plan - Housing Element Goal 1.b. - Ensure that public facilities and services necessary to support existing and future development is adequate to serve the community without decreasing current service levels below established minimum standards. Goal met - facilities and services available. Goal 4. Neighborhood Conservation - Encourage a well-balanced and organized combination of open space, commercial, industrial, recreation and public uses served by convenient and efficient transportation network while protecting the fabric and character of residential neighborhoods. Goal met. The addition of a residential unit in the commercial zone would not significantly impact the residential neighborhood to the north. Policy 8 - The Town of La Conner shall not issue any development permits which result in a reduction of the Level of Service (LOS) Standards for public facilities identified in the Capital Facilities Element. Policy met. The addition of one residential unit would not reduce the LOS for public facilities and services. Policy 49 - Property owners should be encouraged to site and design new construction to minimize disruption of visual amenities and solar resources of adjacent property owners, public road ways, parks, and waterways. Goal met. Housing Element Goal 3 - The Town should be flexible in allowing for cost-effective development of affordable housing that is attractive and compatible with adjacent neighborhoods. Goal met. Policy 5 - Development standards that protect the rights of the individual and the community as a whole should be encouraged. This policy is covered by the Zoning Ordinances and UBC and related standards adopted by the Town. Policy 7 - Housing should be preserved, improved and developed in an attempt to meet the needs identified for all economic sectors of the La Conner population. Policy met by allowing a residential unit in the commercial zone. Policy 4 - Strict enforcement of the Town's ordinances regulating construction, health and safety standards, landscaping, and historic significance of neighborhoods should be required. This policy would be covered under the Zoning Ordinance and UBC and related standards.

8. Environmental Impact - Minimal or no adverse impact on the human or natural environment is anticipated as a result of a proposed residential use on this commercial property.

9. Parking - it appears 31-33 parking spaces have been allocated over the years for uses on the property. Parking Ordinance No. 625, Section 1002.60, requires 2/unit for residential space which is available on the south side of the proposed structure.

10. Sewer and Water - drainage, water and sewer hookups have been approved by the Sewer Department and Public Works.

11. Other Permits Required - Skagit County Building Permit for foundation, steps, and installation of unit. Town of La Conner Floodplain Permit.

Conclusion: Findings indicate there would be no significant impact on the human or natural environment as a result of the proposed residential use of a manufactured home placed on a permanent foundation on Lot 3.

Recommendation: Approve the Certificate of Authorization for a Building Permit to install a manufactured home on the property with the following conditions:

1. The applicant shall obtain a Certificate of Authorization for a Building Permit and a Floodplain Permit from the Town and a Building Permit for placing the manufactured home on a permanent foundation on the site from the Skagit County Permit Center prior to construction.
2. The applicant shall install the manufactured home in accordance with applicable Labor and Industry standards.
3. The applicant shall obtain all permits and pay any fees associated with hooking into the Town's sewer, water, and drainage systems prior to occupancy.
4. The applicant shall remove the travel trailer from the site upon installation of the manufactured home which shall be within three months from the date a Certificate of Authorization is issued.
5. The applicant shall submit any revisions to the approved plans to the Planning Director or Planning Commission for review prior to construction.
6. The home shall meet all standards for manufactured homes in residential zones.
7. The landscaping plan as submitted shall be implemented immediately upon installation of the manufactured home.

# Town of La Conner



## CERTIFICATE OF AUTHORIZATION

Issue Date: May 17, 1995  
File No. 95-1057B

To: Gerald and Donna Blades  
P.O. Box C  
La Conner, WA 98257

Authorization is hereby granted to Gerald and Donna Blades by the Planning Commission, under the provisions of Sections 104.03 and 501.04 of Zoning Ordinance No. 568/570 to place a 27'x40' manufactured home on a permanent, continuous foundation on Lot 3, Block 9, Calhoun Addition to the Town of La Conner behind the existing commercial building located at 315 E. Morris St., La Conner, WA as proposed by application dated May 9, 1995.

The work shall be in accordance with the approved plans and drawings submitted May 9, 1995 which are incorporated in and made a part of this Certificate of Authorization.

This authorization is subject to the following conditions:

1. The applicant shall obtain a Certificate of Authorization for a Building Permit and a Floodplain Permit from the Town and a Building Permit for placing the manufactured home on a permanent foundation on the site from the Skagit County Permit Center prior to construction.
2. The applicant shall install the manufactured home in accordance with applicable Labor and Industry standards.
3. The applicant shall obtain all permits and pay any fees associated with hooking into the Town's sewer, water, and drainage systems prior to occupancy.
4. The applicant shall remove the travel trailer from the site upon installation of the manufactured home which shall be within three months from the date a Certificate of Authorization is issued.
5. The applicant shall submit any revisions to the approved plans to the Planning Director or Planning Commission for review prior to construction.
6. The home shall meet all standards for manufactured homes in residential zones.
7. The landscaping plan as submitted shall be implemented immediately upon installation of the manufactured home.

Any revisions to the authorized work must be submitted to the Planning Department for review and approval pursuant to Zoning Ordinance No. 568.

(206) 466-3125 ~ P.O. Box 400 ~ La Conner, Washington 98257

Noncompliance with the Zoning Ordinance could result in enforcement action. Revisions implemented without authorization could result in the issuance of a Stop Work Order.

Nothing in this authorization shall be construed as excusing you from compliance with any other local, state or Federal statutes, ordinances or regulations which may affect the proposed work.

*Barbara Vibbert*  
Barbara Vibbert  
Planning Director

cc: Skagit County Permit Center  
Department of Labor & Industries, Mt. Vernon  
Randy Young, Public Works  
Kelly Wynn, Wastewater Treatment Plant  
La Conner Town Council

JUL 11 1994

PERMIT NO. 94-1090 <sup>sewer</sup> connection

has been granted to Jerry Blades

Address 315 Morris Lot 6

WORK COVERED UNDER THIS PERMIT

New Building Sewer	Fee \$ _____
Assessment/Connection Charge, (on existing line)	Fee \$ <u>75.00</u>
Other _____	Fee \$ _____
Total Fee Paid	\$ <u>75.00</u>

Fees Collected and  
Permit Issued By

LB Caudiel 7-11-94 Rec# 28437

PERMIT TO BE POSTED IN A CONSPICUOUS LOCATION

THIS PERMIT IS NOT TRANSFERRABLE OR REFUNDABLE

DATE OF ISSUE

7/11/94

INSPECTION APPROVED

Inspector

7/18/94  
Date

Roof, Downspouts, Building Footing Drains, any Ground Water  
Drains, etc., are not allowed to be hooked into the sewer under  
this permit. ALL PLUMBING OUTLETS WILL BE CONNECTED TO  
TO THE SEWER.

NO CEMENT JOINTS

"CAUTION"

DEWATER DITCH BEFORE INSPECTION

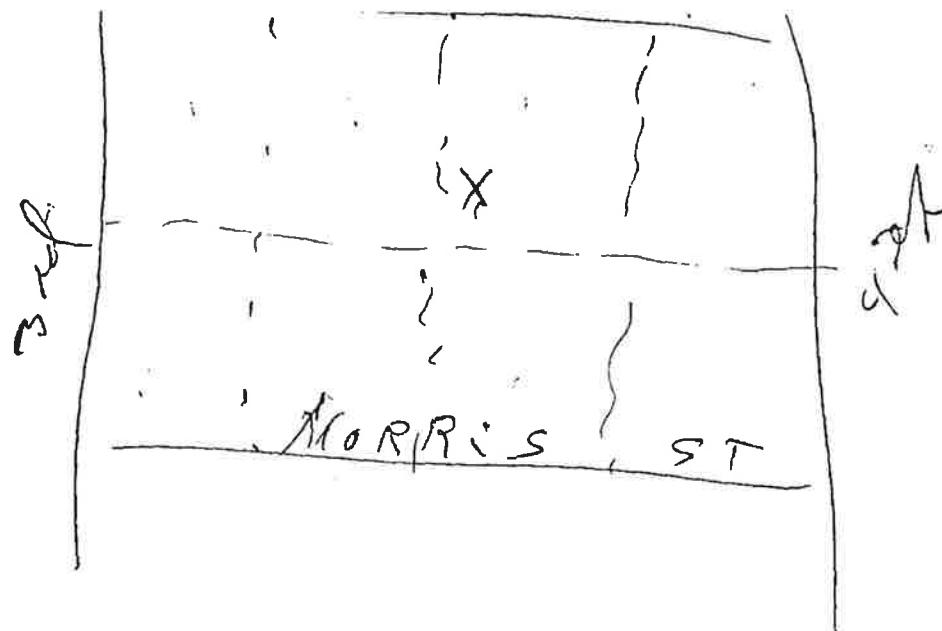
NO BUILDING ON

TOWN INSPECTION BEFORE BACKFILL

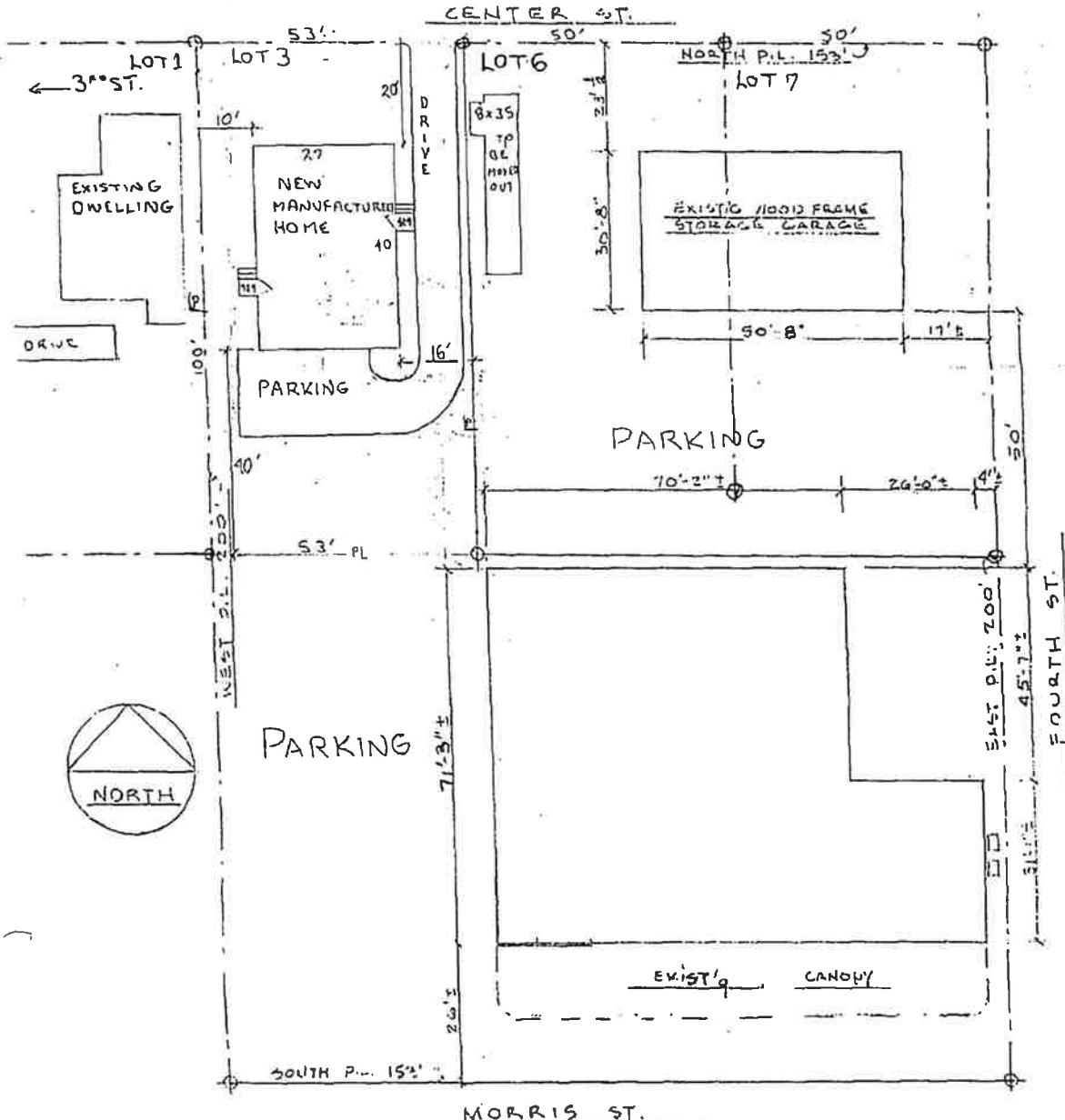
SEWER EASEMENTS

TEST SIDE SEWER BEFORE AND DURING INSPECTION

CALL FOR INSPECTION AT 466-4314.



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



PLOT PLAN 1" = 20'

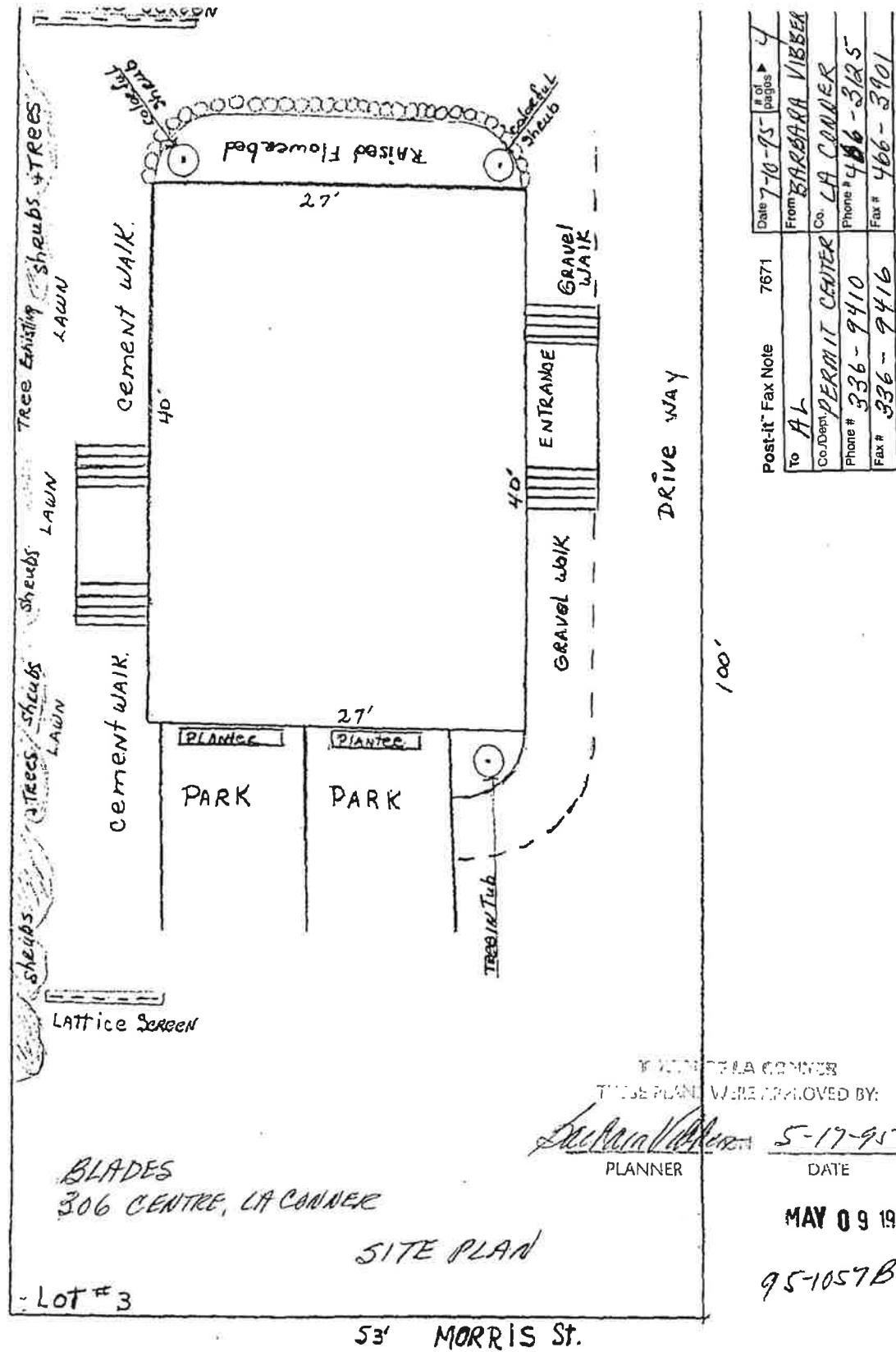
MAY 09 1995

## THE DIA CONCERN

### THE SPANISH VERSES ALLOWED BY:

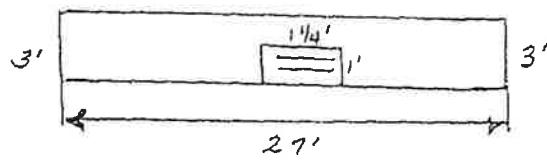
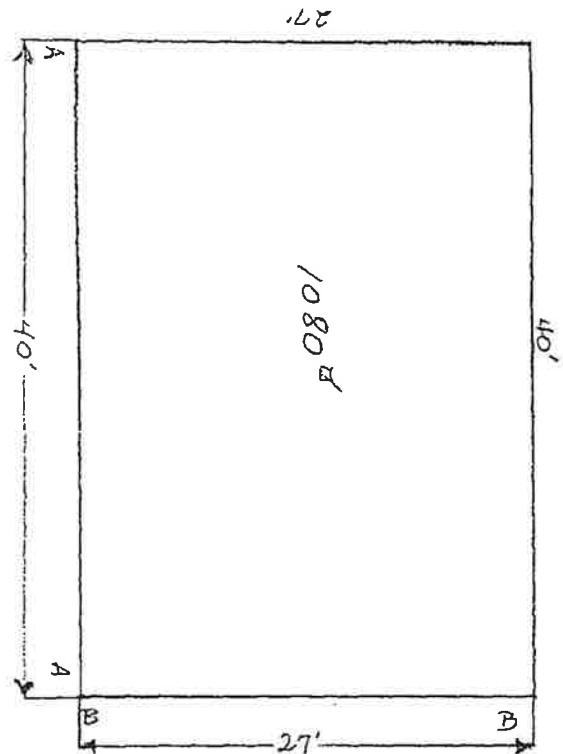
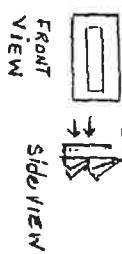
95-1057B

PLANNERS WERE APPROVED BY  
Lauren Vukkert 5-17-15  
PLANNER DATE





Side view



side view

Flood PLAIN

ELEVATION 5.19'

3' FOUNDATION WALL of BLOCK  
CONSTRUCTION, ON CEMENT PADS  
UNDER STRUCTURE.

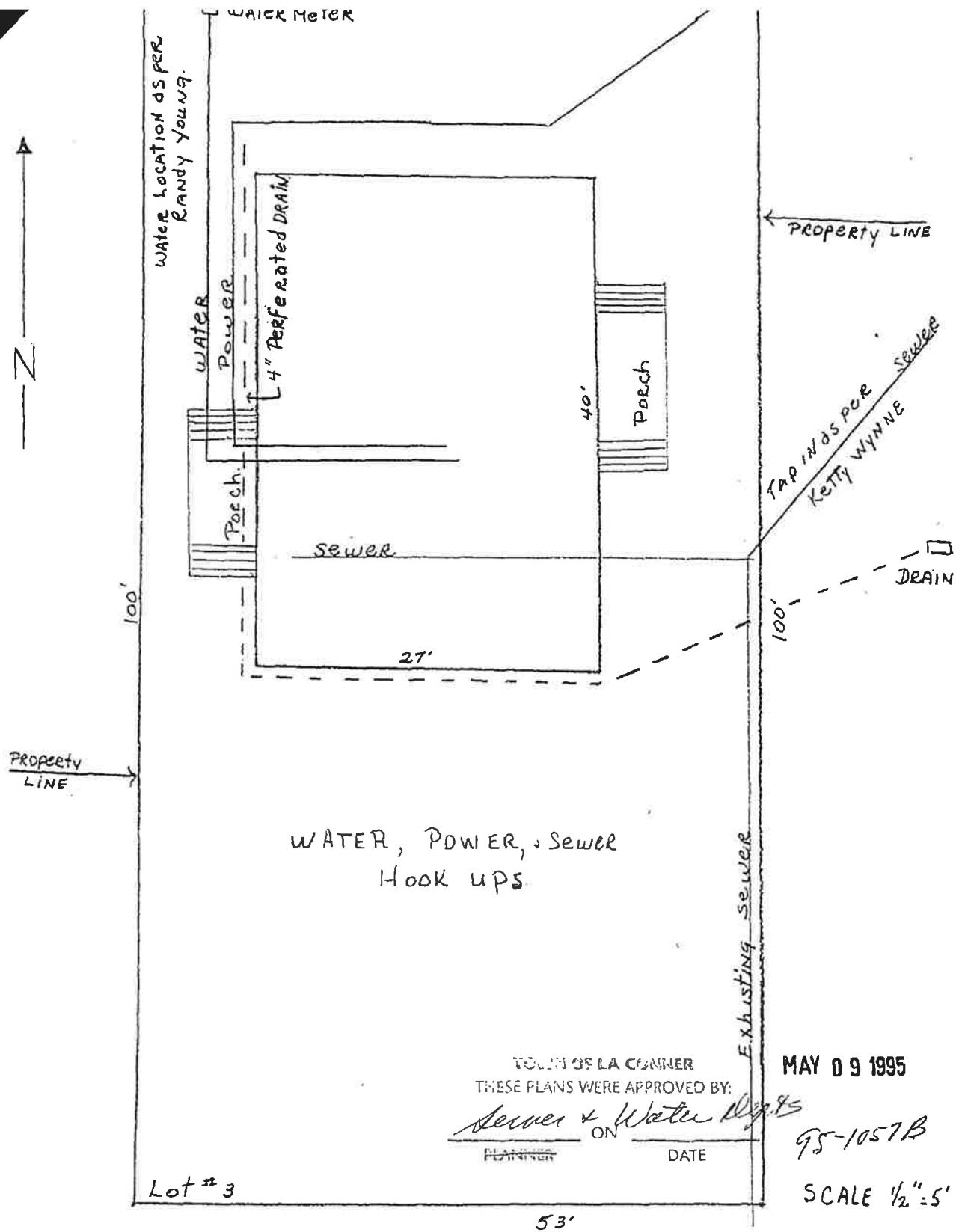
Lot #3

TOWN OF LA CONNER  
THESE PLANS WERE APPROVED BY:

*Susan Miller* 5-17-95  
PLANNER DATE

MAY 09 1995

95-1057B  
SCALE  $1/2'' = 5'$



# Town of La Conner



September 7, 1995

Gerald and Donna Blades  
P.O. Box C  
La Conner, WA 98257

Dear Mr. and Mrs. Blades:

A Certificate of Authorization for Building Permit #95-1057B was issued to you on May 17, 1995 to place a manufactured home on the property at 315 Morris St., La Conner, WA with a designated address of 306 Centre St.

There were seven conditions on the permit. It appears all of the conditions have been met with the exception of #7 related to landscaping and #4 which states "The applicant shall remove the travel trailer from the site upon installation of the manufactured home which shall be within three months from the date a Certificate of Authorization is issued." The three month time period expired on August 17, 1995. Since the manufactured home is now occupied, the travel trailer vacant must be removed from the site. Please remove the travel trailer and complete the landscaping by September 15, 1995.

In addition, a completed elevation certificate verifying the elevation of the installed manufactured home and signed by a registered engineer must be submitted to Town Hall.

I'd appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature of Dan O'Donnell.

Dan O'Donnell  
Mayor

cc: Barbara Vibbert, Town Planner

per PC 9-19-95 - ok to leave trailer  
on property as long as unoccupied.  
Per Donna Blades trailer up for sale.

(206) 466-3125 ~ P.O. Box 400 ~ La Conner, Washington 98257