



File Number: _____
Date Received: _____

TOWN OF LA CONNER MASTER PERMIT APPLICATION

Projects will be reviewed and Certificate of Authorization issued or denied in accordance with the Town of La Conner Uniform Development Code and Uniform Building Code. Building applications must first be submitted to the Town of La Conner for land use review and approval and then submitted to Skagit County Planning and Permit Center for plan review.

A complete application includes fees, the completed form(s) and any required plans, cross-sections or site assessments, or reports. Incomplete applications will delay project review.

TYPE OF PERMIT: (please check all applicable categories)

- | | | |
|---|---|---|
| <input type="checkbox"/> Admin Determination | <input type="checkbox"/> Change of Use | <input type="checkbox"/> Lot Line Adjustment |
| <input type="checkbox"/> Lot Certification | <input type="checkbox"/> Historic Design Review | <input type="checkbox"/> Short-Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Administrative | <input type="checkbox"/> Preliminary <input type="checkbox"/> Final |
| <input type="checkbox"/> Building | <input type="checkbox"/> PC Hearing | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Fill and Grade (50 c.f. or more) | <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Preliminary <input type="checkbox"/> Final |
| <input type="checkbox"/> Critical Area | <input type="checkbox"/> Floodplain | <input type="checkbox"/> PURD |
| <input type="checkbox"/> SEPA | <input type="checkbox"/> Repair & Maintenance | <input type="checkbox"/> Accessory Dwelling Unit |
| | <input type="checkbox"/> Shoreline (JARPA) | <input type="checkbox"/> Other: _____ |

SITE ADDRESS 310 CENTER STREET
PROPERTY ID# (P NUMBER) P 74143

PROPERTY OWNER: (please include evidence of property ownership)

NAME KSA INVESTMENTS LLC
MAILING ADDRESS 721 MAPLE ST
CITY LA CONNER **STATE** WA **ZIP CODE** 98257
PHONE 360 708 **FAX** 9855 **E-MAIL** BRANDON.KATE.ATKINSON@GMAIL.COM

AUTHORIZED REPRESENTATIVE/APPLICANT/CONTACT:

NAME KEN OLSEN, ARCHITECT
MAILING ADDRESS P.O. BOX 906
CITY LA CONNER **STATE** WA **ZIP CODE** 98257
PHONE 425 890 **FAX** 9415 **E-MAIL** KEN@OLSENASSOCIATES.NET

CONTRACTOR:

NAME TO BE DETERMINED
MAILING ADDRESS _____
CITY _____ **STATE** _____ **ZIP CODE** _____
PHONE _____ **FAX** _____ **E-MAIL** _____
LICENSE # _____ (attach copy of license to application)

SEC. 36 T. 34 N. R. 2 E. W. M

LEGAL DESCRIPTION OF SITE: (Include Plat Name, Short Plat #, Lot, Block, Section, Township, Range)

LOTS 3 TO 8 INCLUSIVE AND THE EAST 3 FEET OF LOT 1 ARE
IN BLOCK 9 "CALHOUN ADDITION" TO TOWN OF LA CONNER
PER PLAT IN VOL. 1 OF PLATS, PAGE 14, RECORDS OF SKAGIT COUNTY

ZONING CLASSIFICATION:

☐ Residential

☒ Commercial

☐ Industrial

PROPERTY DESIGNATION:

☐ Public Use

☒ Floodplain (100
year)

☐ Historic District

☐ 200' Shoreline

☐ Critical Area

☐ Sloped

☐ Wetland

OTHER:

Are there any other structures on the property? Yes ☒ No

(if yes, please describe) 1 MANUFACTURED HOME, 1 GARAGE

Is property located in a flood zone area? Yes ☒ No

Does this project require a SEPA? Yes* No

Is the property located within 200 feet of a shoreline? Yes* No ☒

Is this project located within 100 feet of a steep slope (15% or steeper gradient over a distance of 10 feet)?
Yes* No ☒

Will fill, grading and/or excavation be included in this project? Yes* ☒ No
(if yes, please indicate number of cubic yards) 5000 ROUGH GRADING

*If you answered YES to any of these questions, please obtain the handout related to the subject from La Conner
Town Hall. Supplemental forms, fees and/or information may be required.

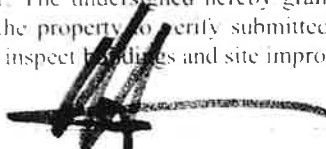
Does this project include an accessory dwelling unit? Yes No ☒
(if yes, please include proof of residence within the Town of La Conner corporate limits)

PROJECT DESCRIPTION - INCLUDE USE(S):

1 APARTMENT BUILDING WITH 4 DWELLING UNITS,
60 TRANSIENT HOUSING UNITS, ASSOCIATED PARKING.

The undersigned hereby certifies that the information submitted in this permit application is complete, true and correct to the best of their knowledge under penalty of perjury by the laws of the State of Washington. If this application is for an accessory dwelling unit, I hereby certify under penalty of perjury that I am a resident of the Town of La Conner. The undersigned hereby grants permission to Town of La Conner staff and Skagit County inspectors to enter the property to verify submitted application information, to verify the absence or presence of critical areas, and to inspect buildings and site improvement.

Applicant Signature



Date

Owner Signature

Date

1
2
3 **BEFORE THE HEARING EXAMINER FOR THE TOWN OF**
4 **LA CONNER, WASHINGTON**

5 David Lowell, Hearing Examiner
6

7

8 RE: Atkinson Development / KSA Investments CUP 9 Conditional Use Permit 10 Case No.: LU21-56CU	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
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11

12 **DECISION**

13
14 The Conditional Use Permit is approved, subject to the conditions listed on pages 15 to
15 18 of this Decision.

16 **INTRODUCTION**

17
18 The subject project (hereinafter “project”) is the construction of a three-story building
19 containing 14 multi-family dwelling units on the 2nd and 3rd floors and six lodging (i.e.
20 hotel) rooms on the first floor of a new structure at 306 Center Street (Skagit County
21 Assessor’s Parcel Number: P74143), La Conner, WA (hereinafter “site”).

22 **EXHIBITS**

23
24 Exhibits Submitted by the Town of La Conner

- 25 A. Staff Report from Michael Davolio to the Hearing Examiner dated March 10,
26 2022 that includes the below-listed items:
27 1: Application
28 2: SEPA Checklist
3.: Public Notices

1 4. Department of Ecology Site Information

2 5. Geotechnical Evaluation

3 6. Phase II Environmental Site Assessment: Subsurface Investigation
4 Report

5 7. Cultural Resources Survey

6 8. Public Comments

7 B. Memo from Michael Davolio to the Hearing Examiner dated April 6, 2022 containing
8 additional points of reference

9 C. Meeting minutes from the Town of La Conner's Planning Commission meeting held
10 on March 15, 2022 and includes a list of those who spoke at the Commission's
11 hearing

12 D. Letter dated April 2, 2020 [sic] from Maggie Wilder

13 E. Letter dated April 1, 2022 from Georgia Johnson

14 F. Letter dated April 1, 2022 from Gary and Heike Nelson

15 G. Letter dated April 2, 2022 from Brandon Atkinson/KSA Investments

16 H. Email dated April 4, 2022 from Don Pendleton and Kathy Shiner

17 I. Letter dated April 4, 2022 from Linda Talman

18 J. Email dated April 6, 2022 from Linda Talman

19 ORAL TESTIMONY

20 Witnesses – present at the March 31, 2022 virtual hearing

- 21 ○ Michael Davolio, (Planning Director for the Town of La Conner)
- 22 ○ Brandon Atkinson, (Applicant)
- 23 ○ Katie Atkinson (Applicant):
- 24 ○ Maggie Wilder (party of record)
- 25 ○ Heiki Nelson (party of record)
- 26 ○ Debra Aldrich (party of record)
- 27 ○ Gary Nelson (party of record)
- 28 ○ Linda Talman (party of record)
- Charlie Morgan (Applicant's Architect)
- Frank Liddell (party of record)

- Roger Vallo (Applicant's representative)

Following is a summary of the oral testimony heard by the Examiner. A complete recording of the hearing is on file with the Town of LaConner and is with this reference made part of this decision.

The Examiner made brief introductory remarks noting the proceeding was being recorded and the Staff Report (Exhibit A) with its associated Attachments identified as 1 - 8 were being admitted into the record. The Examiner then swore in the Town's representative Michael Davolio, their Planning Director.

Michael Davolio (Town's Planning Director). Mr. Davolio provided an overview of his staff report. Mr. Davolio stated the preliminary SEPA determination issued on November 6, 2021 was properly posted on the site, published, and mailed to property owners within 300 feet of the project site. Mr. Davolio explained that following the issuance of the preliminary SEPA determination he was made aware that an abutting property was historically a gas station that had been investigated for potential contamination by the Department of Ecology (DOE) and the site and this abutting property were under common ownership when the referenced DOE investigation occurred. Since the SEPA checklist submitted by the applicant had no indication of this prior neighboring use, or of any existing soil or environmental conditions that may have an impact on the proposal, Mr. Davolio notified the applicant that their application was deemed incomplete until appropriate studies were completed to determine existing soil conditions. The Applicant completed these studies and submitted them to the Town before the final SEPA determination for this project was issued.

Brandon Atkinson (the Applicant): Mr. Atkinson outlined when they purchased the property and their goals for it. He apologized about the controversy regarding the earlier demolition, and stated he did feel the Town's Public Works staff make sure the demolition was done safely. He then spoke in general about the additional

1 work that needed to be completed to address the environmental concerns. He feels
2 this project will be of great benefit to the Town and it will look very beautiful.

3
4 **Katie Atkinson** (the Applicant): Mrs. Atkinson stated the property will look great
5 and beautiful and will be quite an improvement over the "vacant run down shed" that
6 was once present on the property.

7
8 **Maggie Wilder** (Party of Record): Ms. Wilder's comments were against the project.
9 She feels there will be too many "negative effects" to the surrounding neighborhood
10 such as: traffic issues, privacy and that the project is just "too big a project". Ms.
11 Wilder stated the Applicant should work to get the property rezoned first, the
12 Applicant wants a quick "turn around profit" project, and that the Applicants are not
13 really interested in the long-term well-being of La Conner. She thinks applicant
14 should re-zone it as residential then live up to these requirements. She does not
15 think applicant being truthful from beginning of application - as they were said to be
16 rentals - when really condos. She feels the Planning Commission acted on "good
17 faith" and principle in rejecting this proposal. She is against the "sheer size" of a 3-
18 story building. She has privacy concerns and fears people will be looking down at
19 us. She said it is not an attractive project, the scale is uncharacteristic of
20 surrounding buildings, it is urban density and is unfriendly to families. Ms. Wilder
21 also has written comments that are exhibits to this Decision.

22
23 **Heiki Nelson** (Party of Record): Ms. Nelson's comments were against the project.
24 Mrs. Nelson stated she has been civil engineer for 25 years and has vast experience
25 with these sorts of projects. Mrs. Nelson is concerned about the impacts to the Town
26 as a whole. She does not feel there is a conditional use for something like this in the
27 code, and that the project is too big; and if it were in a different area no more than
28 10,000 sq. ft. would be allowed. She has not seen proper landscape plans. Also,
she was very upset about how applicant handled the demolition issue and called it
very arrogant. She also focused on negative effects of project and this is too big a
project for that location. She expressed grave environmental concerns. She has
concerns regarding parking and thinks the project will alter the character of

1 surrounding area. Ms. Nelson also has written comments that are exhibits to this
2 Decision.

3
4 **Debra Aldrich** (Party of Record): Ms. Aldrich's comments were against the
5 project. She feels it is too tall and too big a project. She feels La Conner needs
6 more residential areas but not this project. She has parking concerns. She stated that
7 La Conner is a tourist town not a big city like Burlington. She is not against a
8 "special use permit" but not a conditional use permit. She worries about garbage
9 (pollution) concerns; she is concerned that the Fire Department has not signed off on
10 this project. She feels the 30-foot-tall building will hurt views of nearby neighbors;
11 and she is concerned about parking issues (in that not enough spaces planned). She
12 said there might also be drainage issues. Ms. Aldrich also has written comments that
13 are exhibits to this Decision.

14 **Gary Nelson** (Party of Record): Mr. Nelson's comments were against the project.
15 He worries that this project has not received the Fire Chief's approval which could be
16 an issue because the ladder of fire department only goes 35 feet which could be
17 problematic. Mr. Nelson expressed concerns over right-of-way utilities issues and
18 asked if garbage trucks will have proper access to the site. He stated this project
19 will block view of the surrounding hills and nearby areas. He is worried about this
20 project to the overall public, life, health and safety of the community and is
21 concerned about parking. He said historically this was a filling station on south side
22 of the lot and it was a bulk/oil fill station on station on north. He does not think
23 enough environmental testing has occurred on the north side of Lot 1. His
24 recollection was that this was the historical use from approximately 1950-1976.

25 **Linda Talman** (Party of Record): Ms. Talman's comments were against the
26 project. She is very concerned about parking issues. She brought up the overall
27 "Comprehensive Plan" for La Conner's future – and wondered if this project is
28 really going to create "affordable housing"? She stated there will be a parking gate
and that this is not affordable housing, etc. She feels if this project was in a

1 residential zone it would be limited to 10,000 sq ft in size. Ms. Talman also has
2 written comments that are exhibits to this Decision.

3
4 **Charlie Morgan** (Applicant's Architect): Mr. Morgan is the architect for the
5 applicant/project. He said they have followed the law. He stated that he has
6 empathy and understands that change is hard, and he understand the legitimate
7 concerns of the folks who are against the project; however, he feels the project
8 totally complies with all aspects of the La Conner code. Also, he said the State of
9 Washington is giving tax credits to entities that fix up old gas stations and thus this is
10 a positive for this project. He said they have successfully met the conditional use in
11 this case: no more than 50% of ground floors are multiple family dwelling units -
12 this is done correctly. The code allows what they are doing.

13 **Frank Liddell** (Party of Record): Mr. Liddell's were against the project. Mr.
14 Liddell has lived near the project site for 17 years (he lives across the street from
15 project). He stated the project is not providing the type of housing that La Conner
16 so desperately needs. He stated these are single bedrooms and not family units. He
17 is concerned there will be no yards, room for pets, and that it won't help with school
18 enrollment. He stated the foundation of La Conner is multi-generational families
19 and he wants to keep it a small town and not a city and that the project does not help
20 in this quest. He foresees poop pollutions issues. He said this project will result in
21 less sunlight and he has privacy concerns because the building is 30 feet tall.

22 **Roger Vallo** (Applicant's consultant/representative): Mr. Vallo is a consultant
23 working for the applicant. Mr. Vallo stated wants to clarify the concern about
24 utilities. He will make sure that there is proper approval at all levels (Public Works
25 in LC and Fire Department) and plans are being reviewed once they are given permit.

26 **Michael Davolio** (Town's Planning Director). Mr. Davolio made rebuttal comments
27 stating short term rentals are defined as those rented for less than 30 days, and there
28 is nothing in the Town's Code that limits residential density in commercial zones.

Mr. Davolio encouraged those in attendance to contact Town Council if they believe

1 the municipal code should be changed and noted the Applicant is entitled to develop
2 his property under the codes in effect when they submitted a complete application.

3
4 The Hearing Examiner concludes the meeting and stated he will keep the record open
5 for five (5) business days.

6 Materials Received After the March 31, 2022 Hearing While the Record was Open:

- 7 A. Supplemental Staff Report from Michael Davolio to the Hearing Examiner dated
8 April 6, 2022
- 9 B. Letter dated April 2, 2020 [sic] from Maggie Wilder
- 10 C. Letter dated April 1, 2022 from Georgia Johnson
- 11 D. Letter dated April 1, 2022 from Gary and Heike Nelson
- 12 E. Letter dated April 2, 2022 from Brandon Atkinson/KSA Investments
- 13 F. Email dated April 4, 2022 from Don Pendleton and Kathy Shiner
- 14 G. Letter dated April 4, 2022 from Linda Talman
- 15 H. Email dated April 6, 2022 from Linda Talman

16 Upon consideration of the testimony and exhibits submitted as part of the hearing, the
17 Hearing Examiner enters the following Findings and Conclusions as the basis for the
18 decision as issued herein:

19 20 FINDINGS OF FACT

- 21 1. **Owners.** The owner is identified as KSA Investments, LLC – this LLC is governed
22 by Kate and Brandon Atkinson.
- 23 2. **Site.** The site is addressed as 306 Center Street, La Conner, WA and is identified by
24 the Skagit County Assessor as tax parcel P74143.
- 25 3. **Virtual Hearing.** A virtual hearing was held on March 31, 2022, via Zoom web
26 application, Zoom Meeting ID No. 885 9114 1934.
- 27 4. **Procedural.** LCMC 15.135.050 classifies the subject Conditional Use Permit as a
28 Type IV permit with a recommendation made by the Planning Director or Planning
Commission and a final decision made by the Hearing Examiner.

- a. Chapter 13.10 LCMC designates the Town planner as the person responsible for the administration of the Town's SEPA procedures and policies. Unless a SEPA appeal is filed the Hearing Examiner has no authority in the SEPA process. There were no SEPA appeals filed for this project.
 - b. The La Conner Planning Commission held a meeting on March 15, 2022, where they made a 3-0 motion to deny the subject Conditional Use Permit.
5. **Zoning.** The site has a zoning designation of Commercial. The zoning regulations for the Commercial Zone are codified under Chapter 15.35 of the La Conner Municipal Code (LCMC). The site is not located within the Town's Historic Preservation District Overlay Zone and is not within what is defined as the Morris Street Commercial District under LCMC 15.50.025.
6. **Surrounding Zoning.** To the north and east of the site on the opposite sides of Center Street and North Fourth Street, respectively, are properties within the Residential Zone.
7. **Conditional Use Permit and Site Uses.** The permit brought before the Hearing Examiner is a Conditional Use Permit to allow what is described by Town staff as "six short-term dwelling units" on the ground floor of the proposed three-story structure. The second and third stories of the proposed structure are described by Town staff as containing a total of "14 long-term dwelling units". On the Town of La Conner Master Permit Application the project description provided by the Applicant states, "1 apartment building with 14 dwelling units, 6 transient housing units, associated parking". The Conditional Use Application Narrative submitted by the Applicant also describes the ground floor uses as "transient housing".
 - a. LCMC 15.35.020(10) allows "lodging establishments such as hotels, motels, and inns" as permitted uses. LCMC 15.10.525 defines "hotel, motel, or apartment hotel" as "any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests."
 - b. LCMC 15.35.030(2) states "Dwelling units, attached or unattached, are not to exceed 49 percent of the square footage of the building(s), for all uses, of the properties of a development on the ground floor. Dwelling units located above the ground floor are not limited in square footage except that the

1 maximum floor area for all development (commercial and residential) must
2 not be more than two times the property area. Residential uses in the
3 commercial zone to the extent practical must have their access located to the
4 rear or side of the structure where they are located” with approval of a
5 Conditional Use Permit.

- 6 c. LCMC 15.35.030(8) allows “Guesthouse/Guest Rental – Residential
7 Dwelling Units Rented as Guesthouse. The guesthouse residential unit must
8 also comply with all the provisions of this code that pertain to residential
9 conditional uses in the Commercial Zone” with approval of a Conditional
10 Use Permit. The Examiner finds neither the 14 multi-family residential units
11 on the second and third floors or the six ground floor hotel rooms are
12 classified as Guesthouse/Guest Rental – Residential Dwelling Units Rented
13 as Guesthouse.
- 14 d. LCMC 15.10.380 defines “dwelling units” as “an enclosure containing
15 sleeping, kitchen, and bathroom facilities designed for and used or held ready
16 for use as permanent residence by one family”. LCMC 15.10.390 defines
17 multifamily dwellings as a “detached building containing three or more
18 dwelling units, each containing sleeping, kitchen, and bathroom facilities,
19 and designed for and used or held ready for use by three or more families
20 living independently of each other”.
- 21 e. The term “transient housing” is not used or defined in the LCMC. However,
22 in the staff report provided to the Examiner staff states “The short-term
23 residential uses (lodging establishment) proposed for the first floor are
24 permitted per Section 15.35.020(10)” making clear that the six ground floor
25 units are classified by staff as lodging establishments such as hotels, motels,
26 and inns.
- 27 f. The six ground floor rooms shall be classified as lodging establishments such
28 as hotels, motels, and inns.
- g. The 14 second and third floor units shall be classified as multi-family
dwelling units.

8. **Conditional Use Permit Requirements.** The provisions that “pertain to residential
conditional uses in the Commercial Zone” contained in LCMC 15.35.030(2) state (in

part), “Dwelling units located above the ground floor are not limited in square footage except that the maximum floor area for all development (commercial and residential) must not be more than two times the property area. Residential uses in the commercial zone to the extent practical must have their access located to the rear or side of the structure where they are located.” This means the floor area of all the combined commercial and residential floor area of the development on the 15,300 s.f. property must be less than 30,600 s.f. LCMC 15.10.475 defines usable floor area; and LCMC 15.10.480 defines “gross floor area”. Since LCMC 15.35.030(2) does not state the floor area is to be “usable” the definition of “gross floor area” must be used to determine compliance with the limitations of the maximum floor area.

- a. LCMC 15.10.480 defines gross floor area as, “the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.”
- b. The Application materials state “...the combination of on grade parking, interior space, setbacks, and pervious surface limits the development to approximately 20,488 sf” and these materials summarize the floor area of the main, second and third floor areas at 17,540 s.f. Neither of these square footages appear to meet the definition of gross floor area of the development.
- c. The Application materials submitted by the Applicant list the total property area as 15,300 s.f.

9. **Setbacks.** The north and east property lines abutting Center and North Fourth Streets, respectively, are where front yard setbacks must be observed. The south property line must observe a 25-foot setback as it is considered a rear yard.

10. **Floodplain Regulations.** The site is located within the 100-year floodplain, and as such, the maximum building height is 30 feet measured from one-foot above the base flood elevation to the highest point on the building. The site is located in FEMA zone A7 with a base flood elevation of 8 measured using the National Geodetic Vertical Datum of 1929 (NGVD 29) (Community-Panel Number 530156 0001 B, with an effective date of 12/18/1984). The maximum building height is limited to 30 feet from elevation 9 (using NGVD 29 datum) to the highest point on the building. The materials provided to the Examiner note the floodplain elevation

as being 11.8' and the finished floor as 12.8'. However, these materials do not indicate the datum these elevations are based on.

11. Parking Requirements. LCMC 15.90.030(3)(c)(iv) requires hotels and motels to have one off-street parking space per each paid unit plus one per on-site manager. The six ground floor rooms are required to have six off-street parking spaces plus one per on-site manager. LCMC 15.90.030(1)(b) requires two off-street parking spaces per multifamily, dwelling or apartment; however, LCMC 15.90.030(3)(c)(vii) allows residential uses in commercial zones to provide one space for the first 1,200 s.f. of the unit and one additional space if the unit is larger than 1,200 s.f.. All of the proposed multifamily units on the second and third floors are less than 1,200 s.f. in size. The 14 multifamily units necessitate 14 off-street parking spaces. A total of 21 off-street parking spaces must be provided if an on-site manager for the hotel rooms is present and 20 off-street parking spaces must be provided if an on-site manager for the hotel rooms is not present.

a. The Applicant's materials show 90-degree parking being provided on the site; and as such LCMC 15.90.010 requires the following:

i. These parking spaces be an unencumbered 9 feet wide by 18.5 feet deep and 10 feet wide by 18.5 feet deep if abutting a wall.

ii. An access drive no less than 24 feet in width be provided between the two rows of parking spaces.

iii. No more than 50% of the required parking space be compact with dimension of 8.5' by 16 feet.

b. The Site Plan submitted by the Applicant appears to indicate at least four of the compact parking spaces and at least five of the full-size parking spaces are partially encumbered with structural supports for the proposed building. Note 1 within LCMC 15.90.010 indicates parking spaces must be unencumbered. Conditions ensuring the minimum dimensions of the parking spaces and drive aisle are included as part of this decision since the Examiner is not able to verify compliance with these requirements.

12. Screening Requirements. LCMC 15.90.010(8) requires screening be required when a commercial property abuts a "residential area". The Examiner notes this refers to a "residential area" not a residential zone. The property abutting the west

1 property line of the site is a residential area as it contains a single-family residential
2 structure even though it is zoned Commercial. The property abutting the south
3 property line of the site is zoned Commercial and is developed with non-residential
4 uses and therefore is not a residential area. Therefore, the project is required to
5 incorporate the screening requirements outlined within LCMC 15.90.040 along the
6 west property line of the site.

7 **13. Landscaping Requirements.** Chapter 15.105 LCMC contains the landscaping
8 requirements for the Town. The project is subject to the street frontage landscaping
9 requirements in LCMC 15.105.120, the parking lot landscaping requirements in
10 LCMC 15.105.140, and the screening requirements in LCMC 15.105.150. The
11 Applicant's materials identify improvements (e.g. ADA Ramp, stairs, and landings)
12 being constructed in the street frontage area; these improvements are either touching
13 or are within less than five feet of the back of the sidewalk. The Examiner finds the
14 Applicant has not complied with the street frontage landscaping requirements
15 codified within LCMC 15.105.120.

- 16 a. There isn't enough information in the record for the Examiner to determine if
17 the screening requirements codified within LCMC 15.105.150 required along
18 the south and west property lines of the site are being satisfied.
- 19 b. LCMC 15.105.120 states planting along street frontages are required to be
20 designed to "soften and enhance the development on the site and provide a
21 pleasant pedestrian environment".

22 **14. Conditional Use Permit Criteria.** Compliance with the conditional use permit
23 criteria found in LCMC 15.135.190 will be satisfied, as conditioned, as follows:

- 24 (a) The use is listed as a conditional use in the underlying district.
- 25 • LCMC 15.35.030(2) lists attached dwelling units as a conditional use.
- 26 (b) The characteristics of the site are suitable for the proposed use
27 considering size, shape, location, topography, existence of improvements and
28 natural features.
- The size, shape, location, topography, existing of improvements and
natural features of the site are suitable, as conditioned, to allow the 14
multi-family dwelling units on the second and third floors of the

1 project structure. Exhibits A and B submitted by the Town contain
2 additional details relied upon by the Examiner.

3 (c) The site and proposed development is timely, considering the adequacy of
4 transportation systems, public facilities and services existing or planned for
5 the area affected by the use.

- 6 • As conditioned, transportation systems, public facilities and services
7 are adequate for the proposed use. Exhibits A and B submitted by the
8 Town contain additional details relied upon by the Examiner.

9 (d) The proposed use will not alter the character of the surrounding area in a
10 manner which substantially limits, impairs, or precludes the use of
11 surrounding properties for the primary uses listed in the underlying district.

- 12 • The character of the surrounding area will not be altered by the
13 proposed multi-family dwelling units in a manner that substantially
14 limits, impairs, or precludes the use of surrounding properties for the
15 primary uses listed in the underlying district(s). The surrounding
16 areas to the north and east of the site are zoned Residential; and the
17 Residential district allows multifamily residential units or apartments
18 with approval of an Administrative Conditional Use Permit (LCMC
19 15.20.055). This is noteworthy because the surrounding areas zoned
20 Residential are also allowed to develop the same use as the subject
21 conditional use permit. The surrounding areas to the south and west
22 of the site share the Commercial zoning designation of the site. The
23 property to the south of the site is already developed with commercial
24 uses and the property immediately west of the site is currently
25 developed with a single-family residential home; however, this
26 property could be redeveloped to contain any of the uses allowed in
27 the Commercial zone. Exhibits A and B submitted by the Town
28 contain additional details relied upon by the Examiner for this
criterion.

(e) The proposal, through findings, satisfies the goals and policies of the
comprehensive plan, Shoreline Management Act, and floodplain ordinance,
which apply to the proposed use, if applicable.

- The Examiner has reviewed the goals and policies of the comprehensive plan and finds, as conditioned, they are satisfied with the subject project. The site is not subject to the Shoreline Management Act. The structure is located within the floodplain and will be required to comply with all applicable floodplain regulations.

(f) Setbacks or buffers proposed by applicant are shown to mitigate potential adverse impacts that might emerge from the proposed conditional use.

- As conditioned the project will have setbacks and buffers to mitigate the potential adverse impacts that might emerge from the proposed conditional use. Specifically, the Examiner is requiring additional frontage landscaping along the north and east property lines, which means there will be larger setbacks from the north, east, and west property lines, and screening along the south and west property lines to ensure these criteria are met.

(g) The use must cause no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution.

- As conditioned, the use will have no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution. Traffic, parking, noise, odor, air and water pollution impacts are all mitigated by compliance with the Town's applicable development regulations. Findings of Fact #11 and 12 (above) outline the parking and screening requirements the project will be required to comply with. Without a Conditional Use Permit the Applicant could create second and third story hotel rooms instead of dwelling units. The potential adverse effects of these two uses, hotel rooms versus multi-family dwelling units, are substantially similar.

(h) Consideration shall be given to the cumulative impact of like uses within the neighborhood.

- The Examiner is not aware of any other like uses within the neighborhood, and no evidence of other like uses within the neighborhood were submitted as part of the record. Therefore, the

1 Examiner finds there are no cumulative impacts that need to be taken
2 into consideration.

3 **CONCLUSIONS OF LAW**

- 4
- 5 1. The procedural and substantive requirements for the SEPA process and for the
6 Conditional Use permit have been satisfied.
 - 7 2. As conditioned, the project will comply with the Conditional Use permit criteria codified
8 within LCMC 15.35.030(2), 15.135.190, and the dimensional standards within LCMC
9 15.35.090.
 - 10 3. As conditioned, the project will comply with the parking, screening and landscaping
11 requirements codified in Chapters 15.90 and 15.105 LCMC.

12 **DECISION**

13 Based on the findings of fact and conclusion of law contained herein, it is the decision of
14 the Hearing Examiner to approve the proposed Conditional Use Permit subject to the
15 below-listed conditions of approval:

- 16 1. The six hotel rooms shall be consistent with the definition of such in LCMC
17 15.10.525. In addition, the Applicant shall comply with all applicable duration
18 of stay regulations adopted by the Town.
- 19 2. The 14 multi-family units shall be consistent with the definition of such in
20 LCMC 15.10.390. This does not preclude the Applicant from creating
21 condominiums of these multi-family units consistent with State and local laws.
- 22 3. The floor area of all the combined commercial and residential floor area of the
23 development on the 15,300 s.f. property must be less than 30,600 s.f. When
24 calculating the square footage of the combined commercial and residential floor
25 areas the Applicant shall use the definition of "gross floor area" codified in
26 LCMC 15.10.480.
- 27 4. A total of 21 off-street parking spaces must be provided if an on-site manager for
28 the hotel rooms is present and 20 off-street parking spaces must be provided if an
on-site manager for the hotel rooms is not present. Consistent with LCMC

1 15.90.010 all parking spaces and the access drive to these spaces must be
2 unencumbered and meet the following minimum dimensions and requirements:

- 3 a. Regular (non-compact) spaces must be 9 feet wide by 18.5 feet deep and
4 10 feet wide by 18.5 feet deep if abutting a wall.
- 5 b. An access drive no less than 24 feet in width must be provided between
6 the two rows of parking spaces.
- 7 c. No more than 50% of the required parking space can be compact with
8 dimension of 8.5' by 16 feet.

9 5. The project is required to incorporate landscape screening along the length of the
10 west property line, except the area between the north property line to the north
11 face of the structure shall have street frontage landscaping versus screening
12 landscaping installed. This screening shall be a minimum of five feet in width, it
13 shall include a six-foot-tall fence along the property line and shall have
14 landscape screen planting complying with LCMC 15.105.150(2) installed.

15 6. The project is required to incorporate street frontage landscaping along both
16 Center and Fourth Streets except where the curb cut and the landings for the
17 stairs are located. The intent of this condition is to soften and enhance the
18 development on the site and to provide a pleasant pedestrian environment. This
19 street frontage landscaping shall be a minimum of five feet in width from the
20 back of the sidewalk and shall incorporate street trees, shrubs and groundcovers
21 providing seasonal colors and interesting textures.

- 22 a. The Applicant shall work with Town staff to incorporate necessary
23 elements, such as root barrier, to ensure this landscaping does not
24 adversely impact the improvements in the abutting right-of-way.

25 7. The landscaping along the south property line of the site shall include no less
26 than five trees along with shrubs and ground cover planted in quantities and
27 spaces to provide for 80 percent ground coverage within three years.

28 8. All site improvements must comply with the corner vision requirements listed
under LCMC 15.105.060.

9. The maximum building height shall be 30 feet measured from one foot above the
base flood elevation to the highest point on the building. These measurements
shall comply with Finding of Fact #10 (above) in this decision.

- a. Any access to the roof of the structure shall be approved by the Fire Chief and shall not result in any portion of the structure exceeding the height limitations outlined within this condition.
- b. Mechanical equipment and any other type of equipment or improvement cannot be placed such that it extends above the 30-foot height limitation outlined within this condition.

10. The plans submitted to the Examiner do not identify the location or design of a garbage dumpster. If a garbage dumpster is required, the Applicant shall be required to create a space on the site allowing the dumpster to be emptied in a safe and efficient manner. The dumpster shall be surrounded by an enclosure with a gate. The dumpster shall not be located in the frontage landscaping required under condition #6 (above). The exact dumpster location, enclosure, and other relevant details shall be prescribed by the Town.


11. The Applicant shall submit revised plans showing compliance with conditions 2 – 10 (listed above) that must be approved by the Town Planner, the Public Works Department, as well as any other applicable Town staff before construction related permits (i.e. Building or Grading permits) are issued.

12. The following SEPA mitigation measure has been applied to this project:

“Once the existing residential structure is removed from the site, remediation of the contaminated soil identified near the former bulk fuel tanks shall be excavated and disposed of at a Subtitle D landfill. The excavation shall occur in the vicinity of boring #B3, as identified in the Phase II Environmental Site Assessment performed by Dixon Environmental Services, LLC (Dixon). Such excavation shall extend outward and in a northerly direction. The possibility of further contamination beneath the existing house shall be examined”.

In addition to this SEPA condition, the project is further conditioned such that if any contamination is found all work on the site shall cease until further studies are completed and submitted to the Town for their review and approval, or approval with additional conditions (as applicable).

1 Dated this 11th day of May, 2022

2
3 

4 David D. Lowell, Esq.

5 Town of La Conner Hearing Examiner

6
7 **APPEAL RIGHT AND VALUATION NOTICES**

- 8 1. A land use decision by the hearing examiner shall be appealed by filing a petition in
9 superior court within 21 calendar days of the issuance of the land use decision. For
10 the purposes of this section, the date on which a land use decision is issued is:
- 11 a. Three days after a written decision is mailed by the town or, if not mailed,
12 the date on which the town provides notice that a written decision is
13 publicly available.
 - 14 b. If the land use decision is made by order, ordinance or resolution by the
15 hearing examiner or town council, the date the order, ordinance or
16 resolution is passed.
 - 17 c. If neither of the above applies, the date the decision is entered into the
18 public record.
- 19 2. Affected property owners may request a change in valuation for property tax
20 purposes notwithstanding any program of revaluation.

21 **NOTES TO THE APPLICANT**

22 Following are items not subject to appeal the Applicant and subject project will be
23 required to comply with:

- 24 1. Building permit(s) must be obtained from the Town of La Conner and Skagit County.
25 2. Any signage to be added to the property shall require separate approval from the
26 Town of La Conner.
27 3. The below listed conditions from the Final Mitigated Determination of Non-
28 Significance shall be complied with:

- a. The maximum height of any portion of the building shall be not more than 30 feet, as measured from one foot above the base flood elevation to the highest point on the building. Any roof access must be approved by the fire chief.
- b. Once the existing residential structure is removed from the site, remediation of the contaminated soil identified near the former bulk fuel tanks shall be excavated and disposed of at a Subtitle D landfill. The excavation shall occur in the vicinity of boring B3, as identified in the Phase II Environmental Site Assessment performed by Dixon Environmental Services, LLC (Dixon). Such excavation shall extend outward and in a northerly direction. The possibility of further contamination beneath the existing house shall be examined.
- c. Performance monitoring shall be conducted by an environmental professional during remedial activities to direct advancement of the excavation. Once field screening indicates that the contamination has been successfully removed, confirmation soil samples shall be collected directly from the sidewalls and/or bottom of the remedial excavation.
- d. Groundwater monitoring well shall be installed on the property, with subsequent sampling performed in accordance with the recommendations set forth in the Dixon report.
- e. A resistant vapor barrier shall be installed beneath the new building to be constructed.
- f. With regard to site archaeology, an Unanticipated Discoveries Protocol (UDP) shall be established. All workers on site shall be trained in this protocol, and a copy of the UDP shall be kept on site at all times.
- g. All contractors and subcontractors must be licensed to conduct business in the Town of La Conner.
- h. The permit holder must provide contact information on all contractors and subcontractors to the Town of La Conner prior to commencement of construction.
- i. All contractors and subcontractors must report sales tax transactions within the Town of La Conner. The La Conner sales tax number is 2905.

- 1 j. The following conditions have been identified that may be used to
2 mitigate the adverse environmental impacts of the proposal:
- 3 i. Construction best management practices will be implemented as
4 necessary for erosion control and to prevent waste materials
5 from entering ground or surface waters.
 - 6 ii. Drainage report required.
 - 7 iii. Storm water runoff will be collected and drained from the site in
8 a manner to be approved by the Public Works Director.
 - 9 iv. The lighting intended to be used directs light downwards to
10 minimize light pollution, improve nighttime visibility and
11 protect potential nocturnal ecosystems offsite. Measures
12 anticipated are similar to those recommended by LEED 2009
13 New Construction Credit 8 "Light Pollution Reduction".
 - 14 v. Prior to any ground-disturbing activities within the property
15 boundary a professional archaeologist should give an
16 unanticipated discovery protocol (UDP) training given to all
17 construction personnel. A copy of the Unanticipated
18 Discoveries Protocol (UDP) in the Cultural Resources Report
19 prepared for the project is to be on site at all times.
 - 20 vi. In the event that any ground-disturbing activities (as outlined
21 above) uncover protected cultural material (e.g., bones, shell,
22 stone or antler tools), all work in the immediate vicinity shall
23 stop, the area should be secured, and any equipment moved to a
24 safe distance away from the location. The on-site superintendent
25 shall then follow the steps specified in the UDP.
 - 26 vii. In the event that any ground-disturbing activities or other
27 project activities related to this development or in any future
28 development uncover human remains, all work in the immediate
vicinity shall stop, the area shall be secured, and any equipment
moved to a safe distance away from the location. The on-site
superintendent shall then follow the steps specified in the UDP.

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7 BEFORE THE HEARING EXAMINER
8 FOR THE TOWN OF LA CONNER, WASHINGTON

9 David Lowell, Hearing Examiner

10 Atkinson Development / KSA
11 Investments CUP

12 Conditional Use Permit

NO. LU21-56CU

13
14 RESPONSE OF DEBBIE ALDRICH
15 TO APPLICANT'S MOTION FOR
16 RECONSIDERATION
17
18

19 The applicant has requested reconsideration of Condition 9.A and 9.B. Combined, these
20 conditions preclude any portion of the proposed structure to exceed the Code's 30-foot height
21 limitation. The motion for reconsideration identifies three reasons for revising that condition. The
22 motion also identifies five "other considerations" in support of the motion. Neither the reasons nor
23 the "other considerations" provide an adequate basis for revising the condition.
24

25 The three reasons listed reference codes of other jurisdictions (and the IBC Code) which – it
26 is contended – would allow for greater height. The obvious and complete response is that the
Examiner is required to apply La Conner's Code, not any of the other codes. For better or for worse,
the applicant is vested to the Town's code that was in effect when it filed its application. If the
applicant believes the Town should revise its code to mimic the codes of other jurisdictions, it is free
to request the Town Council to amend the Town's code. But the current project application, vested to

1 the current code, must be judged by the current code, not the codes of other jurisdictions that may (or
2 may not) be adopted by the Town at some unknown date in the future.

3 The “other considerations” listed in the motion are a hodgepodge of reasons that the Town
4 Council might consider if it were requested to amend the current height limitation. These policy
5 considerations may (or may not) provide adequate justification for the Town Council to amend the
6 code in the future. But until and unless the Town Council amends the code (based on these “other
7 considerations” or any other rationale), the applicant must meet the current Code requirements.

8
9 Apart from seeking an amendment from the Town Council (which the applicant has not done),
10 the applicant’s other mechanism for seeking to relax the 30-foot height limitation is by requesting a
11 variance. See La Conner Municipal Code, § 15.125.040. But the applicant has not filed an
12 application for a variance either. The Examiner cannot rule on a variance application when a
13 variance application has not been filed.

14
15 Nor, for that matter, has the applicant made any attempt to demonstrate that it meets the
16 criteria required for granting a variance. A core criterion for any variance is that there are special
17 conditions “which are peculiar to the land, structure, or building involved . . . which are not
18 applicable to other lands, structures, or buildings in the same district.” LMC 15.125.0.040(2)(a).
19 The applicant has made no effort to establish that there is some “peculiar” condition of this lot that
20 requires a variance from the standard code height limitations. Nor is there any evidence in the
21 record to support such a finding.

22
23 Basing a variance for this project on a “peculiarity” of the “structure or building” is
24 impossible because there is no existing structure or building that remain as part of the project.
25 Instead, the applicant proposes to create a new structure/building. There is nothing “peculiar”
26 about the non-existent building that requires a variance. The applicant’s desire to add structural

1 components on the rooftop is not an adequate justification. All the applicant need do is reduce the
2 height of the remainder of the building (up to the roof) to assure that the total height (building plus
3 rooftop elements) stays within the 30-foot height limitation.

4 To the same effect, a variance cannot be created if the need for the variance “result[s] from
5 the actions of the applicant.” LMC 15.125.040(2)(c). Yet it is precisely because of the actions of
6 the applicant that it needs a variance. If the applicant merely revised its building design to lower
7 the total height of the project (structure plus rooftop features less than or equal to 30 feet) no
8 variance would be required. The applicant has brought the need for a variance upon itself. It is not
9 due to any “peculiar” feature of the property or existing building/structure.
10

11 For the foregoing reasons, the motion for reconsideration should be denied.

12 Dated this 21st day of June, 2022.

13
14 Respectfully submitted,

15 BRICKLIN & NEWMAN, LLP

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18 By:



19 David A. Bricklin, WSBA No. 7583
20 Attorney for Debbie Aldrich
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7 BEFORE THE HEARING EXAMINER
8 FOR THE TOWN OF LA CONNER, WASHINGTON

9 David Lowell, Hearing Examiner

10 Atkinson Development / KSA
11 Investments CUP

12 Conditional Use Permit
13

NO. LU21-56CU

14 RESPONSE OF DEBBIE ALDRICH
15 TO TOWN OF LA CONNER'S
16 MOTION FOR RECONSIDERATION
17
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20 The Town's planning staff (Michael Davolio) has requested that the Examiner modify two
21 parts of the decision, one related to setbacks and the other to long-term residential use. The applicant
22 has not requested either of these modifications. If the applicant has not sought these modifications, it
23 seems inappropriate to modify the decision to provide additional flexibility not requested by the
24 applicant.
25

26 The requests also should be denied because they are not consistent with the contract rezone
which burdens this property. That contract rezone provides that development of this property must be
consistent with the Historic Preservation District Design Guidelines (even though the property is
zoned Commercial). The requested modifications have not been analyzed for consistency with the
Historic Preservation District Guidelines. Therefore, those modifications should not be approved.

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Dated this 21st day of June, 2022.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP



By:

David A. Bricklin, WSBA No. 7583
Attorney for Debbie Aldrich

To : Hearing Examiner David Lowell
From: Brandon and Kate Atkinson, KSA Investments LLC
Subject: 306 Center Street Development
June 15, 2022
Reference Case NO: LU21 - 56CU
Attachments Exhibit 1 (ordinance 568 description)



This is in response to Linda Talman's Request For Reconsideration dated May 13, 2022. It is our opinion that Her Exhibit 1, a questionable rezone contract between the Town of La Conner and Gerald and Donna Blades is not valid and not pertinent to our Application for a Conditional Use Permit and should be disregarded by the Hearing Examiner.

Our current Application for Conditional Use includes a site plan which shows the project to be in the Commercial zone and compliant with all existing codes as defined in ordinance 568 (See Exhibit 1) dated September 26, 1989 and in the properly approved La Conner Comprehensive Plan. Ordinance 568 superseded all previous zoning codes applicable to the subject site.

Also, there is no Town requirement to include in the Conditional Use Application any architectural style criteria or final building plans in fact it is not possible since we do not know what we will be allowed to design and build until we receive conditional use determination. Architectural design approval falls under the Building Permit Application, therefore, even if Talman's Exhibit 1 had been valid there was no need for the Town to provide it to the Hearing Examiner at this time.

When our approval has been finalized for a mixed use project we will follow Town procedures, design the building and submit an application for a building permit. It has always been our intent to create a beautiful structure that is compatible with La Conner and the neighborhood architecture. Toward that end if the Town requires it for whatever reason we will follow design criteria guidelines for the Historical District when we apply for a building permit and design the building. This would not require any change to our existing site plan including our request for certain industry standard height overruns for the elevator or other minor overruns needed to operate the building. It also has no affect on and nothing to do with our Application For Conditional Use.

In summary”

1. The Town did not error by not submitting the Exhibit 1 document. It was not valid and not required for any decisions needed with regards to a Conditional Use Permit.
2. Current established properly ratified published codes and zones have been fully complied with.
3. We are concerned about the true intent of Linda Talman's request. During the proceedings of our applications no one requested that the building be of historic design. It appears that the attempted use of Talman's Exhibit 1 is a torturous attempt to interfere with and take away our property rights to satisfy their own interest.

We request that the Hearing Examiner's decision to approve the project and our request for minor height overruns stand and be approved and we be permitted to proceed to the next phase of our project.

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 *26th* day of *September*, *1989*

From Georgia Johnson

360-202-1032 307 Center Street POBOX 877 LaConner Washington 98257

Response to Reconsideration by LaConner Fire Chief on 306 Center Street

The reconsideration from the LaConner Fire Chief speaks to the problem we have with the continued changes to the development application that is incomplete. The fire chief has been left with reconsideration as recourse and reflects on the lack of ability or intended missing information about fire safety needs in parking lot design and the roof of 3rd floor by applicant. Whatever the reason might be, does it seem smart to approve a development devised by an applicant in this way without conditions related to fire department needs and general safety included by planner? It does not make sense to approve a design that will ultimately be corrected later, again by applicant.

My suggestion is to send this application back to the applicant's drawing board for completion, include detailed information about fire gained from fire chief, go back to the planning commission for review, so that what you receive for consideration shows an understanding and response to the fire chiefs concerns and needs.

From: Georgia Johnson

360-202-1032 POBOX 877 LaConner Wa 98257 307 Center Street

Response to Reconsideration Requested by Michael Davolio, Town Planner

On the 306 Center Street Development Application

This reconsideration is an unsolicited assist from the town, through the planner, to the applicant developer, considering two issues of concern from other parties of record, set backs, and the short-term residential use.

This action is one of a series of inappropriate maneuvers by planner –

Please review the initial application submitted to planner, described as a pre-application, missing and misrepresenting information (see the word “flats”, later confessed as condominiums, see the 1st floor vacation rental access on Center Street which we were told was error, lack of SEPA need until educated by the public, planner doesn't require any conditions at that time). It was posted with a comment closing date that required persons interested to respond with concerns ahead of an actual application; the applicant then sent in a document responding to these concerns.

This type of maneuvering has been repeated throughout this entire process.

At every given point of concern, every reference to town of LaConner municipal code, concerns over fire safety before any review by fire chief/marshal, before presentation to hearing examiner, the applicant has opportunity to muddle the plan and throw out ideas that change the design as originated. This is not good planning. Please keep in mind the denial of this project by the planning commission. If you have questions about their decision I would hope you would contact the chairman.

My suggestion here to you Mr. Lowell is that you hand this entire package back to the

town planner, with instructions to the applicant to submit his finished plan with all the conditions noted included in design and implementation as best he can, go through the planning commission process again, and have an application come to your desk in such a way that you can clearly make your decision. The longer this process goes on, the more conversations you hold with LaConner administration the more damaging to our trust in this process.

From: Georgia Johnson. 360-202-1032 POBOX 877 LaConner 98257 6/17/22

Response to Reconsideration from Linda Talman to the 306 Center St.

Development

The information included within Ms. Talmans reconsideration is vital to town government, town citizens, and your understanding and determining the true zoning class at this time, which follows in determining what building can be designed and built at this site.

The fact that a determination of validity of the contract between the Blades and the Town of LaConner in 1986 has not been embraced and agreed to by the town administration should be a red flag of trouble. Note that in the reconsideration the contract was found valid by land use lawyers contacted by Ms. Talman.

Note that this information was discovered and shared only after a FOI was requested, that the town did not send the information in a timely manner for your period of examination.

Because of this rather huge glitch I suggest you send this entire project back to the applicant and town government so that a proper zoning can be determined, and applicant can submit a building plan that meets those zoning requirements. Once done it would be important for all to see it go back to the planning commission for review, then on to you. Thank you.

/

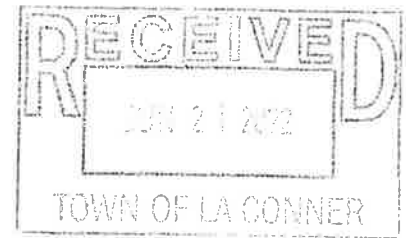
June 20, 2022

Re: Center Street Project

To: Hearing Examiner

From: James Matthews – Person of Record

Re: Atkinson/KSA Reconsideration Request



1. The La Conner building code is clear and is not a function of Anacortes or any other town, city, or county and their respective code.
A total of thirty feet above, one foot above the flood plain, is irrefutable.
La Conner is in a flood plain with a very high water-table.
All of the above were clear when the application was made and cannot be violated.
2. Additionally, Chapter 5 of the Land Use Element of the La Conner comprehensive plan under growth management policies states under section 5A-6.

“Development should have the primary fiscal responsibility to provide parks, recreation, and open space to mitigate the impacts created by their development.”

Further, the comprehensive plan in the neighborhood conservation section under policies is very clear.

5K-1 states: Protect residential zones from encroachment by commercial or industrial uses.

5K-3 states: Siting and designing of new construction to minimize disruption of visual amenities and solar resources to adjacent property owners, public roadways, banks, and waterways.

Community Design Policy 5Z-1 – Maintain a small scale for structures.
New structures should not overpower existing structures or visually dominate La Conner’s small-town streetscapes.

The Atkinson plan has no evidence of any of this. On the contrary, the parcel in question as proposed is extremely over built and crammed into a very small lot as well as being way outsized relative to neighboring buildings.

There is no recreational provision and no open space provided in the proposal. There is not even 8x8 space provided for a required garbage dumpster enclosure.

3. This project needs to be dramatically scaled down to something appropriate to the neighborhood. EG: Four single family homes or a couple of two-story townhouses.

James Matthews
310 N 3rd Street
La Conner WA 98257

June 21, 2022

Re: Center Street Project

To: Hearing Examiner

Fr: James Matthews-person of record

Regarding Planner Michael Davolio's
Reconsideration Request

Re: relief request #1

Re: corner lots, etc.- "We ask that this be permitted-etc"

Re: relief request #2

Re: long term residential use-"We would like to clarify that the applicant, if
he chooses etc" — — —

Who is the **we**??

Is it the planner and the developer?

Is it the planner and the mayor?

Is it the planner and the town administrator?

Or is it all of the above?

This needs to be both clarified and negated.

James Matthews
310 N.3rd street
La Conner Wa. 98257



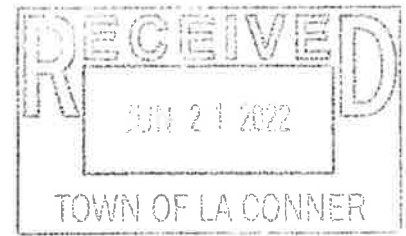
June 21, 2022

RE: Center Street Project

To: Hearing Examiner

Fr: James Matthews-person of record

Regarding Linda Talman's reconsideration request:



The contract rezone filed by Gerald Blades in 1986 is clearly valid, and it is preposterous to consider it otherwise. The mayor at the time, signed it, the La Conner town council approved it, the La Conner city attorney and Town Clerk both signed it.

The Town failed to file the rezone, at the time. The Town is therefore responsible for that failure.

Now, the Town needs to file the zoning request and accept the full responsibility of the results associated with that failure.

After all, it was the Town who had the document all along, and neglected to completely research the property in question, when the Atkinson request was presented.

The town merely saw the development opportunity, and gave it the green light, without any regard for the prior use or the zoning history of the property.

Unfortunately, the Town failed to do diligence on the property before granting the conditional use permit, and must now figure out how to rectify the situation.

The desires of the citizens of La Conner, rather than the profit desires of an outside developer, must be the primary and only consideration.

The responses of the public in both the La Conner Weekly News, and in letters to the Town, are clearly against this. It is an inappropriate and ill conceived development, as proposed, and must be terminated.

James Matthews
310 N. 3rd street
La Conner Wa. 98257

6/20/2022

Response to KSA investments for reconsideration of

306 Centre Street Proposed Development

Decision #9 A&B Maximum of 30-foot height

In regards to exceeding the height requirements, this is a situation caused by design.

The equipment can all be concealed by having the mechanical equipment on the second floor, there may be a need to alter the configuration of some units. This is a condition created by design and can be solved by design.

As far as the elevator access to the roof, I believe in case of fire alarm triggering the power is shut down to the elevators as not to act as a chimney and spread the fire.

Consideration must also be considered on how to evacuate the building in case of fire.

It takes two firefighters for every individual that is in this building. And as the developer claims he is targeting seniors who wish to downsize that could be an issue.

Thank you for reading this response

Gary Nelson

403 Morris Street

6/20/2022

Response for the reconsideration of the Town of La Conner
Planning Director

As requested by the planner of flexibility for the developer. As a traffic and pedestrian safety measure and considering the elderly occupants of the building that we consider on the North and east sides of the project to require greater front yard setbacks as for pedestrian safety. I am aware this is not part of the current code but as this is a conditional use, we can lessen the impact on the community and the Residents of the Building.

Gary Nelson

403 Morris Street

June 19, 2022

Response by Kathy Shiner to 306 Centre Street to Hearing Examiner



As a party of record, I would like to respond to Dr. Atkinson's reconsideration.

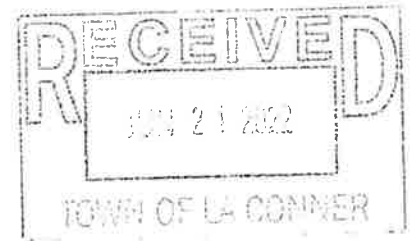
Dr. Atkinson refers to La Conner's height codes as out of date using Anacortes as an example. Anacortes population is 18,370 and occupies 15.53 square miles. La Conner's population is 979 and occupies .41 square miles. By scale, the Town of La Conner is much smaller than the City of Anacortes. The size and scale of projects isn't comparable. La Conner is in a flood zone so our 30 ft height restriction is not considering that the building height is 9 feet above base flood elevation. So again, no comparison. The codes represent the desire of the community to keep its buildings to scale with the size of the Town and the existing surrounding residential and commercial buildings.

He purchased the property with plans for development knowing the current building codes. When my husband and I first received the notice of application for development, Atkinson's plan was to build a 3 story apartment with 14 long term rentals on the top 2 floors and 6 short term rentals on the ground floor apparently with no need for an elevator. Since then, he has decided his market will be seniors in need of elevator access. . If he is intent on serving his senior target market, he has several options. He can build a two story building to still keep within the 30ft height restriction with room to accommodate the mechanical equipment to operate an elevator and maybe have a peaked roof for architectural interest and/or a rooftop garden and patio area. A win-win for everyone. He refers to other buildings in the area, specifically the Channel Lodge and the Retirement Inn, as being over 30ft. Those two buildings do not loom over residential housing. He hasn't asked for a height variance, but wants the Town to change the Comp Plan to allow for his development plans. As far as I know, the Town has no plans to change its Comp Plan height restrictions.

Especially now, when there is so much pressure from developers to push the limits, the Town needs to stand by its building codes to preserve the unique character and historical nature of the Town. As the banner states as you enter town on Morris Street, Tiny Town with Big Charm.

Kathy Shiner

June 19, 2022



Response by Kathy Shiner to 306 Centre Street

To: Hearing Examiner

As a party of record, I would like to respond to Michael Davolio's Reconsideration

I find it peculiar that our Town Planner is filing a Reconsideration for the developers project. It seems that it's the developers responsibility or his representatives to bring these two requests to the attention of the Hearing Examiner. I object to Mr. Davolio, as a Town government representative, requesting a reconsideration.

It seems like the Municipal Code is clear on setback requirements in the Commercial Zone 15.35 and not to be adjusted for the developers "flexibility".

When a building application is submitted to the Planner, the terminology of what type of use is being requested should match the terminology of the codes. Mr. Davolio refers to short term and long term residential use. In researching the Municipal Code, I don't see this terminology referred to at all. The Hearing Examiner is using the 6 short term rentals to mean a hotel. Mr. Davolio is asking in his reconsideration number 2, using the term long term residential use, but seeking the wording from 15.35.030 which refers to dwelling units.

(2) Dwelling units, attached or unattached, are not to exceed 49 percent of the square footage of the building(s), for all uses, of the properties of a development on the ground floor. Dwelling units located above the ground floor are not limited in square footage except that the maximum floor area for all development (commercial and residential) must not be more than two times the property area. Residential uses in the commercial zone to the extent practical must have their access located to the rear or side of the structure where they are located.

So does that mean if down the road he might turn 49% of the ground floor hotel into residential dwelling units that he will be adding kitchens and changing the entrance to each unit to the side or rear of the building. Sounds like Dr. Atkinson and/or Davolio wants to do one thing now and then change it later once he figures out if the hotel or the dwelling units make more sense for his profit and the time necessary to manage a hotel.

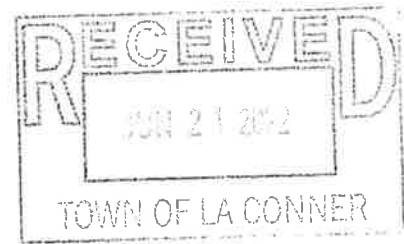
The intent for this development is not clear or transparent. The wording from day one, when we got the first notice of application from the Town dated November 9, 2021, has gone from short term, long term rentals to short term, long term residential. The wording has been confusing all along. The way the application and any subsequent requests for conditional use permits is worded, needs to represent the wording in the La Conner Municipal Code.

The reconsideration should be denied.

June 19, 2022

Reconsideration Response to 306 Centre Street

To: Hearing Examiner



As a party of record, I would like to respond to Linda Talman's reconsideration.

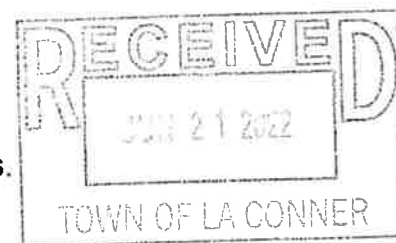
I believe Linda has uncovered the most pertinent document with information regarding the property at 306 Centre Street. George and Donna Blade came to the Town of La Conner requesting a rezone from residential to commercial. Blades also owned the abutting property at 315 Morris Street which is zoned commercial within the Historic Preservation District. The Town and the Blades negotiated, over about a six month period. The Blades were denied the rezone by the Town Council twice, but then on the third try a compromise was agreed upon by both parties. The contract was finally negotiated allowing for the rezone from residential to commercial, but with an encumbrance attached, that would follow future sales. The rezone stipulated that if the property was ever developed or improved that the application review process would follow the Historic Preservation District guidelines, and if not, the property would revert to residential. In the contract, the Town was responsible for filing the contract with the County Auditor so that future sales would carry the same encumbrances. The contract was never filed by the Town which was their responsibility per the terms of the contract. According to Scott Thomas and other land use attorneys that the neighborhood opposition group has spoken to, the contract is, non the less, valid.

Dr. Atkinson has been caught in a contractual mess. It seems like the property should revert to residential since the terms of the contract have not been met. At the least, the whole development plan should be reevaluated as commercial within the Historic Preservation District, and sent back to the developer for a new application.

The Town government has known about this since the end of March or beginning of April. Why they haven't done anything about it is also negligent. The Town signed the contract and needs to abide by the terms of the rezone.

Kathy Shiner

TALMAN RESPONSE TO ATKINSON REQUEST



1. The developer quotes the code of the City of Anacortes.
 - a. Response: The project is not in Anacortes.
 - b. Response: Anacortes is not on the flood plain and therefore not subject to the floodplain elevation + 1 rule. Anacortes's 30 foot building is our 38 foot building.
 - c. Response: Shorter buildings in La Conner are allowed to put things on the roof. He has created his own hardship.
 - d. Response: The developer has created his own hardship by creating a design that is testing the limits of what he can do and then asking for more.
2. The developer states that the building needs elevators.
 - a. Response. The developer has again created his own hardship by asking for a three story building onto which the elevator overrun extends beyond the height allowed in the code.
3. The developer states that an elevator is needed for access to the roof by firefighters.
 - a. While it is true that the fire department will need to reach any roof, the Fire Department of La Conner does not have a truck that can reach the proposed roof, particularly if the fire needs fighting from the street.

4. The developer states that mechanical equipment is easier to conceal on the roof.

a. Equipment would be just as easy to conceal on the second story roof.

Again, the developer has created his own hardship by asking for the limit and then asking for more.

5. Retirement Inn example setting precedent for a big building. a. The

Retirement Inn was given a Variance for that height. (source: Foi Request for that record.) A variance, as you know, is given for a property which cannot enjoy the privileges of other properties in a similar location. The variance language was improved after the Retirement Inn situation. You can't have a variance just because you want to skirt around the code.

b. The Inn would not have received the variance with current code. c. The Retirement Inn is not four stories as he states. It is three stories with a hole underneath for parking.

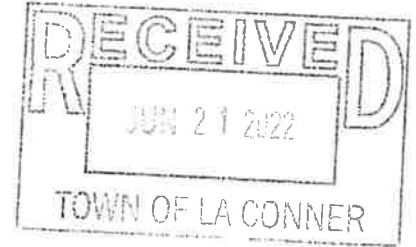
d. A variance, as you know, does not set precedent for other projects.

The request should be denied as it violates the Municipal Code of La Conner.

Dated: June 19, 2022

NO. LU21-56CU

Response to Fire Department request.



The Fire Chief rightly states that the access to building through the parking lot is not adequate. I agree with this point but there is more that the examiner needs to know.

Responses:

1. The La Conner Fire Department (LFD) does not have a final plan for the property for two possible reasons:
 - a. There isn't one.
 - b. The plan keeps changing.
2. The LFD does not have a ladder truck that would reach to the roof.
3. On Center Street there is a power line that would prevent a ladder from accessing from Center.
4. There is not enough room on the west side between the proposed building and the neighbor fenced property for ladder access to the roof.

5. The elevator power is shut off when the fire alarm sounds. It would need a FD override - if they were on the scene.
6. Their tallest ladder fully extended is only 35' straight up. When we account for climbing angle it will only reach ~30' in the air depending on setbacks.
7. Water flow is a concern. If they don't have enough water they cannot effectively fight a multistory building.
8. As a rural fire department they don't currently train a lot on multi story family buildings.
9. They do not have a town IFC (fire) inspection program to verify all preventive fire systems are in compliance each year.

Conclusion

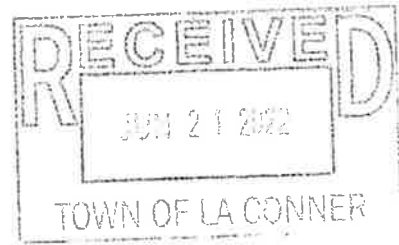
Although it is customary for the FD to give final approval later in the process, it is not customary for the FD to get a project of this size and scope with so few controls on it. An official retirement place has safeguards to contain and slow the fire. They have automatic hall doors that close when the alarms go off. They have firewalls. They have multiple exits. It is obvious that this building with its currently proposed use and targeted market (that the developer described as seniors who want to

downsize) is potentially a nightmare for our young volunteer firemen and women. Although this is not an official "retirement home" it is a de facto one. Your ruling could protect our volunteer first responders and the occupants of the project. Which of the occupants of the twenty units up to forty humans and unknown numbers of pets) would they rescue first? The project should be denied in its current iteration. It is unsafe.

Date 6/20/2022

Linda Talman

NO. LU21-56CU



1

2 pages

Talman Response to Planner Request for Reconsideration

1. The Planner requests reconsiderations for a project and items on that project that the developer has not requested. This request should be denied because it was never requested by the developer.
2. The request of the 25 foot setback is not an exchange of location for the 25 foot setback from back to front, but an exchange of the back 25 ft location in return for giving the developer flexibility. "Flexibility" is not a term defined in The Municipal Code of La Conner. This request must be denied.
3. The Planner speaks to the addition of Long-Term Residential.
 - a. The Municipal Code of La Conner has no language for Long-term Residential - (Term on second paragraph of planner's request, line one.)
 - b. The Municipal Code of La Conner has no language for short-term Residential. – (term used in second paragraph of Planner's request, line three.

4. The Hearing Examiner correctly interpreted that the ground floor proposed use was actually hotel, a place for sleeping, not residing, and would require an onsite manager and an extra parking spot.

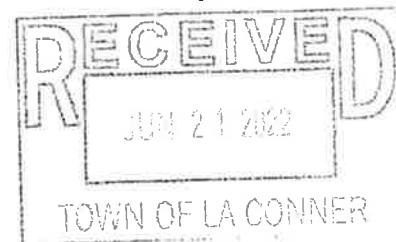
Conclusion:

The Planner's request for reconsideration must be denied because it was not asked for by the Developer, it proposes an exchange of 25 feet of setback in return for "flexibility" and because it proposes a trade of two uses that are not defined in The Municipal Code of La Conner.

Date Juneteenth - June 19, 2022

Linda Talman

Response to the Zone Correction Request (Talman response to Talman request which Mr. Thomas wrote to me that I was allowed to do.)



To paraphrase of the Talman reconsideration request:

The request was for the zone correction in the Hearing Examiner's Decision. The decision called it Commercial - which is understandable since that is what the town stated to the developer - and what the town may have thought it was. However it was not Commercial.

The Talman request was based on the discovery(FOI) of the Contract Rezone that Jerry and Donna Blades made with the town in 1986.

This contract was not revealed to Linda Talman until just after the hearing. And though it was not filed, it is a valid contract.

Response to this request:

Discussions with land use attorneys and developers on both sides of the land use aisle confirm that the contract is valid even though not filed. All say that the contract should be filed but whether they do or not, see it as a valid contract. Scott Thomas agrees (from his words in a council meeting.) The only question is - did the Blades live up to the terms of the contract or not. And, therefore, follows the question - should it revert to Residential or remain Commercial HPD?

Further looking through documents revealed by FOI requests received two days after the the hearing reveal the following::

- a. The Town Council voted to rezone the property with the HPD commercial designation. The public hearing and the rezone motion passed in DECEMBER, 1986. The Blades wanted any future development on that property be considered HPD so that it could be reviewed using the HPD guidelines. (This rezone would represent a compromise between straight out commercial and residential.) The Town Council agreed and rezoned it with those conditions.
- b. The newspaper record of that time confirmed this account.
- c. The planner (Gary Gidley) of the time wrote:

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

- d. In April of 87, there was a letter by Vince Sellen, council member who had voted in favor of the rezone but who in April of the next year forwarded a list of complaints from his constituents to the Mayor Lam. He wrote the following which might indicate that it reverts to residential.

"4/9/87

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: (from citizens)

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 truck drivers
1. Threatening?
2. Secretive
- e. Industrial Use in Commercial Zone?
- f. "50 gal. Spill."
2. Travel Trailers being used as residences since since fall.
3. When is property going to be cleaned up?
4. Didn't Blades say they were going to remove tanks?"

- e. Preceding and following that was into the next administration were many problems between the town and the Blades regarding the oil. Mayor Bud Moore spent a great deal of time on those issues.
- 2. All of the above shows that the Blades did not honor their contract rezone. The property should be, therefore, residential.

How could this oversight of filing have happened?.

Bad things seem to happen in this town when something related to town government happens in December. People are distracted with the holidays and not paying attention.

- a. The town clerk was a pro tem clerk
- b. The planners changed from Ladd to Gidley.(Source: records request)
- c. On November 26, 1986, Gary Gidley placed the property in the HPD. Someone told him he was wrong. Council asked for a public hearing on December 8, 1986. The Council agreed to honor the Contract rezone. Later in December the council made it official. (Sources: The minutes of the Council meeting; Channel Town Press, December 10, 1986.

Summary:

I hope that it was a clerical error for the town but in any case neither the town nor the developer did due diligence on the property. The mistake was a careless one and the town should be responsible for the Town's mistakes and actions of the past. They could have checked ahead of time and they didn't. It would have been as easy for them to check as it was for me.

I suppose it was to their advantage not to know.

But once they knew, they should have filed it and told the developer. The longer they wait, the worse it looks. And the more liable they will be. When the contract is filed, it will become an encumbrance upon the property and follow the land ownership. That will be important when the developer almost inevitably sells the property.

The Talman request should be accepted. The project will be made to follow the HPD guidelines or the Residential guidelines. The project should be not be allowed as proposed because the property is not Commercial.

Further the planner failed to put conditions on this property. He wrote to you, Examiner Lowell, on April 8 (written on the 6th but sent on the 8th), that it didn't need conditions because it was residential in the middle of residential failing to have any understanding that this cannot be looked at solely through that one lens. He went on to say that Center Street can handle the traffic - again failing to observe that this is a walking community and that Center doesn't even have sidewalks. He also said that there were street parking spots

failing to understand that street spots don't count for the project and that people already park there. He fails to understand that the 21 spots provided far outweigh the 31 spots that they are removing. He claims that the drilling surveys have been done - and they had- but not where the oil was leaking and almost not even on their property bordering as it did the south property line. There was never any respect for anything that was spoken by the neighbors. If there is any better proof that this is not a commercial neighborhood it is the fierce devotion of the neighbors to the safety of their families and the welfare of the town. A proper CUP would have downsized this property making the zone correction unnecessary. The developer created the problem. The planner inappropriately supports the developer.

The residents shouldn't have to pay the price for the total lack of due diligence shown by the Town by their pushing through and showing favor to something that is far far taller than anything around, creates dangerous walking conditions, early shadows over their house to the north and their solar potential and potential health hazard from the unresolved aromatics. The project as designed even puts a stress on the south half of that property so the developers are not even a good neighbor to commercials.

Yes, this is a neighborhood –a neighborhood that welcomes new neighbors. But we don't need to locate so many people on the same piece of property. That is not supported by the code. It is not supported by the Comp Plan - which only speaks to the need for the affordable housing. It does not support just any kind of housing.

The developer says he needs to have so many units in order to have it "pencil out" without any data to support that claim - a common ruse for developers. (Pencil out is a term they use prior meetings)

Penciling out is not in the Town of La Conner Municipal code

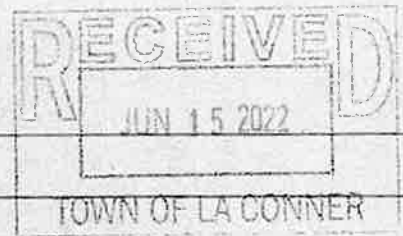
The contract rezone should be honored. The town was negligent. Both the planner and the administrator are strangers to the history of this town. Newcomers. They don't even live here. For them to not search the records at the start is reprehensible or incompetent. They behaved as if there was no history before they arrived. I got the records by asking Danielle for them. It was not hard to do.

The contract rezone should be honored. The town should face the consequences.

Date: June 19, 2022

Linda Talman

June 17, 2022



Michael Davolio
Town of La Conner Planning Director
P.O. Box 400
La Conner, WA 98257

Dear Mr. Davolio,
I agree with the decision by
Hearing Examiner to extend the
deadline on 306 Ctr. St. Development
for reconsideration on this project.
Thank you for making me
aware of the process - I still
support this project, hope
it moves towards completion.

Regards
Marilyn Thostenson

Marilyn Thostenson
705 S. Whatcom St.
La Conner, WA 98257

To: Hearing Examiner David Lowell
From: Roger Vallo, Planning Consultant for Brandon and Kate Atkinson
Subject: 306 Center Street
June 11, 2022
Reference Case N0: LU21-56CU
Attachments ; Exhibits 1,2 and 3



This is in response to the Request for Reconsideration submitted by the "Fire Chief"

We question the authenticity of this request. The sender did not identify himself, the request form is incomplete and the statements are incorrect. During the application process I met with the appropriate La Conner Fire Department representative Annie Avery the La Conner Planning Director was in attendance. We discussed the project and the site plan in detail she had no concerns with the plan and made some recommendations and comments regarding what we need to do as we proceed with submitting the building permit application. After the meeting her comments were sent to me in an email which is attached as Exhibit 1.

When the building permit application is submitted including all fire safety requirements it must be reviewed and approved first by the La Conner Planning Director and the La Conner Volunteer Fire representative then by the Skagit County, Planning Director and Fire Marshall. I called the County Deputy Fire Marshall Bonnie La Count and reviewed our plans with her. Her response is attached as Exhibit 2 she makes no objections to the preliminary plans and assist with information that will be needed to get our building permit.

At the Hearing I testified and clarified that the Public Works and Fire Department reviews and approvals were in process but could not be completed until we submitted our building permit application. The building plan can not be done until we have an approved Conditional Use Permit.

I have attached as Exhibit 3 a letter from our Architect regarding the "Fire Chief" Request for Reconsideration it speaks for itself.

We are concerned that there is an organized attempt to stop our project with whatever means including interfering with our property rights and that the subject Request For Reconsideration could be a part of it.


Roger Vallo 
Vallo Consulting Services, Planning and Project Management
844 Wanapum Drive
La Conner WA 98257
360 348 2557

EXHIBIT 1

From: roger vallo
Sent: Thursday, January 6, 2022 2:47 PM
To: Charlie Morgan Jr
Subject: FW: Center Street Project in La Conner

This from the local Fire department.
Sent from Mail for Windows

From: Annie Avery
Sent: Thursday, January 6, 2022 12:44 PM
To: roger vallo
Cc: Brandon Atkinson
Subject: Re: Center Street Project in La Conner

The 30 roof height and elevator over run is fine. The water lines is something that will need to be discussed with your sprinkler designer and public works to make sure flows are where they need to be. The access is fine as long as we can get the truck within 150 feet of all areas of the building. We will also require a Knox box for access.

Thank you,
Annie Avery

Sent from my iPhone

> On Jan 5, 2022, at 1:32 PM, roger vallo <roger_vallo@msn.com> wrote:
>

From: roger vallo
Sent: Wednesday, January 5, 2022 1:32 PM
To: annieavery511@gmail.com
Cc: Brandon Atkinson
Subject: RE: Center Street Project in La Conner

Good afternoon Annie,

Just checking to see if you received my email, see below, and if you have any corrections?

Thanks,

Roger Vallo
Planning Consultant for La Conner Center Street project.

Sent from Mail for Windows

From: roger vallo
Sent: Thursday, December 16, 2021 2:06 PM
To: annieavery511@gmail.com
Cc: Brandon Atkinson
Subject: Center Street Project in La Conner

Reference: Our meeting with La Conner Planning Director Michael Devolio

In the referenced meeting we discussed the following items regarding fire requirements for our proposed building. The building will be three floors, 30' high with an elevator shaft that will extend 8 to 10' above the 30' roof height. There would also be an access door on the stairwell that would extend above the roof height. The elevator would be sized for gurney and other equipment that might be needed for emergency 911 service to each condo unit.

This is my understanding of the La Conner Fire Marshalls position on our plans:

1. 30 feet roof height is OK for ladder access.
2. The Fire Marshall has no issues with the elevator shaft and stairwell overruns.
3. The elevator is considered a plus for emergency service but is not necessarily a requirement of the Fire Marshall
4. The property is only a short distance from Center and Fourth Street and there will be parking lot access so truck access is not a problem.
5. Since we will access the 8" water pipe on Morris Street and not the 4' pipe that currently serves the site from Center Street, flow and pressure should not be a problem.
6. The 8" water pipe will loop to Center Street but any need for an additional Hydrant has not been determined. We will work with you in that regard.

Please let me know if these are correct or if you have any comments or changes.



EXHIBIT 2

From: roger vallo <roger_vallo@msn.com>
Sent: Tuesday, November 30, 2021 9:35 AM
To: Bonnie LaCount <bonnie@co.skagit.wa.us>
Subject: RE: La Conner WA project

Bonnie, did you receive this?

Thanks
Roger

Sent from [Mail](#) for Windows

From: [roger vallo](#)
Sent: Friday, November 26, 2021 11:40 AM
To: bonnie@co.skagit.wa.us
Subject: FW: La Conner WA project

Note this is forwarded because I sent it to an incorrect address see below
Sent from [Mail](#) for Windows

From: [roger vallo](#)
Sent: Friday, November 26, 2021 11:25 AM
To: bonnie@co.skagit.wa.us
Cc: [Brandon Atkinson](#)
Subject: La Conner WA project

Hello Bonnie and Mark,

My name is Roger Vallo. I am managing a La Conner building project for Dr. Brandon Atkinson the property owner.

Property address: 306 Center Street, La Conner WA 98257

We have completed the preliminary site plan, the City planning review meeting and the initial applications which include a request for conditional use. The site is in the commercial zone, the building 3 story, we are requesting that the upper two floors be residential apartments/condos. The lower floors will be abnb commercial.

I would like to meet with you to discuss all fire requirements and avoid any misunderstanding as we proceed with the permitting process. Here are some of my questions.

1. Fire sprinklers – I assume they are required. Will they be commercial? Residential? Specific type?
2. It will be a three story building with stairs and an elevator. What roof access will be required? Upright door from stairs? Other? The La Conner building height limit is 30' so we will have to extend above that for door and elevator?
3. Hydrant locations and flow – The pipe that currently serves the properties off Center Street is only a 4" pipe so we plan to extend to the pipe on 4th street which is an 8" pipe. Will a new hydrant be required?
4. It does not appear to have any truck access issues but would like to be sure?
5. The building design and construction, access, stairs, floors, walls etc. will meet all fire code requirements.
6. Any other information you can provide at this time?

You can email or call or preferably I can visit your office to discuss. Please let me know.

Thanks

Roger Vallo
Vallo Consulting
Project Planning and Management
488 Wanapum Drive, La Conner WA 98257
Phone 360 348 2557

Sent from Mail for Windows

EXHIBIT 2

From: Bonnie LaCount
Sent: Tuesday, November 30, 2021 10:52 AM
To: 'roger vallo'
Cc: Randy Johnson
Subject: RE: La Conner WA project

Hi Roger,

I have received your email and have some initial comments. The Town of La Conner may have additional ordinance requirements that exceed our code and the project will have to comply with the more restrictive code.

1. Fire Sprinklers: (NFPA 13) with fire alarm system (NFPA 72) would be required for the commercial occupancy with multi family dwelling above.
2. Building code question and needs to be routed to them for the requirement.
3. Must meet IFC Appendix C & B, as attached. The fire flow (Appendix B) is based off the construction type and square footage. Then reference (Appendix C) for the hydrants.
4. See Appendix D for access. The street side would be considered aerial fire apparatus access during an emergency times with this being a corner lot.

Hopefully this information is helpful to your project. All permits are routed to the Town for a concurrency letter and then submitted to our department for permitting. I have Cc'd Randy Johnson who is our Commercial Plans Examiner and you can ask him any questions or clarification needed to further assist with your project.

Additional requirements may be identified at time of permit submittal, without knowing all the intended occupancy's type and specific building type.

Contact me for any further clarification or questions and we look forward to working with you on this project.

Sincerely,

Bonnie LaCount
Deputy Fire Marshal

Skagit County Planning & Development Services
1800 Continental Place
Mount Vernon, WA 98273
Direct 360-416-1842 | Cell 360-661-6022



ARCHITECTS

CHARLES MORGAN & ASSOCIATES, LLC

June 7, 2022

EXHIBIT 3

KSA Investments LLC,
721 Maple Street
La Conner WA 98257

RE: 306 Center Street, La Conner

Dr. Brandon and Kate Atkinson,

As for the comments from the Fire Chief.

The comment does not have any name or signature and is out of context with the correspondence with Annie Avery who in her email represents the local Fire Department. In most cases the comments Fire related code issues should come from the person acting as the Fire Marshall and they should have a title as you find with the email from Bonnie LaCount.

The first discrepancy with the comment is fact that it is referring to a Land Use Code and not a Life Safety code regulated by the International Fire Code or the International Building Department code. Parking in a structure is allowed by both IFC and the IBC. With it being a land Use code it would seem unlikely that the fire Department would not have jurisdiction on item unless it was defined in the La Conner land Use code. Furthermore the referred code has no reference that under building parking is not allowed and as state above IFC and IBC both allow parking in and under a structure so long as it meets the life safety codes.

As for the second comment, this is the one that makes me question the authenticity of Fire Chief since the International Fire Code has specific criteria that requires a building to have Fire Apparatus access on the site and this building has none of the requirements. The building is less than 30' tall. The building is full equipped with a fire sprinkler system and no portion of building beyond the allowable distance from the two public right-of-way to require the access. It is very clear in the IFC code that the building does not require fire apparatus access on the site. These codes I mention do match the comments made by Annie Avery.

Sincerely,

Charles Morgan
Architect



CHARLES MORGAN
& ASSOCIATES, LLC



**TOWN OF LA CONNER
NOTICE OF APPLICATION
PRELIMINARY DETERMINATION OF NON-SIGNIFICANCE (PDNS)**

The Town of La Conner is processing a permit application for the following project that may be of interest to you. You are invited to comment on the proposal.

Date: November 9, 2021
Application File #: LU21-56CU, LU21-57SEPA
Applicant: Ken Olsen
Owner: KSA Investments, LLC
Town Contact Person: Michael Davolio, AICP, Planning Director; P.O. Box 400, La Conner, WA 98257; 360-466-3125
Project Location: 306 Center Street, La Conner, WA 98257.
Assessor Tax Parcel: P74143

Project Description: The applicant proposes to construct one residential building that will include 14 dwelling units for long-term rental, and 6 dwelling units for short-term rental. The project is located within the Commercial zone, where short-term rentals are permitted by right, and long-term rentals are allowed subject to a Conditional Use permit. Building permit required.

Lead Agency: Town of La Conner

PRELIMINARY DETERMINATION OF NON-SIGNIFICANCE (PDNS): As the Lead Agency, the Town of La Conner has determined that significant environmental impacts are unlikely to result from the proposed project. The lead agency for this proposal has determined that it does not have a probable adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. The Town of La Conner expects to issue a Determination of Non-significance on this proposal.

This PDNS is issued using the optional DNS process in WAC 197-11-355. This may be the only opportunity to comment on the environmental impacts of this proposal. Comment periods for this proposed action and the proposed DNS are integrated into a single comment period. There will be no comment period following the issuance of the Threshold Determination of Non-Significance (DNS). A 10-day appeal period will follow the issuance of the DNS.

CONSISTENCY OVERVIEW:

Date of Permit Application: November 2, 2021
Date of Determination of Completeness: November 9, 2021
Land Use Designation: Commercial
Environmental Documents That Evaluate the Proposed Project: SEPA Checklist dated October 25, 2021.

COMMENTS: Comments on this Notice must be submitted, in writing, no later than **December 1, 2021**. Comments should be as specific as possible. Any person may comment on the application and request a copy of the decision once it is made. Questions about this proposal and requests for additional notification should be directed to the contact person listed above. The application and materials submitted by the applicant are available for review at Town Hall.

If you have any questions concerning this project, contact Town Hall at (360) 466-3125 or email planner@townoflaconner.org.

Issued: November 16, 2021
Published: November 17, 2021

Conditional Use Application Narrative

1) 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 code relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies all of the following criteria:

a) The use is listed as a conditional use in the underlying district.

Section 15.35.030(2) allows dwelling units as a conditional use within the Commercial zone. 51% of ground floor units must be commercial (ie. B+B/VRBO). There is no limit on residential uses on the upper floors. The proposal shows 100% of the ground floor uses being B+B/Commercial. A Floor Area Ratio of 2 is allowed. The proposal results in a Floor Area Ratio of 1.33.

b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

The property is 100' x 153', resulting in an area of 15,300 sf. The FAR 2 allows for the development of up to 30,600 sf of residential and commercial use. On this property, the combination of on grade parking, interior space, setbacks, and pervious surface limits the development to approximately 20,488 sf (FAR 1.33) plus parking as required by code. The property is on the border of Commercial and Residential uses and zones, making this mix of residential and commercial very appropriate for this location. The property is flat, making the proposed development very simple in terms of building envelope, and height limitations. The property is served by "urban" levels of service for water, sewer, fire-flow and streets and traffic. The project will include the development of sidewalks, planting strips and additional on street parking as required by code. There are no natural features on the 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.

La Conner is experiencing sustained pressure in the residential market as evidenced by continued escalation of home prices. Additionally, La Conner is constrained in its ability to provide additional housing due to the surrounding Agricultural lands, and the Swinomish Slough. The development of additional housing in order to maintain balance in the market must be developed within the existing Town limits. The "urban" grid of streets, the improvements in the water supply system, sewer system

and other public facilities all support the development of additional residential use within the Town, and specifically on this property.

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.

The character of the surrounding area is a mix of commercial and residential uses within the heart of the town. The development of this parcel will enhance the core area by expanding it along a seam connecting the residential district and the commercial district. Furthermore, the future residents of this project will support local retailers adding to the vibrancy of the town core. This proposal does not limit or impair any use on any adjoining property.

e) The proposal, through findings, satisfies the goals and policies of the comprehensive plan, Shoreline Management Act, and floodplain ordinance, which apply to the proposed use, if applicable.

It is the goal and policy of the Town of La Conner to increase the availability of residential product within the Town Limits. This is seen in Chapter 6 of the La Conner Comprehensive Plan from which the following quotes are taken:

*La Conner is uniformly settled in a grid pattern. Because of boundary constraints, agricultural lands to the east and north and the Swinomish Channel to the west, urban sprawl is not a problem. The north and south industrial zones are located away from most residential development, with the exception of the industrial property between Caledonia and Sherman Streets. **However, some residential development is interspersed with commercial development on First and Morris Streets. This is seen as a positive impact in that this type of development also provides additional housing units to meet forecasted needs.** A well-defined historic district is located in the heart of town and encompasses a large part of the Residential Zone. The overall development pattern allows for efficient public services, adequate traffic circulation, and pedestrian access.*

- 1. New residential units will need the same services and utilities provided by the Town to existing residents. **Current levels of services and utilities are expected to be adequate for the next 20 years at the current projected build-out capacity.***
- 2. **The Town has the capacity to add a potential of 152 units in this planning period** depending upon market factors and lot availability (i.e. short platting or lot line adjustments).*

The projection of the type of dwelling units was determined based on the following assumptions:

- OFM established the La Conner 2017 population at 925.*
- A recent housing inventory (Table 6-5) indicates that the number of residential units for the Town is 524*
- The 2016 American Community Survey estimated the household density at 2.52 persons per household.*

- *As discussed in the Land Use Element the projected population for 2036 is 1,226 or an increase of 301 people. **This would result in a need for an additional 119 residential units by 2036.***
- *Households with one or two persons need dwelling units with two or less bedrooms, three or more need two or more bedrooms.*

The project is not in the Shoreline area. The project is in the 100-year flood plain, and will comply with the requirements of the floodplain ordinance by elevating the lowest floor to 1' above the Zone A7 Base Flood Elevation of EL 8' as defined by FEMA map Panel 530156-0001B.

f) Setbacks or buffers proposed by applicant are shown to mitigate potential adverse impacts that might emerge from the proposed conditional use.

All setbacks required by this development will be landscaped to meet the standards for perimeter landscaping, pervious surface provision and visual buffering. The Town requires a minimum of 20% pervious surface. Landscaping/setbacks/buffers will be provided on approximately 3,319 sf of the property, resulting in a pervious surface provision of 21.6%. Coverage (impervious surface) is allowed to be 80%, this project proposes 77%.

g) The use must cause no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution.

As noted in the Comprehensive Plan Housing Element, the existing levels of service are adequate to support 152 new housing units. This project proposes to add 6 B+B units, and 14 residential units. Parking for the uses are provided on site, thus placing no additional load on the public parking supply. Furthermore, the required street improvements will add another 10 spaces to the on street publicly available parking supply. Residential uses will not add any adverse noise, odor, or air or water pollution.

h) Consideration shall be given to the cumulative impact of like uses within the neighborhood.

As noted above, the Town needs additional housing to meet its GMA goals and to fulfill its Comprehensive Plan Goals and Policies. This project is a step in that direction, and will possibly encourage other similar developments that will help to meet those goals. This project will also help the town by providing additional housing resources for residents seeking to live in La Conner. It will also support the neighborhood residential character and provide additional clients for local retailers.

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

***A. Background* [HELP]**

1. Name of proposed project, if applicable: 310 Center Street
2. Name of applicant: Ken Olsen
3. Address and phone number of applicant and contact person:

PO Box 906, La Conner, WA 98257
425 890 9415

4. Date checklist prepared: Oct 25, 2021
5. Agency requesting checklist: Town of La Conner
6. Proposed timing or schedule (including phasing, if applicable): construction 2022, occupancy 2023
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. Unknown
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No/Unknown
10. List any government approvals or permits that will be needed for your proposal, if known. Conditional Use, Grading, Building, Master Use
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) See attached documents - drawings and text
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. See attached documents - drawings and text

B. Environmental Elements [[HELP](#)]

1. Earth [[help](#)]

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? 0%

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. To be determined by geotech
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. None
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. No fill
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. No
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? 77%
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: To be determined

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. None
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. None
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: None

3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#)
 - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. None
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. No
 - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Yes, see attached plan
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

b. Ground Water: [\[help\]](#)

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Into local storm water system
- 2) Could waste materials enter ground or surface waters? If so, generally describe. No
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: To be determined during design

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site:

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

- b. What kind and amount of vegetation will be removed or altered? Existing to be removed
- c. List threatened and endangered species known to be on or near the site. None known
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: New landscaping to Town Standards
- e. List all noxious weeds and invasive species known to be on or near the site. None

5. **Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include: None known

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

- b. List any threatened and endangered species known to be on or near the site. None Known
- c. Is the site part of a migration route? If so, explain. No
- d. Proposed measures to preserve or enhance wildlife, if any: None
- e. List any invasive animal species known to be on or near the site. None Known

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Electric - heating
- b. Would your project affect the potential use of solar energy by adjacent properties?
If so, generally describe. No
- c. What kinds of energy conservation features are included in the plans of this proposal?
List other proposed measures to reduce or control energy impacts, if any: As required by building and energy codes

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal?
If so, describe.
 - 1) Describe any known or possible contamination at the site from present or past uses.
None
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. None
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. None
 - 4) Describe special emergency services that might be required. None
 - 5) Proposed measures to reduce or control environmental health hazards, if any: None
- b. Noise
 - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? None

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Construction activity 7-5

3) Proposed measures to reduce or control noise impacts, if any: None

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. Residential - No effects

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? No

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: No

c. Describe any structures on the site. 1 mobile home, 1 garage

d. Will any structures be demolished? If so, what? Yes, see above

e. What is the current zoning classification of the site? Commercial

f. What is the current comprehensive plan designation of the site? Commercial

g. If applicable, what is the current shoreline master program designation of the site? NA

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. 100-year flood plain

i. Approximately how many people would reside or work in the completed project? 32

- j. Approximately how many people would the completed project displace? 2
- k. Proposed measures to avoid or reduce displacement impacts, if any: None
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Uses are allowed and compatible
- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: NA

9. Housing [\[help\]](#)

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. 14 dwelling units middle
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. 2 middle
- c. Proposed measures to reduce or control housing impacts, if any: None

10. Aesthetics [\[help\]](#)

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? 30', unknown
- b. What views in the immediate vicinity would be altered or obstructed? No
- b. Proposed measures to reduce or control aesthetic impacts, if any: None

11. Light and Glare [\[help\]](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Residential lighting - evening
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No

- c. What existing off-site sources of light or glare may affect your proposal? None
- d. Proposed measures to reduce or control light and glare impacts, if any: None

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?
Various Town and County Parks
- b. Would the proposed project displace any existing recreational uses? If so, describe. No
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe. Yes, Project adjoins Town Historic District
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. No
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
NA
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. NA

14. Transportation [\[help\]](#)

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

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? 1 Block to transit
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? 22 new spaces plus 10 on-street public spaces. 4 eliminated
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). Street improvements to Town standards
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. No
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? 76 TPD (ITE #221 Multi-Fam/Mid-rise) No trucks
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. No
- h. Proposed measures to reduce or control transportation impacts, if any: None

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. Yes, Services for 14 residential units and 6 B+B units
- b. Proposed measures to reduce or control direct impacts on public services, if any. None

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____ All

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. All

C. Signature [HELP]

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

Signature: Kenneth F Olsen

Name of signee Kenneth F Olsen

Position and Agency/Organization Principal, Olsen Associates Architects and Planners

Date Submitted: October 25, 2021

D. Supplemental sheet for nonproject actions [HELP]

(IT IS NOT NECESSARY to use this sheet for project actions) **NA**

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

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

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

Proposed measures to avoid or reduce such increases are:

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

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

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

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

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

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

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

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

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

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

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

Scott Thomas

From: Linda Talman <linda.talman@gmail.com>
Sent: Monday, November 22, 2021 10:21 AM
To: Danielle Freiburger; Town Admin, Scott Thomas; Ramon Hayes
Subject: Re: 306 Center

Thanks, Danielle. The colored image is actually the same as the uncolored one but I appreciate the new image.

The conversation on the street is most curious about the elevation, the sun shadow on the residences, and the most curious placement of bnb's in a commercial setting - where they are absolutely not allowed. (Lodging is allowed - but not bnb's. And VRBOs are not a use. It is a brand.)

It is a very incomplete application.

The owner of the property, btw, who is the dentist, is not being a good landlord.

The renters of the double wide do not have heat. They acquired some space heaters so their dogs would be warm when they are at work. They tried calling the owner multiple times but got no response. It is possible that it is fixed now.

They are a working class couple. Now sure what Cristina does but Devan is a policeman. These are the kinds of people who we need.

The renter came out one day when people were gathered on the street. They knew nothing about the project and we knew nothing about their lack of heat.

There were a couple onlookers people who said that that practice was illegal and while it may be fixed now, most of us (including me) didn't have a clue what to do about it.

The owner paid a polite visit to the adjacent land-owner on Third Street but didn't visit the renter. (I suspect that he wanted her land.)

Thanks.

Linda

On Mon, Nov 22, 2021 at 8:30 AM Danielle Freiburger <planning@townoflaconner.org> wrote:

Linda,

Not sure on the elevations- I've copied Michael on this. Here's the jpeg of the color drawing. I was trying to get it bigger, but I guess it messed with the resolution.

Danielle Freiburger

Office Assistant

Town of La Conner

P.O. Box 400, 204 Douglas

La Conner, WA 98257

Phone: (360) 466-3125; Fax: (360) 466-3901

Website: www.townoflaconner.org

From: Linda Talman [<mailto:linda.talman@gmail.com>]

Sent: Friday, November 19, 2021 4:41 PM

To: Danielle Freiburger

Subject: Re: 306 Center

Danielle, why are there no elevations?

I can't read the preappColor.

On Fri, Nov 19, 2021 at 12:24 PM Danielle Freiburger <planning@townoflaconner.org> wrote:

Linda,

Please see attached documents for the project at 306 Center Street. Please note that it's being called the 310 Center Street project.

Danielle Freiburger

Office Assistant

Town of La Conner

P.O. Box 400, 204 Douglas

La Conner, WA 98257

Phone: (360) 466-3125; Fax: (360) 466-3901

Website: www.townoflaconner.org

From: Linda Talman [mailto:linda.talman@gmail.com]

Sent: Friday, November 19, 2021 11:44 AM

To: Danielle Freiburger

Subject: 306 Center

Hi Danielle,

May I have the documentation for the project on 306 Center Street, including the drawings, please? Digital form is ok?

And thank you!

Kind regards,

Linda Talman

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA

360 840 1714

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA

360 840 1714

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman

PO Box 392

La Conner, WA

360 840 1714

Scott Thomas

From: Michael Davolio <planner@townoflaconner.org>
Sent: Wednesday, November 24, 2021 2:17 PM
To: bruceandmeg@msn.com; rick.dole@me.com; liztheaker7@gmail.com; carolhedlin@gmail.com; yogamarna@gmail.com
Cc: Danielle Freiburger; Town Admin, Scott Thomas
Subject: FW: CU permit, 306 Center Street

Planning Commission members,

I am forwarding this message to you to update you on the status of the application for residential uses at 306 – 310 Center Street. Based upon public comments received to date, I want to ensure that we have all the information we need for you and the Hearings Examiner to make informed decisions.

Because of the amount of time the applicant will need to prepare this information, and because no other applications are ready for your review, I am cancelling the December PC meeting.

I hope that you all enjoy a happy Thanksgiving, a Merry Christmas, and a Happy New Year. I will look forward to seeing you in the new year.

Best regards,

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | **WEB:** www.townoflaconner.org

WARNING: Please be advised the Town of La Conner is required to comply with Chapter 42.56 RCW, Public Records Act. This means that information you submit to the Town via email (including personal information) is likely subject to disclosure as a public record.

From: Michael Davolio [mailto:planner@townoflaconner.org]
Sent: Wednesday, November 24, 2021 1:56 PM
To: roger vallo
Subject: CU permit, 306 Center Street

Roger,

In the process of preparing the staff report to be submitted to the Planning Commission and the Hearings Examiner for your application, I have determined that more information is needed from you before I can complete that report. I have noted some of these requirements in earlier emails, but I thought it would be helpful to you to put everything in one message. The following information is necessary:

- Geotechnical report. This report is of particular importance due to a previous use of the site that may have contaminated the soil.

- Site elevation drawing. This will provide confirmation that the proposed buildings do not exceed 30 feet in height.
- Cultural Survey. This information has been requested by the Swinomish Tribe.

I had hoped to schedule your public hearing in December, but at this point there is insufficient time for your to prepare these documents, and for me to review them. Once you have confirmed the timing for delivery of these documents, we can work with the Hearings Examiner to set a date for your public hearing.

Please feel free to contact me if you have any questions.

Michael Davolio, AICP
Planning Director



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Scott Thomas

From: Michael Davolio <planner@townoflaconner.org>
Sent: Wednesday, November 24, 2021 11:18 AM
To: Linda Talman; Danielle Freiburger; Town Admin, Scott Thomas
Subject: RE: 306 Center

Linda –

We are in the process of requesting additional information from the applicant. We expect that the site elevations will be provided at that time.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
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La Conner, WA 98257

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From: Linda Talman [mailto:linda.talman@gmail.com]
Sent: Wednesday, November 24, 2021 9:43 AM
To: Danielle Freiburger; Town Admin, Scott Thomas
Cc: Michael Davolio (planner@townoflaconner.org)
Subject: Re: 306 Center

Good day all,
We are still wondering why the elevations are not included. And the elevation.

Surely Ken has that.

Best Regards and happy holiday
Linda

On Mon, Nov 22, 2021 at 8:30 AM Danielle Freiburger <planning@townoflaconner.org> wrote:

Linda,

Not sure on the elevations- I've copied Michael on this. Here's the jpeg of the color drawing. I was trying to get it bigger, but I guess it messed with the resolution.

Danielle Freiburger

Office Assistant

Town of La Conner

P.O. Box 400, 204 Douglas

La Conner, WA 98257

Phone: (360) 466-3125; Fax: (360) 466-3901

Website: www.townoflaconner.org

From: Linda Talman [mailto:linda.talman@gmail.com]

Sent: Friday, November 19, 2021 4:41 PM

To: Danielle Freiburger

Subject: Re: 306 Center

Danielle, why are there no elevations?

I can't read the preappColor.

On Fri, Nov 19, 2021 at 12:24 PM Danielle Freiburger <planning@townoflaconner.org> wrote:

Linda,

Please see attached documents for the project at 306 Center Street. Please note that it's being called the 310 Center Street project.

Danielle Freiburger

Office Assistant

Town of La Conner

P.O. Box 400, 204 Douglas

La Conner, WA 98257

Phone: (360) 466-3125; Fax: (360) 466-3901

Website: www.townoflaconner.org

From: Linda Talman [mailto:linda.talman@gmail.com]

Sent: Friday, November 19, 2021 11:44 AM

To: Danielle Freiburger

Subject: 306 Center

Hi Danielle,

May I have the documentation for the project on 306 Center Street, including the drawings, please? Digital form is ok?

And thank you!

Kind regards,

Linda Talman

--

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA

Danielle Freiburger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Friday, November 26, 2021 8:35 AM
To: Josephine Jefferson
Cc: Danielle Freiburger
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

Josephine,

We have requested a cultural survey from the applicant.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Josephine Jefferson [mailto:jjefferson@swinomish.nsn.us]
Sent: Tuesday, November 23, 2021 3:36 PM
To: Michael Davolio
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

What exactly is happening at this location? If there hasn't been no cultural survey done in this area. Yes, I do recommend a survey be done. My Swinomish people didn't just stick to the historic part of towns.

Josephine Jefferson, THPO -Swinomish Indian Tribal Community
11367 Moorage Way, La Conner, WA 98257
Office:360-466-7352 Mobile 360-488-3860 E-mail jjefferson@swinomish.nsn.us

Please note that in an effort to save energy and resources, our office hours are Monday through Wednesday, 8:00am until 6:00pm and Thursday, 8:00am until 5:30pm. Our Offices are closed Friday's, Saturday's and Sunday's.

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 23, 2021 3:01 PM
To: Josephine Jefferson <jjefferson@swinomish.nsn.us>
Cc: Danielle Freiburger <planning@townoflaconner.org>
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

Josephine,

The southern boundary of the subject property abuts the town's Historic Preservation District. The current use of the property is residential, consisting of a mobile home and a garage. The property is located three blocks from the

waterfront, where we have documentation of cultural surveys along that waterfront. We have no information regarding whether any cultural surveys were made for this property. If you think such a survey is warranted, I would be willing to consider your opinion.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Josephine Jefferson [<mailto:jjefferson@swinomish.nsn.us>]
Sent: Monday, November 22, 2021 8:52 AM
To: Michael Davolio
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

How big is La Conner's Historic District and is there any cultural survey done around this area to show that Swinomish has NOT used this area in the past?

Josephine Jefferson, THPO -Swinomish Indian Tribal Community
11367 Moorage Way, La Conner, WA 98257
Office:360-466-7352 Mobile 360-488-3860 E-mail jjefferson@swinomish.nsn.us

Please note that in an effort to save energy and resources, our office hours are Monday through Wednesday, 8:00am until 6:00pm and Thursday, 8:00am until 5:30pm. Our Offices are closed Friday's, Saturday's and Sunday's.

From: Michael Davolio <planner@townoflaconner.org>
Sent: Friday, November 19, 2021 2:12 PM
To: Danielle Freiberger <planning@townoflaconner.org>; Josephine Jefferson <jjefferson@swinomish.nsn.us>
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

Josephine,

Because the subject property is not within our Historic District or our shoreline area, we did not require a cultural survey. If there is something about this property that you think we should be made aware of, please let us know.

Thanks for your help.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Danielle Freiburger [<mailto:planning@townoflaconner.org>]
Sent: Friday, November 19, 2021 1:47 PM
To: Josephine Jefferson
Cc: Michael Davolio (planner@townoflaconner.org)
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

Josephine,

I have forwarded your email to our planner, Michael Davolio.

Danielle Freiburger
Office Assistant
Town of La Conner
P.O. Box 400, 204 Douglas
La Conner, WA 98257
Phone: (360) 466-3125; Fax: (360) 466-3901
Website: www.townoflaconner.org

From: Josephine Jefferson [<mailto:jjefferson@swinomish.nsn.us>]
Sent: Wednesday, November 17, 2021 10:39 AM
To: Danielle Freiburger
Subject: RE: Town of La Conner -- SEPA 310 Center Street Development

There needs to be an cultural survey done before I can make a comment.

Josephine Jefferson, THPO -Swinomish Indian Tribal Community
11367 Moorage Way, La Conner, WA 98257
Office:360-466-7352 Mobile 360-488-3860 E-mail jjefferson@swinomish.nsn.us

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From: Danielle Freiburger <planning@townoflaconner.org>
Sent: Tuesday, November 16, 2021 3:53 PM
To: agatam@nwcleanairwa.gov; DAHP SEPA Contact <sepa@dahp.wa.gov>; Department of Commerce <reviewteam@commerce.wa.gov>; Dept of Ecology <sepaunit@ecy.wa.gov>; Dept of Natural Resources <sepacenter@dnr.wa.gov>; DOE <separegister@ecy.wa.gov>; Fish and Wildlife <SEPAdesk@dfw.wa.gov>; La Conner School District <bhaley@lc.k12.wa.us>; Nora Kammer <nkammer@skagitcoop.org>; Port of Skagit <sara@portofskagit.com>; Samish <jferry@samishtribe.nsn.us>; Sauk-Suiattle <njoseph@sauk-suiattle.com>; Skagit County PDS <brandonb@co.skagit.wa.us>; SKAT <jmacdonald@SkagitTransit.org>; Josephine Jefferson <jjefferson@swinomish.nsn.us>; Upper Skagit <sschuyler@UPPERSKAGIT.com>; WSDOT <Roland.Storme@wsdot.wa.gov>; THPO <THPO@swinomish.nsn.us>
Cc: Michael Davolio (planner@townoflaconner.org) <planner@townoflaconner.org>; Brian Lease (publicworks@townoflaconner.org) <publicworks@townoflaconner.org>
Subject: Town of La Conner -- SEPA 310 Center Street Development

Please find attached:

Type of SEPA Document: NOA/Preliminary DNS

Project Description: 310 Center Street Development

Date of issuance: November 16, 2021

Date of Publication: November 17, 2021

Comments Due: December 1, 2021

Agency Contact: Michael Davolio, Planning Director
planner@townoflaconner.org or 360.466.3125

Danielle Freiburger

Office Assistant

Town of La Conner

P.O. Box 400, 204 Douglas

La Conner, WA 98257

Phone: (360) 466-3125; Fax: (360) 466-3901

Website: www.townoflaconner.org

Danielle Freiburger

From: Amy McFeely <amcfeely62@gmail.com>
Sent: Sunday, November 28, 2021 12:05 PM
To: Marianne Manville-Ailles
Cc: Mary Wohleb; MaryLee Chamberlain; council_1@townoflaconner.org; council_2@townoflaconner.org; council_3@townoflaconner.org; mayor@townoflaconner.org; planning@townoflaconner.org
Subject: 310 Centre Street

Dear Planner Davolio:

I am deeply concerned about the scale of the proposed 310 Centre Street Development. I was a resident of 112 North 4th for 10 years. While never a property owner, we raised our children in this wonderful community and I will always feel gratitude that we were able to rent a lovely home and continue to live in La Conner while saving for a home of our own.

While residential use makes sense on this property, Point D, page 2, of the Conditional Use Narrative is of issue:

“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.”

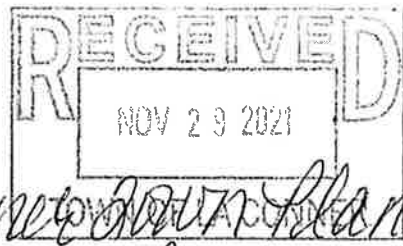
The character of this neighborhood to the east, north, and west of the proposed development is one and two-story single-family homes. There is a two-block buffer to the West from the three-story LaConner Retirement Inn of one and two-story single family homes, and likewise, a two-block buffer from the mixed-use Wave Cable building.

Although height requirements are in the La Conner Uniform Development Code, the sheer size and density of this building will overwhelm the existing neighborhood. Meeting code does not equate to appropriate scale. Additionally, the stress factors from 20 units of ambient light, noise pollution and traffic flow will hugely impact Centre Street and North 4th Street residences. The homes directly to the north stand to lose all exposure to natural light.

Please deny this conditional use permit, and demand a development that will truly enhance the aesthetics and quality of life of this neighborhood.

Respectfully,

Amy McFeely
818 South 4th Street
La Conner



November 23, 2021

Re Sal Connor Down Planner Michael Davidio
Sal Connor Planning Commission
Sal Connor Down Council

As a current owner, and resident of
409 Centre Street, I am writing pertaining
the application by Ken Olsen, for
construction of a residential building
that includes 14 long-term dwelling
units and 6 short-term dwelling
units, all living rentals located at
306 Centre Street, Sal Connor.

There will be huge adverse impacts
on this sight and neighborhood.
The property was formerly occupied
by a gas station and holding tanks
storing heating oil.

The 4" water line installed in 1958
will not be sufficient along

with the sewer system.

Our beautiful neighborhood
and small town will be greatly
impacted by a project of this
size.

Respectively,

Jerry Shull

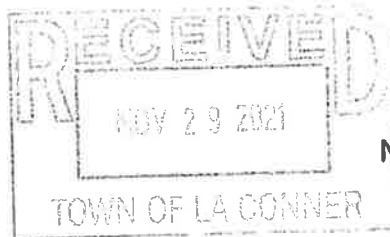
Anna Shull

360 770 1771

409 Central St

SE Corner 40th

To:
Mr. Michael Davolio
La Conner Town Council
& All Concerned



November 28th, 2021

As a forty-five + year resident of La Conner and a former resident of Centre Street, I want to respond to the proposed building at 306 Centre. That site is one of many in town that has carried the friction historically between commercial and residential interests. In La Conner these borders are sites of strife, mainly because the interests of residents have long taken a back seat while commercial interests flourished.

Back in the 1980's, when I lived on Centre Street, the site in question was changed from residential to commercial at the request of the owners, with a promise to the neighborhood that the commercial interest, namely a tavern that hosted live music, would be constrained from impacting the nearby residents. One and a half foot tall trees were planted along the border as a "buffer" to the visual and audio impacts. Everyone I talked to at the time in the neighborhood felt our concerns were being mocked. There was also a promise that the windows of the tavern would remain closed during music nights, but they were open throughout the summer, and the agreement, though legally binding, was never enforced. Loud music rocked the neighborhood every Saturday night for years, and cars peeled out at all hours, driven by impaired drivers. But at least there were those little trees!

Now a new commercial use is proposed, one that sets six vacation rentals at the edge of that friction. It appears from the design that tourists will be entering and exiting from Centre Street – a really bad idea.

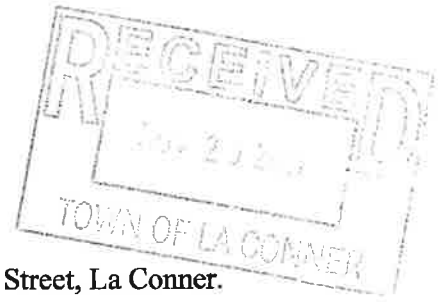
Another issue I'd like to raise is this: As the town accommodates high end ambitions proposed to enrich the property owners and justified by the town's goal of increasing density and raising tax revenue, we forfeit the possibility of affordable housing, as we have recently done on Snapdragon Hill and Maple Avenue. Opportunities to have a rich and diverse community are disappearing. Already there are few artists who can afford to live here, a population who largely build La Conner's reputation as a worthwhile tourist destination.

I am urging you to imagine our town ten, twenty and thirty years hence. Will our regrets be that we didn't raise enough Hotel Motel Tax? Or will we regret that La Conner became inhospitable to children, pets, Little Leaguers, grandparents, artists and writers? It's already happening my friends.

Thank you,
Maggie Wilder
1105 So. 4th Street
La Conner WA 98257

November 28, 2021

To
City Council
Planning Commission
Town Planner ,



Regarding the proposed building construction at 306 or 310 Centre Street, La Conner.

Reasonable development is not only unavoidable, it is desirable, housing is necessary and should be affordable and available in safe communities with good schools , infrastructure and other amenities.

The location in question is a very appropriate location for housing for many reasons but the scale and scope of this project, as proposed, is ill-conceived. To place 20 housing units into a space appropriate in a residential area for 4 houses seems speculative and suspiciously like someone seeking to gain approval and build with an intent to spin and profit with scant consideration for the LaConner community. It seeks to capitalize on what makes a small town so desirable while at the same time eroding the small-town esthetic.

There are a number of procedural questions that need to be addressed since it appears that the checklist that lead to a finding of environmental insignificance has overlooked the fact that the property in question was for decades a fuel storage depot, it was part of the gas station on Morris Street and as far as I know, the potential presence of contaminants associated with gasoline, diesel, and heating oil transference and storage has not been addressed , there have been spillage incidents, this should have been part of the original site plan investigation, it isn't mentioned.

The project drawing is misleading, having 22 parking units onsite seems to address the parking requirements but totally disregards the actual amount of space it takes to park, drawing 20 spaces on paper doesn't make it a reality, having what amounts to 6 hotel rooms with access/egress on a residential street is entirely impractical and a gross imposition on the residents already there.

This is a partial city block with questionable zoning that is in an established residential area despite how it is defined in statute or comprehensive plan. This location is appropriate for 4 homes at best , it should be defined that way.

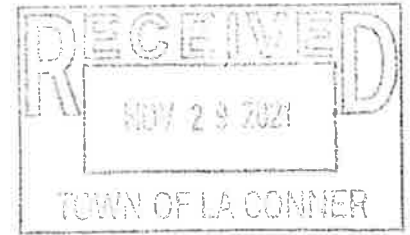
My thoughts,

Bruce Cornwall
PO Box 877
La Conner WA 98257

c: 360 202 5776

November 29, 2021

To: LaConner Town Council



Regarding the proposal draft plan submitted for a multi-apartment and vacation rental development at 310 Centre Street, discussion with Michael Davolio on November 18th.

As a current owner, and resident of 307 Centre Street from 1986-2015, I have concerns from recollections and some research. The proposal submitted to SEPA with answers consisting of "none" to questions in section 7 regarding "any known possible contamination..." and "Describe existing hazardous chemicals or conditions...". None?

Is the developer unaware of or avoiding knowledge that this property held three oil storage tanks at the west end of the property for 30 years or more? Is developer aware that tanker trucks were stored in a building on that property for years?

To give one example of the kind of use and oversight over time, I recollect in the fall of 1988 one morning I sat at my kitchen window drinking coffee while a double tanker oil truck parked and began filling/emptying one of the stationary tanks. After some time, I noticed oil coming out and down the sides of the tank and ran out to alert the attendant who was standing on the other side of the tanker. He stopped the flow. I called town hall to alert them to the accident. I know there was some investigation.

When the tanks were removed a few years later was the site cleaned up per SEPA regulation before the double wide trailer was installed? Was any other contamination discovered and removed? Shouldn't the developer be required to have the site tested for contamination in several areas across the property?

Those of us who have lived in LaConner for more than a few years remember the three gas stations in town. All three were installed long before there were stringent requirements for gas/oil storage tank safety that we know is necessary now. Chet Pierson's station, later owned by Jerry Blades took up most of the block between 3rd and 4th on Morris Street. There was the station for getting gas in front of NW Fuel and Sliders now. And a car rack for oil changes and repairs where Fifi's Palace now resides. Does the town know the status of safety of the ground under these buildings, where the underground gas tanks were? Have they been removed and investigated for SEPA contamination issues? The gas stations and property directly behind to the north were all one property at that time.

The building directly across from 307 Centre Street, partially hidden by the trees, about to fall down, was home to the oil delivery trucks which retrieved oil from the above ground tanks to the west. Has that ground been tested for possible seepage of contaminants from years of sitting there? Are there other underground tanks we don't

know about? Recently that building was used for automotive repairs and housing. Has it been investigated since for contamination?

By their answers to the SEPA you must realize that the developer/architect has no knowledge of the history of this site. You, town administrators should. And you should act on behalf of the town and neighborhood, not the developer.

In regard to the development itself, 3 stories, 14 apartment units, 6 short term vacation rentals: apparently the apartments need a conditional use permit and the vacation rentals are granted in under commercial use. I understand that there is some question as to the ability of the LaConner Fire Dept to successfully put out fire and save people on a third floor. Do not, under any circumstances, put people and property at risk in this way. This is an ethical and liability concern not to be taken lightly.

The 6 vacation rentals on the ground floor show entrance and exit directly onto Centre Street. This design confronts a hotel environment right up against a residential neighborhood. Call them what they really are: Ground Floor Hotel rooms. The Town Comprehensive Plan has something to say about this under 6A-7, "protect residential zones from encroaching commercial use."

These short-term rentals will use the parking along Centre Street regardless of what the town planner thinks. Parking is always difficult during prime hotel stays during spring, summer and fall in LaConner. The Hotel Motel Tax is a minor amount compared to property taxes, and is used primarily to promote tourism, not town infrastructure and maintenance.

If you have ever visited the third floor of the LaConner Retirement Inn, down the street from this proposed development, you know how invasive a third floor window can be to the privacy below for a good block or so. One gets a bird's eye view of arguments, car repairs, and what's on the BBQ at 307 Centre and 306 State Streets. This proposal does not continue to enhance the small-town neighborhood setting we have come to love and defend from encroachment.

In regard to the 14 apartments planned for floors 2 and 3; we have new homes approved and under construction on Snapdragon Hill and Landed Gentry on Maple Street. I understand that Channel Cove is planning for addition of 3 low income homes at the south end of town in the future.

The Town Comprehensive Plan notes the need for more low income housing as the median income for LaConner residents lags behind the county by some \$20,000 per year. (2016) The average rental cost in LaConner, as far as I can ascertain, is \$1185 per month. We would like to know the rental cost per unit planned for this development. Will this development give access to homes for middle to low-income families? The answer to that question should influence your decision on whether to approve these plans.

The plan shows all entering and exiting from the apartments onto the south side parking lot. This is as it should be, not from Centre Street.

My suggestion and request to the town planner, planning commission, and town council is that they require the developer to amend the plan to 2 stories only, with 14 apartment rentals, no vacation rentals, 28 parking spaces in the south parking lot to support one car per unit, one car for guests, demand a fully accurate SEPA/EIS, and require developer to follow through on all these requirements before a square foot of concrete is poured. And correct the spelling on all plans to "Centre Street".

Respectfully

A handwritten signature in black ink, appearing to read "Georgia Johnson", with a stylized flourish at the end.

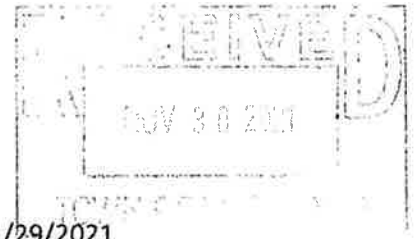
Georgia Johnson

Co-Owner of residence at 307 Centre Street since 1985.

360-202-1032

swtcomice@aol.com

POBOX 792 LaConner Wa. 98257



11/29/2021

To:
LaConner Town Planning Director Michael Davolio
LaConner Town Planning Commission
LaConner Town Council

We are writing regarding the application for construction at 306 Centre St., LaConner, WA 98257. As the current residents of 307 Centre St., we feel the need to express our shock and disgust at the size of and corresponding effect that the proposed apartment unit would have. It is obvious that the developer is attempting to maximize income from this project and disregarding the residents of this neighborhood.

How would you feel if a building of this size were to go in right next to your home? Three stories and 20 units would lead to an exponential increase in traffic, noise and risk to our child and pet. It would also block our entire southern facing street view and eliminate privacy.

Who are the intended tenants for these units? A small apartment with no yard is not appealing to families and we believe that the town should prioritize housing that is. Long-term residents and families are the foundation of a community. Our school district depends on new enrollments.

We are of the opinion that a conditional use permit should not be allowed for long-term rentals unless they are family friendly apartment units. According to the LaConner's own Residential Zone multi-family dwelling unit standards (15.20.090): there should be a minimum of 8,000 square ft. for the first 2 units and 3,000 square ft. for each additional unit. The proposed project does not meet the land use developments currently allowed under code number 15.20.050.

If the town is expected to issue a Determination of Non-significance (DSN) of environmental impact, that would be a mistake. The soil contamination tests previously performed do not include the footprint of the proposed project. As residents of this neighborhood for more than 10 years, we have personally witnessed the ongoing use of the dilapidated garage as a mechanic shop and as well as the site of potential drug lab activity. We are requesting that, regardless of how the site is permitted, an adequate site investigation is done.

We are requesting additional notification about this proposal application file # LU21-56CU, LU21-57SEPA.

Thank you for considering our concerns,

Rachael Sobczak
(360)420-4410

Frank Liddell
(360)466-9289
PO Box 621

LaConner WA, 98257

11-30-21

Scott Thomas

From: Linda Talman <linda.talman@gmail.com>
Sent: Tuesday, November 30, 2021 2:02 PM
To: Danielle Freiberger; planner@townoflaconner.org; Town Admin, Scott Thomas
Subject: questions

1. Email for the docs re project on Center/centre is still ok? My neighbors think "in writing" means just that.
2. will there be a pc meeting. When.
3. Will people be able to speak at the hearing.
4. Will the people who speak at the hearing have their comments recorded?
5. Will the people who speak at the hearing become a party of record and be therefore able to appeal?
6. Will the letters to the town be available to the residents to read? Or will they each have to ask for the release of the information?

Thanks!

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA

360 840 1714

Scott Thomas

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 3:32 PM
To: Linda Talman; Danielle Freiburger; Town Admin, Scott Thomas
Subject: RE: questions

Linda –

Here are my answers to your questions:

1. Email for the docs re project on Center/centre is still ok? My neighbors think "in writing" means just that.
Every written comment received, whether by mail or email, will be documented and forwarded to the Planning Commission and the Hearing Examiner.
2. will there be a pc meeting. When.
The development code states that the Planning Director OR the Planning Commission shall make a recommendation to the Hearing Examiner. It has been my practice to provide recommendations from both the Director AND the Commission. Depending on when the applicant provides additional information that we have requested, I anticipate that the Commission will consider this application in January or February.
3. Will people be able to speak at the hearing.
The Planning Commission meeting will be a public meeting. The public is generally permitted to speak at these meetings. A public hearing will be held before the Hearing Examiner. This hearing will be conducted via Zoom. Any member of the public will be able to speak.
4. Will the people who speak at the hearing have their comments recorded?

Both the Planning Commission meeting and the public hearing will be recorded.

5. Will the people who speak at the hearing become a party of record and be therefore able to appeal?

Yes.

6. Will the letters to the town be available to the residents to read? Or will they each have to ask for the release of the information?

Letters that have been addressed to the Town Council will be posted to the town's web site. All other written communications will be in the project file. Any individual can come to Town Hall to read the file, or to request a copy of anything in that file.

I hope these answers are helpful to you. Please feel free to contact me if you have any further questions.

Respectfully,

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | **WEB:** www.townoflaconner.org

WARNING: Please be advised the Town of La Conner is required to comply with Chapter 42.56 RCW, Public Records Act. This means that information you submit to the Town via email (including personal information) is likely subject to disclosure as a public record.

From: Linda Talman [mailto:linda.talman@gmail.com]

Sent: Tuesday, November 30, 2021 2:02 PM

To: Danielle Freiburger; planner@townoflaconner.org; Town Admin, Scott Thomas

Subject: questions

1. Email for the docs re project on Center/centre is still ok? My neighbors think "in writing" means just that.

2. will there be a pc meeting. When.

3. Will people be able to speak at the hearing.

4. Will the people who speak at the hearing have their comments recorded?
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6. Will the letters to the town be available to the residents to read? Or will they each have to ask for the release of the information?

Thanks!

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA

360 840 1714

Scott Thomas

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 3:05 PM
To: Scott Thomas
Subject: RE: questions

I will respond.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | **WEB:** www.townoflaconner.org

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From: Scott Thomas [mailto:administrator@townoflaconner.org]
Sent: Tuesday, November 30, 2021 2:47 PM
To: Michael Davolio
Subject: FW: questions

I am not going to respond to this unless you ask me to. I think it is best to have a single person running the show, and you are in a better position than I.

Scott Thomas
Administrator/Town Attorney

Town of La Conner
204 Douglas Street, PO Box 400
La Conner, WA 98257
Phone: (360) 466-3125
Fax: (360) 466-3901
Website: www.townoflaconner.org

NOTICE: Incoming and outgoing emails are subject to public disclosure requirements.



La Conner – it leaves you speechless, and then turns you into a storyteller.

From: Linda Talman <linda.talman@gmail.com>

Sent: Tuesday, November 30, 2021 2:02 PM

To: Danielle Freiberger <planning@townoflaconner.org>; planner@townoflaconner.org; Town Admin, Scott Thomas <administrator@townoflaconner.org>

Subject: questions

1. Email for the docs re project on Center/centre is still ok? My neighbors think "in writing" means just that.
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Thanks!

--

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA

360 840 1714

Scott Thomas

From: Linda Talman <linda.talman@gmail.com>
Sent: Tuesday, November 30, 2021 7:01 PM
To: Michael Davolio
Cc: Danielle Freiburger; Town Admin, Scott Thomas
Subject: Re: questions

Thanks. I will share that with my neighborhood.

On Tue, Nov 30, 2021 at 3:32 PM Michael Davolio <planner@townoflaconner.org> wrote:

Linda –

Here are my answers to your questions:

1. Email for the docs re project on Center/centre is still ok?
My neighbors think "in writing" means just that.

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I hope these answers are helpful to you. Please feel free to contact me if you have any further questions.

Respectfully,

Michael Davolio, AICP

Planning Director



Town of La Conner

PO Box 400

204 Douglas Street

La Conner, WA 98257

PHONE: (360) 466-3125 | **WEB:** www.townoflaconner.org

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From: Linda Talman [<mailto:linda.talman@gmail.com>]

Sent: Tuesday, November 30, 2021 2:02 PM

To: Danielle Freiberger; planner@townoflaconner.org; Town Admin, Scott Thomas

Subject: questions

1. Email for the docs re project on Center/centre is still ok? My neighbors think "in writing" means just that.
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Thanks!

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

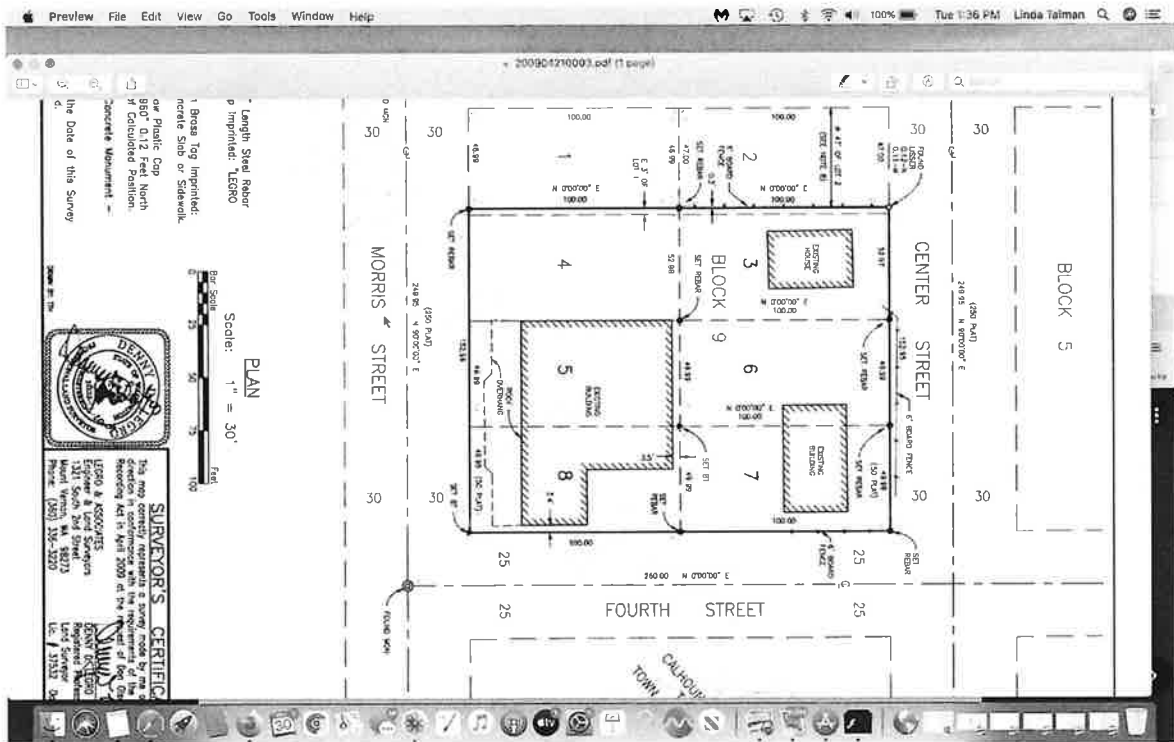
Linda Z. Talman
PO Box 392
La Conner, WA

360 840 1714

The only real job of a public official is to make their grandchildren proud. That's called vision.....

Linda

Linda Z. Talman
PO Box 392
La Conner, WA



Appendix:

Photo #1 and Photo 2

Two different weekend days of parking. These vehicles project into the project parking. Note well that the back of the Sliders building is about two feet from the property line and that the parking that was planned for granted to the front owner now sits in the back half of the property which belongs to a different owner. Both owners cannot claim the same use for same exact property.





Photo #3 and # 4 - Modeling the height.

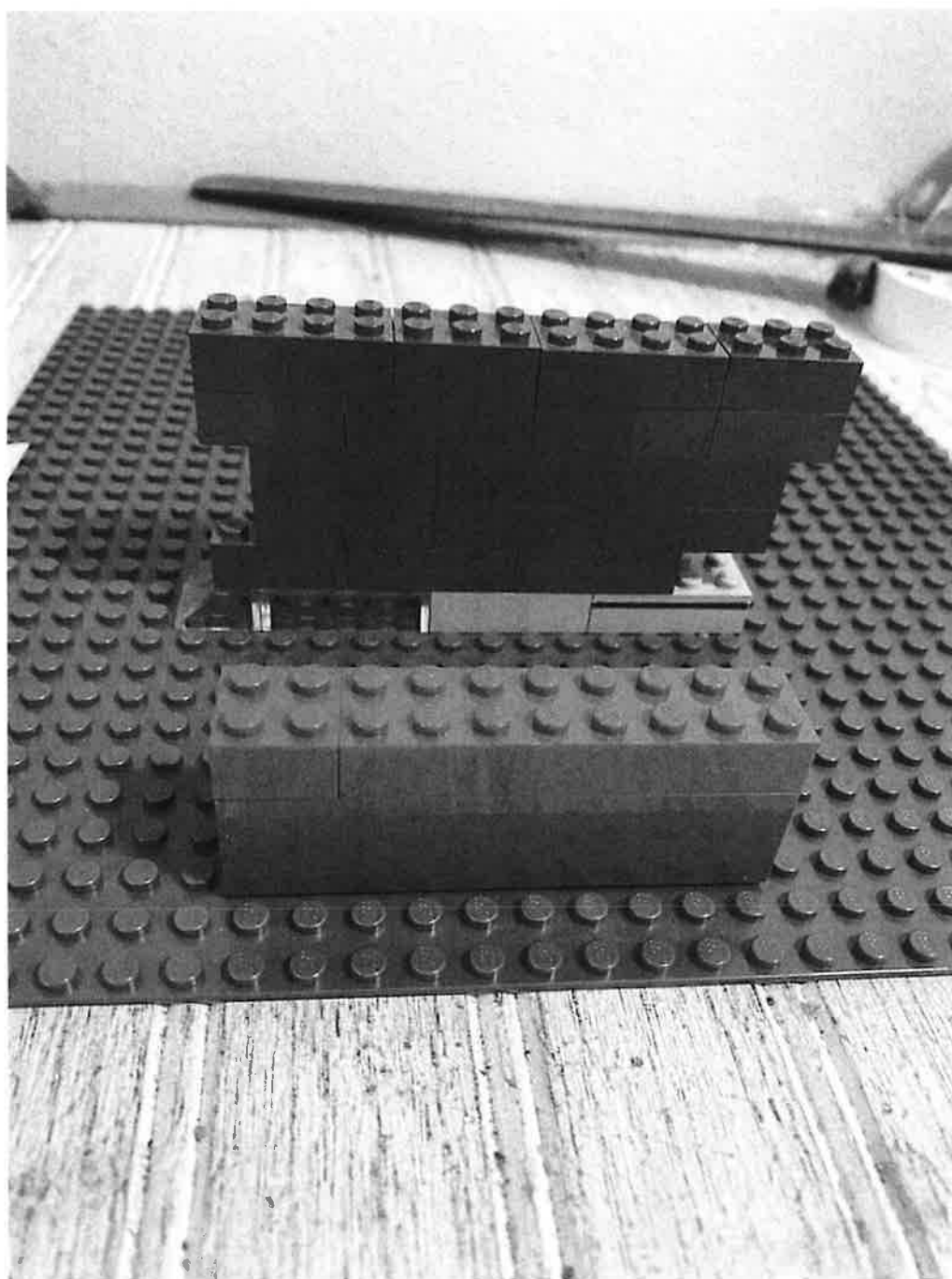
Lego blocks to model the height only on the Sliders and on the proposed project. Each Lego represents 6 feet in height.

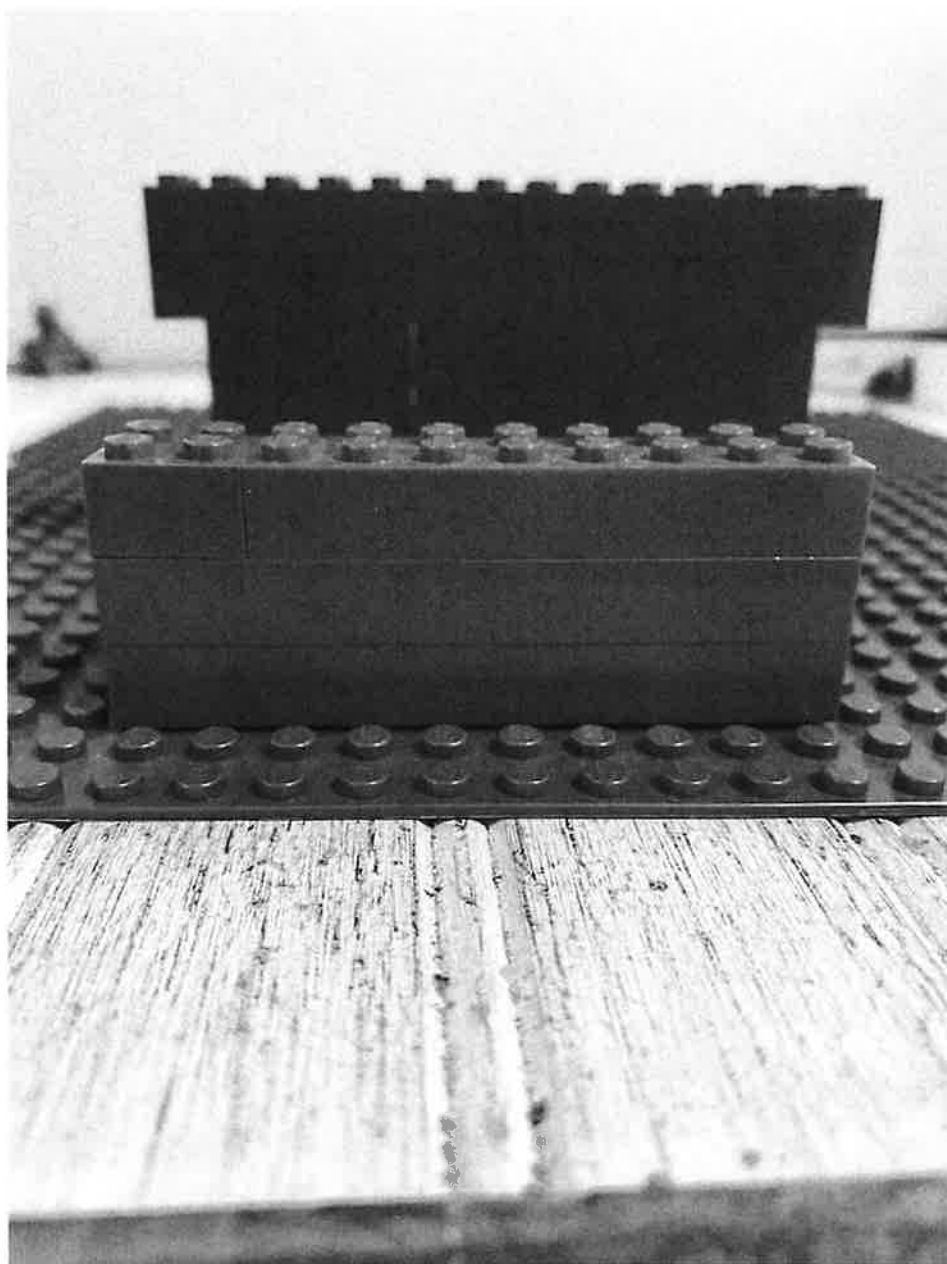
Sliders is 18' as measured by laser. Sliders is the red structure and is not on a raised flood plain.

New project is 30' and is modeled in blue. The blocks that are not blue and are under the blue blocks represent the 6' of the flood plain requirement. So it will be 35 or 36' tall. (The requirement may be 5' but the legos don't accommodate that dimension.)

Sliders faces south. Therefore, the 35 foot structure would cast a shadow on all of the residences between 3rd and 4th on Center/Centre particularly in the winter.

The yellow residence on the corner of Centre and 3rd is 28 feet tall at the peak and therefore at least 6' shorter than its behemoth neighbor but is much narrower in profile. (No pointy legos in the box.)





Danielle Freiberger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 11:09 PM
To: Danielle Freiberger
Subject: FW: Centre Street development

And another.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Debbie Aldrich [<mailto:debbie.aldrich@gmail.com>]
Sent: Tuesday, November 30, 2021 10:52 PM
To: Planner@townoflaconner.org
Subject: Centre Street development

Town of La Conner

To whom it may concern,

We would like to request that the Town of La Conner do an Environmental Impact Statement for the development at 310 Centre Street. It is obvious to us that this must be required because of the following four reasons:

1. The project and the buildings are too tall. Much bigger than anyplace near it. With it being in a flood zone and three stories tall it will be more than allowed.
 2. There may be oil and gas at a lower level than was tested for. This would be toxic to anyone who might live there. As well as the possibility of contaminating others.
 3. Traffic and parking concerns. Most families have more than one car and the site also shares with the businesses on Morris St. this is a close, small community and parking is minimal.
 4. Green spaces for families with children. This is a must for a community.
- Thank you for your consideration,

Steve and Deborah Aldrich

Danielle Freiburger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 10:28 AM
To: Danielle Freiburger
Subject: FW: Project on Center Street

Michael Davolio, AICP
Planning Director

Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257
PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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-----Original Message-----

From: Randy Hayes [<mailto:randythayes@hotmail.com>]
Sent: Tuesday, November 30, 2021 10:05 AM
To: planner@townoflaconner.org
Subject: Project on Center Street

I am a concerned resident living a few blocks from this project, and am questioning the environmental impact. I see the process on the new library on waste material, I think the same process will be required for this project also.

Thanks, Randy Hayes

Sent from my iPad

Danielle Freiberger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 3:36 PM
To: Marnie Lee
Cc: Danielle Freiberger
Subject: RE: Michael Davolio, Planning Director

Receipt confirmed. Your comments will be forwarded to the Planning Commission and the Hearing Examiner.

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Marnie Lee [<mailto:leesurely60@gmail.com>]
Sent: Tuesday, November 30, 2021 3:38 PM
To: planner@townoflaconner.org
Subject: Michael Davolio, Planning Director

Developments on Maple Street and Snapdragon Hill, Conner Waterfront Park, LaConner Swinomish library, Channel Passage.... These are all good!

However, we question the proposed construction of a 20 unit rental apartment building at 3rd and Center Street in downtown LaConner. A project that will likely introduce an influx of people and vehicles into an area already somewhat challenged for space.

We do not believe it is appropriate for the geographical location and we think it just may possibly be an irreversible mistake for our town,

Respectfully,

Lee
Street
98257
mation of receipt requested

Ken and Marnie
401 1/2 E. State
La Conner, WA

Confir



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

November 30, 2021

Michael Davolio, Planning Director
Town of La Conner
PO Box 400
La Conner, WA 98257

Re: 310 Center Street Residential
File# LU21-56CU/LU21-57SEPA, Ecology SEPA# 202106042

Dear Michael Davolio:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) notice of application utilizing the optional determination of nonsignificance (DNS) process for the 310 Center Street Residential project. Based on review of the checklist associated with this project, the Department of Ecology (Ecology) has the following comments:

The La Conner Station House Restaurant (Facility Site ID No.: 14654211; Cleanup Site ID No.: 8050), located immediately south of the proposed project site at 315 Morris Street, La Conner, has been identified as a contaminated site. This contaminated site contains petroleum products in the soil and groundwater at confirmed concentrations above Model Toxics Control Act (MTCA) cleanup levels. The current status of the site is 'cleanup started'.

If contamination is found during construction, appropriate measure should be taken to mitigate potential impacts. Mitigation may include one or more of the following:

- Specific health and safety requirements for workers who may encounter contaminated media during construction or operations.
- Removal and proper disposal of contaminated soil and groundwater from the project area.
- Construction of a cut-off wall to prevent contaminated groundwater from flowing into the project area.
- Vapor intrusion controls for the new buildings, such as a vapor barrier or sub-slab depressurization system.

Michael Davolio
November 30, 2021
Page 2

More information regarding environmental conditions at the above-listed site can be found at <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>.

Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Kim Smith from the Toxics Cleanup Program at (425) 200-2834 or by email at kim.smith@ecy.wa.gov.

Sincerely,

Kelli Sheldon

Kelli Sheldon
SEPA Coordinator

Sent by email: Michael Davolio, planner@townoflaconner.org

ecc: Kim Smith, Ecology



328 N. 3rd St.
La Conner, WA 98257
November 30, 2021

Mr. Michael Davolio, Planning Director
Town of La Conner
Box 400
La Conner, WA 98257

Dear Mr. Davolio:

Re: Conditional Use permit LU21-56cu

Maybe I am confused, but I think that the 100 year flood plain rule applies. This means that the first floor with six B&B/VRBO units must be elevated 9 feet (UDC 15.70.130). Given that the max height of the structure is 30 feet, how can you squeeze three floors into the 21 feet remaining and still have room for the structure and crawl space? Elevations are not given on the site plan.

The plan does not show an office nor parking for the B&B/VRBO rentals.

The Model Toxic Control Act (MTCA) applies in this case. There used to be a large oil tank at southwest corner of the property. Soils need to be surveyed for contamination. The conditional use permit should be put on hold until this is done. Contact Ecology for a file review. The Town went to court on this in 2006.

The site is served by a 4-inch water line. Is this adequate?

I request that you deny the granting of a conditional use permit to KSA Investments. The property is zoned commercial, and it should stay that way. There is zero vacant land available in town that is zoned commercial. That piece of land would make an ideal place for a farmer's market, or a collection of shops that meet local needs. You cannot buy a pair of Levis in this town.

It comes down to whether you want to plan for a tourist oriented environment or a small town with an easy-living environment. Looking ahead, the need for more tourist oriented development can be accomplished with the former Moore-Clark property.

You forgot the three feet on the west end of the site. It should be 15,595 sq.ft. instead of 15,300.

Considering the impact on the surrounding neighborhood, documented by other commentators, this project is not feasible.

Sincerely,

Dan O'Donnell
360 466 3057
laconnerda@gmail.com

Danielle Freiberger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 10:26 AM
To: Danielle Freiberger
Subject: FW: Comments on 310 Center Street

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Don Pendleton [<mailto:donpendleton01@gmail.com>]
Sent: Monday, November 29, 2021 4:45 PM
To: planner@townoflaconner.org
Subject: Comments on 310 Center Street

Nov. 29. 2021

Michael Davolio
La Conner Town Planner
P.O. Box 400
La Conner, WA 98257

planner@townoflaconner.org

Dear Michael Davolio,

I am writing to raise my voice in opposition to the multi-development being proposed near 4th and Center (310 Center St.). I am a long-term La Conner resident whose home is located in the adjacent block north of the proposed development. I have for decades worked on housing (single/multi-family) issues in Snohomish Co., and Seattle. I believe this project is inappropriate in size, scope, scale and location in the Town of La Conner

I am opposed to the issuance of a Determination of Non-significance for this proposed development. The proposed project will have significant environmental impacts and an assessment of those impacts should be required as part of the development package. The town will be adversely affected through Fire and Emergency calls, increases on demand to our local infrastructure, both that provided by Puget Power, and by our own local water and sewage efforts. Impacts on the numbers of cars on the street, parking issues and a massive 'shadow'

are all part of the impacts. Slow down the process, assist in providing clarity, seek community sentiment, and then make a thoughtful decision.

Further, I am opposed to the issuance of a 'conditional use permit' for this proposed development. A conditional percent should not be granted because the proposed development is inconsistent with our Town's housing goals. Further, this type of in-fill (long/short-term and shorter-term), where 2/3rd of the proposal is so out of line with our Town's and neighborhood desires that a 'conditional use' permit is requested, should in and of it-self suggest closer scrutiny of the proposed project. To issue an 'conditional use permit' is inappropriate here; therefore the permit should be denied.

My other comments include: Though a bit of this project may be seen as 'allowable use', the proposed project is not. The project is not consistent with the existing neighborhood. The project would be a detriment to the immediate neighbors and businesses, adversely impact our greater community, and have negative impacts on the Town of La Conner. Visually, the proposed 20 unit, three-story building would be 'out of place' and 'out of character' with neighboring and greater La Conner.

I am in opposition to issuance of permits and declaration of non-significance for this project.

Regards,

Don Pendleton

P.O. Box 594
La Conner WA 989257

donpendleton01@gmail.com

Danielle Freiburger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 10:30 AM
To: Danielle Freiburger
Subject: FW: 306 Center St

Michael Davolio, AICP
Planning Director

Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257
PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

WARNING: Please be advised the Town of La Conner is required to comply with Chapter 42.56 RCW, Public Records Act. This means that information you submit to the Town via email (including personal information) is likely subject to disclosure as a public record.

-----Original Message-----

From: Earl Striegel [<mailto:thenendobuck@gmail.com>]
Sent: Monday, November 29, 2021 10:13 AM
To: Michael Davolio
Subject: 306 Center St

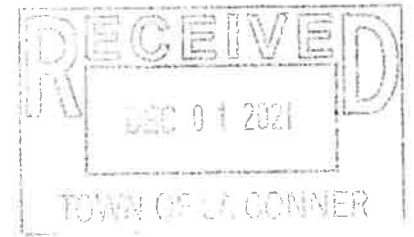
Good morning,

I have only one question and concern re: this project. With the number of units and the potential of 28+ cars, does this project have on-site parking? If not, why not as this would turn the surrounding residential street into a parking mess.

I would hope that the has enough good sense to not allow this to happen.

Thanks,
Eat Striegel,
413 EStateSt, L C
360 333 4914

November 30, 2021



Michael Davolio, AICP, Planning Director

PO Box 400

LaConner, WA 98257

To Whom it May Concern,

I am writing this letter to express my opposition to the approval of a conditional use permit to allow for a 20-unit apartment building on Center Street.

While this site is on property that is zoned commercial, only a few of the units would even meet that criteria as short-term use. The footprint of the proposed building would be close to two stories above the existing structure and does not fit within the residential neighborhood in which it would sit. This seems like another example of overbuilding, without attending to the existing neighborhood or considering the many impacts—lack of parking being one such example.

Additionally, the old fuel tanks are still buried in the ground; they are just capped off. It is surprising that no environmental impact would be conducted. This could have significant environmental impact. An environmental impact study on the soil should be conducted.

In closing, please do not approve the permitting process that would allow this large site to be constructed within a small neighborhood. A building of this magnitude would change the character of the area.

Sincerely,

Larry Higgins

November 30th, 2021
Regarding 307 Centre street

To: La Conner Mayor Ramon Hayes
La Conner Town Administrator/Attorney Scott Thomas
La Conner Town Planner Michael Davolio
La Conner Town Council

We are writing this letter in response to the recent town statement of environmental insignificance for the proposed 3 story 20 unit development at 307 Centre street in La Conner.

While development is inevitable, it must be appropriate.
A reasonable approach to development should be enacted on behalf of the town and the neighborhood, not the developer.

It is clear that the property in question is the former site of oil storage tanks and oil delivery truck storage -not known for environmental insignificance. It is also across the street and adjacent to residential areas.

The impact of this development will be devastating on the adjacent neighborhood(s). Residents young and old will be severely affected. On street parking will be at a premium, residential traffic will increase dramatically, and the quality of life and safety of the local citizenry (walkers, joggers, bicyclists and students) will be forever altered.

A far more reasonable approach would be to build 4 homes on this land and have design consistent with the existing homes in the neighborhood (some pre-dating 1900). Additionally the neighborhood should be protected by minimizing the disruption of visual amenities and solar resources as is outlined in the La Conner comprehensive plan.

Sincerely,

Jim and Reneé Matthews
310 N.3rd street
La Conner

RE: 310 Center Street

There is a retiremaent village beyond State Street on 4th street. The proposed 20 unit apartment complex poses a significant risk to seniors, several of whom must use walkers to navigate sidewalkless 4th street to reach Pioneer Market or the library.

It is reasonable to assume that the renters of these apartments will have and use automobiles.at one car per apartment that would be 20 new cars, likely more, on 4th and center streets at unpredictable times.

Limited ability walkers and automobiles on the same roadway at the same time does not seem a good plan.

Gerald George, 403 Centre Street, La Conner 406-465-0114



Please send to both Planner and Town Council

Alexander Free
414 N Third Street
La Conner, WA 98257
alexfree@gmail.com

Mr. Michael Davolio, AICP, Planning Director
Town of La Conner
P.O. Box 400
La Conner, WA 98257

November 30, 2021

Dear Mr. Davolio:

Please accept my comments regarding Conditional Use Permit application LU21-56CU. I oppose granting a conditional use permit to KSA Investments for their planned multi-tenant development at 306 Center Street:

- The project's scale is simply not supported by the lot size and available nearby parking. I foresee many nearby public parking spaces being used by the building's residents and their guests. This will eliminate an already scarce resource in a part of the commercial district that badly needs retail/tourist foot traffic.
- Additional traffic moving onto Morris and North Third streets will likely impede industrial traffic heading to Port of Skagit County facilities and businesses. The situation regarding industrial traffic already sits on the knife-edge of tolerability.
- Scarcity doesn't only include parking spaces. La Conner's commercially zoned land is all but exhausted. Its removal would go against the town's goal of attracting and developing more retail businesses.

In summary, the entire project, as presented, seems tone-deaf to the needs of La Conner and the realities of living and working here. I urge you to deny this permit.

Sincerely,



Alexander Free

Mr. Michael Davolio
Planning Director, Town of La Conner
P.O. Box 400
La Conner, WA 98257

200021
L-17

Re: KSA Application ## LU21-56CU & LU21-SEPA
Apartment Project at 310 Center Street

Dear Mr. Davolio:

I would like to provide a few comments on the KSA Project located at 310 Center Street regarding the general lack of completeness in the project application and more specifically the town's parking requirements.

To be "complete," an applicant has to provide enough basic information so that the public and the decision maker can determine if the applicable provisions of the town code will be met. It's not enough to indicate that a particular requirement (like landscaping or parking) will be met "per UDC section" – you actually need to describe what you plan to provide and show how that will meet the town's code requirements so that it can be evaluated. Granted, every detail doesn't have to be provided and additional information can be requested, but in this case the applicant hasn't submitted information that is "sufficient for continued processing."

Among other things, the Applicant should be required to provide:

1. the name and address of the president and secretary of KSA LLC, the corporate owner of the property per UDC 15.135.070(1).
2. benchmarks and ground elevation at mean sea level when all or a portion of the plat is located in the floodplain and contours with intervals of 95 feet; boundary lines of entire tract and individual lots in square feet and/or acres; existing and proposed landscaping, vegetation, and trees; building site, dimensions, gross floor area, architectural elevations, setbacks, cross-sections and specifications; building floor plans with proposed use and occupancy of each room noted; benchmark elevations provided on a FEMA Elevation Certificate and certified by a registered engineer or architect; elevation in relation to mean sea level of the lowest floor (including basement) of all structures and the extent to which any structure has been floodproofed – all per UDC 15.135.070(4)
3. evidence of title per UDC 15.135.070(10) – the applicant claims that KSA owns lots 3 through 8 in Block 9 of the Calhoun Addition but according to the Assessor's Office KSA appears to own only 3 of those lots.

This information is needed to determine among other things, that the Applicant's project will meet the dimensional requirements of UDC 15.35.040 including: maximum lot size, maximum lot coverage, minimum landscaping area, minimum building setbacks, maximum floor area and maximum building height above flood elevation.

Regarding parking, KSA has proposed to build 20 dwelling units – 14 long term and 6 short term. The Applicant's drawing shows 22 parking spaces but does not include the dimensions for any of those spaces which are different for standard (9 x 18.5), compact (8.5 x 16 for up to 50%), end spaces (10 x 18.5) and barrier free (per IBC). It is impossible to tell from the drawings and other materials that the Applicant has submitted, how many spaces Applicant will actually be able to provide on-site.

Lastly, I noticed that the Affidavit of Publication for this project stated that the Public Notice for this project was published for a three week period commencing and ending on the same day, November 17, 2021 – most likely a typo – but not sure how that may affect legal notice requirements.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Allan Olson", with a long horizontal flourish extending to the right.

Allan Olson
P.O. Box 776
La Conner, WA 98257

November 30th, 2021

To whom it may concern-

I am providing the below comment on the project proposed at 306 and 310 Centre Street. I would appreciate being provided updates for this project as they arise. I have requested a copy of all correspondence regarding this property that the Town has on file, however have not heard back from Town staff as of the date of this letter.

SEPA

The SEPA prepared for this project simply did not have enough detail to provide the knowledge needed for the Town to do a thorough review of the environmental and social impacts this project may cause:

- Section A item #8 – The SEPA should detail environmental information that the project proposes to perform such as geotechnical reports, stormwater report, environmental review of the underlying soils where oil and fuel on a property that has been a long-time known use at this site.
-
- Section B item #1(e) The applicant's response of "no fill" does not answer the question which asks the applicant to describe of site filling, excavation, and grading along with approximate quantities. It is highly unlikely that no fill (ie gravels) will need to be brought in especially with a 5-foot rise needed for flood plain.
- Section B item #3(d) An engineered stormwater report noting how stormwater runoff impacts will be mitigated by the redevelopment of this property. As much as final design can be done at building permit time, a Conditional Use should clearly detail how stormwater will be managed.
- Section B item #6 A 35-foot-tall building overshadowing the low height neighborhood would limit the potential for future solar power, the applicant's response notes it will not.
- Section B item #7(a)(1) This item asks to identify any known or possible contamination at the site from present or past uses. It is well known that this site historically supported a gas and oil fueling station, and mechanic's shop. Additionally, traces of contamination were found with the Morris Street project. This should be addressed by a detailed study before the Town should issue a DNS for this project.
- Section B item #7(b)(2) & (3) This item addresses noise created by the project. The applicant notes "Construction activity 7-5". There is no mention of the noise that is a potential from the large finished project. The proposed project will cause a large increase in traffic and there will most certainly be noise from occupants in 14 new residences and 6 new Airbnb units. Research indicates that there have been considerable issues with short term rentals such as Airbnb units, and they have become a large problem for local communities as they find they have little recourse to enforce noise or other issues. With the Town having no police officers how will this noise potential be mitigated? Will there be an onsite manager for these 6-units that will assure the quiet adjoining residential neighborhood is not impacted?
- Section B item #8(a) The applicant has not properly addressed how this project will affect adjoining property. Residential property to the east and north will be impacted by parking, noise, traffic, etc. while adjoining property to the south will lose much needed parking that has been historically been used to serve this Historical Building to the south.

- Section B item #8(i)-With 14 units and 6 Airbnb units the applicant states they estimate 32 people will reside in the proposed 20 units. The Skagit County census notes a reasonable average of 2.5 people per household in the County in average. Even though the Airbnb unit's area not noted as "apartments" they still provide a place where people "reside". It is unclear what the 32 count was based on, however based on 2.5 ppl per unit, approximately 50 people could reside in the proposed building.
- Section B item #10(a) The proposed structure is noted by the applicant as only being 30-feet tall. Is this from existing ground, or does the applicant intend to build 30'. With flood plain issues and the large scale of the height proposed this elevation needs to be described more specifically. Building elevations and/or exhibits noting how this requested Conditional Use will fit into the neighborhood. Additionally, exterior building materials should be noted so it can be determined if the building will fit the neighborhood vernacular. As much as this property is not located within the HBD, it is adjoining and should be encouraged to not conflict with existing adjoining historical homes and buildings.
- Section B item #13(a) The applicant does not note the onsite garage that has been on the property for over 75 years. The applicant shall enlist professionals to assure the garage does not have any historical significance. The large scale of this building in this low-density area will negatively impact existing historical buildings and long ongoing uses.
- Section B item #14(c) The applicant indicates in this item that they will create "22 new spaces plus 10 on-street public spaces 4 eliminated." The project proposes to eliminate approximately 20 parking stalls along the south side of the site located between the Station House and existing shop, along with 2 additional on the Centre Street side. This is a total of 24 stalls being eliminated with this project. The on-street parking is not "project" parking and exists today, and is not new parking. To summarize this project will eliminate approximately 22 stalls and proposes 22 new stalls to mitigate the construction of 20 new units? Furthermore, the parking count does not include handicap access stall. An accurately scaled and detailed site plan should be prepared before the Town can establish impacts and actual parking. As much as Town code allows for 1 parking stall to be provided for each unit under 1,200 square feet in the Commercial zone. This is simply an inadequate amount of parking provision at this location for a apartment building. A more typical parking requirement for apartments are determined on a per bedroom basis. Typical codes require at least 1.5 parking stalls for each 2-bedroom unit unit. **The elimination of over 22 existing stalls, coupled with the low parking requirement, overflow parking from this project will cause parking issues as most residences do not have garages or off-street parking and thus will have their parking displaced on our currently crowded streets.** Where will the existing displaced dumpster go? Where will the apartment building dumpster pad go? Will the garbage truck be able to reasonably be able access?
- Section B item #14(f) The applicant notes the project will generate 76 TPD (trips per day). Based on the ITE Manual for an Apartment is 6.7 trips per day per unit. For a hotel the same manual notes 8.9 trips per day per unit. This equates to closer to 147 TPD. The response does not note the proper estimated impact, which will increase the street traffic a considerable amount. This should be looked at in more detail before supporting a Conditional Use such as this.
- Section B item #15(a) The very high building with full time occupants in upper floors could cause impact on our small volunteer fire department. The Fire Chief and/or Fire Marshal should be coordinated with to determine how the fire department can obtain safe access to the roof in the event of a fire. La Conner does not have police department, how will noise complaints and the like be mitigated?
- Section B item #16(b) The applicant has not properly addressed this item. This question should provide enough detail to at least generally include the size and material of existing utilities that serve the site along

with a Letter of Water and Sewer Availability confirming there is sufficient sewer and water (for both domestic and fire flow) to serve the proposal. There is not enough information on the plans or information provided by the applicant to determine impacts to Town utilities.

Based on an objective review of the submitted information, including no reasonable site plan other than the very basic sketch that has been provided. The information submitted with this application is not sufficient for SEPA processing nor is it significant to make a determination for a DNS, or a Conditional Use to allow a project of this density and magnitude? Also, no studies at all were submitted. No Geotech, no stormwater design, no environmental design, no letter of sewer availability, no letter of water availability. There are also no reasonable exhibits noting what the elevations will look like so it can be detailed for the Town and its citizens can envision, and have a chance to better determine the impact.

Regarding the definition of an "Airbnb" or VRBO unit. Is this classified as a "Hotel/Motel" or an "Airbnb" The terminology seems to be vague. LCMC's allowance for "Lodging establishments, such as hotels, motels, inns" seems to indicate this "Lodging" allowance it provided for Commercial lodging facilities with onsite managers and amenities. In fact, the Parking code further implies this with the requirement of a stall for an onsite manager. Will there be an onsite manager and amenities provided for the "Lodging" use? How can the owner and Town guarantee that a "short term" rental will not cause noise impact, or other environmental impacts unless there is an onsite manager? Once this is built the neighbors will have no recourse if the noise, nuisance, etc. gets out of hand as has occurred in many other areas of the Country.

I request a determination from the Town on what an Airbnb is classified as. Is a "commercial Airbnb" allowed in the Residential zone? Note a hotel, motel, or inn is not allowed in residential zones in La Conner. 6 side by side Airbnb's feels more like a hotel and should have an onsite manager, at least in a Commercial zone. Otherwise, could one build a house in the Commercial Zone and call it an Airbnb? I request clarity on this definition and how it applies. This brings to light the need for the Town to define and clearly regulate short term rentals so our town does not become simply a weekend tourist community and not leave areas in the Commercial zone to provided uses the local full time community needs.

Parking:

Based on LCMC 15.90 the Off-street parking requirement is two parking stalls per unit for Multi Family dwellings allowed in the residential zoned area. Since the project proposes residential units slightly less than 1,200 square feet in the Commercial zone, they proposing only 1 parking stall per unit, even for large 2-bedroom units (1,178 sf). Across the street this project would require a total of 28 stalls to serve 14 apartments, which is a much more reasonable requirement as a mass majority of families in Skagit County have at least 2 cars. With the addition of 6-hotel rooms requiring another 6 stalls for a total of 34 stalls would be a more reasonable requirement for a project of this size. The elimination of over 22 parking stalls, then the very limited number of stalls proposed there will up 20 to 40 additional cars parked on the adjoining streets which will be a huge impact. Especially in a town that has debated parking issues for over 25 years.

Exasperating the parking issue, less than a block away, the old lighting store less than a block north from this site is being redeveloped. This project eliminated 2 or 3 onsite off street parking stalls, and appears to not be providing any additional parking. With the new Brewery use and the addition of this apartment building project both eliminating over 22 stalls, and adding up to 50 new people residing on the parcel will significantly impact parking in this area of Town. I am unsure of where the town thinks all this parking is available is this area of Town?

This project also proposes to eliminate a mass majority of the parking that supports the existing business serving our community in the historical building to the south of this project. This is most certainly not encouraging the use of historical structures and services enjoyed by full time residences.

Fire safety:

A fire in a 3-story building with only access on two sides is problematic. The Town does not have a ladder truck to fight a fire in a residential building this tall. It is not safe, nor reasonable for the Town to ask our small volunteer fire department to mitigate loss of life in a residential building that is this tall, and mitigation should be clearly determined by the Fire Chief and/or Fire Marshal so they have proper access in the event of a fire or other emergency. What does the UBC and current fire code say about this? What does the Town's Fire Chief or County Fire Marshall think about a project such as this? I don't see any correspondence regarding coordination with fire or emergency services?

Commercial Zoning Code:

Per LCMC 15.35 states that the "maximum" lot size in Morris Street Commercial zone is 10,000 square feet this commercial lot is over 15,000 square feet. The codes could not have anticipated a project this large with the property being larger than the code allows.

Comprehensive Plan:

Per the Town of La Conner's Comprehensive Plan Element 5 notes the developers must provide information relating to impacts that the proposed development will have on public facilities and services and that the town will conduct a thorough evaluation of that analysis, however this does not appear to have been done at this time. I hope that Town staff and consultants will do a detailed and thorough review to protect our Town's character and livability for its permanent citizens.

Chapter 5, Goal F in the Town's comprehensive plan notes that the town should "encourage citizen involvement in the planning projects and assure coordination among local, State and Federal jurisdictions." The posting of the site is not notable. A small 8.5"x11" on one side of the site is simply not reasonable for posting of a project. The industry standard is at least an 18"x24" sign for posting. The Town is not adequately working to inform the public when only requiring this very small sign. Signs should also be posted fronting all roadways of the site. We live literally across the street and never even noticed the sign. Also, the mailed notice was not received by us until November 26th, 2021 and thus could help with processes such as this by posting the project better and notifying the neighbors with enough time to prepare detailed responses. I request the comment period be extended and the property be better posted to assure the community has noted this project and has a chance to comment.

Chapter 5, Goal K- Neighborhood Conservation. The town should encourage a balanced and organized combination of open space, commercial, while protecting the fabric and character of residential neighborhoods. It does not appear the Town has considered this most basic of our community's principles. Encourage siting and designing of new construction to minimize disruption of visual amenities and solar resources to adjacent property owners and to mitigate incompatible adjacent uses with landscape buffers. A 5-foot-wide landscape strip does not mitigate the impact of a 3-story high building.

Chapter 5 Goal V-Protect and preserve the character of LA Conner's historic district. As much as the subject property is not located in the "Historic District" it directly abuts the Historical District and even contains a historic building, as it is over 50 years old. To preserve the Historic District the Conditional Use should limit the mass, size and scale of this new structure and also should preserve the historic spatial relationship of buildings to the site, views and surrounding development, which this project does not seem to consider. This very tall building will greatly impact the views from all surrounding properties.

Chapter 5 Land Use Classification noted a single-family residential density of 8.7 units per acres for lots under 14,000 square feet which is also noted as being twice the Growth Management Act requirement. This section furthermore notes a current multifamily density of 10.1 dwelling units for lots over 14,000 square feet. The allowance of a 3-story building with 20-units, would create a density of over 58 dwelling units per acre, which is 5.7 times the typical town density. This proposal is simply too large and dense for the Town based on the reasonable density in other areas of the Town.

In summary, we do not object to the responsible development of the subject property, however we want to assure this project does not negatively impact our neighbors our quality of life, nor the character of or our town. We have two large hotel sights nearby that are rarely filled, and thus a not supportive of the Town making concessions for parking and other impacts to allow this project which requires special permission via the Conditional Use Permit process. Do we need short term rentals bad enough to allow this VERY dense housing development and the elimination of parking in a lot that has served the Town for over 100 years? With the request to allow "special" consideration for residential in the Commercial zone it would seem reasonable to at least require this project to conform to the parking requirements for Multi Family noted in the abutting residential zone.

I greatly appreciate your time and consideration of my comments.

Best,

Heike L. Nelson P.E.

heikenelson@hotmail.com

PO Box 550

LaConner, WA 98257

Danielle Freiburger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Tuesday, November 30, 2021 10:29 AM
To: Danielle Freiburger
Subject: FW: 20 unit apartment building??? In LaConner!!!

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

WARNING: Please be advised the Town of La Conner is required to comply with Chapter 42.56 RCW, Public Records Act. This means that information you submit to the Town via email (including personal information) is likely subject to disclosure as a public record.

From: Jessica Gellert [<mailto:jessicagellert@yahoo.com>]
Sent: Tuesday, November 30, 2021 10:21 AM
To: planner@townoflaconner.org
Subject: 20 unit apartment building??? In LaConner!!!

This is absolutely ridiculous. Whose idea is this?? It's obviously someone who doesn't live in town. It will definitely be an environmental impact! Parking, local services, crime, it will all be impacted. So many questions. What is this building going to look like? What type of tenants are they going to attract? If the rent is too high, does it just become an empty building? Where are the tenants going to park? Not to mention, what experience does the dentist have with something like this?? This sounds like a huge undertaking, what are his plans??

Frankly, without any type of open discussion from the community, it seems sneaky. Somebody who doesn't live here, is trying to push their agenda on the neighbors of this town. I really hope this plan is reconsidered to include what LaConner and the community is all about.

Sincerely,
Jessica Gellert
418 N Third st
LaConner

Sent from my iPhone

Danielle Freiburger

From: Michael Davolio <planner@townoflaconner.org>
Sent: Wednesday, December 01, 2021 11:11 AM
To: Danielle Freiburger
Subject: FW: application LU21-56CU, LU21-57SEPA

Michael Davolio, AICP
Planning Director



Town of La Conner
PO Box 400
204 Douglas Street
La Conner, WA 98257

PHONE: (360) 466-3125 | WEB: www.townoflaconner.org

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From: Tracy McCain [<mailto:bwactracy@gmail.com>]
Sent: Wednesday, December 1, 2021 11:01 AM
To: Marianne Manville-Ailles - Planner; Town of La Conner - Mayor
Subject: application LU21-56CU, LU21-57SEPA

Mr. Davolio and Town of La Conner,

I am writing in opposition to the proposed Determination of Non-Significance for the development at 306 Center Street.

Every candidate who recently ran for city council endured many questions about the future of growth and affordable housing in our town. And at the same time, a large 20-unit building with no designation toward tax-credit affordable housing was being approved by your agency.

Not only does this project neglect the need for affordable housing versus for-profit vacation rentals, it appears to be the trick to get around the commercial permitting for the remaining residential units.

I do not trust the lead agency's determination that a former fuel depot location will have no environmental impact on the neighborhood. Please make it known who else was consulted and involved in this decision and it may help restore public confidence in the process. In addition, the Notice of Application was not widely distributed to allow for reaction to a tight deadline over a holiday week. The entire situation shows a lack of communication to the neighbors and residents on the adjacent streets and has caused a full force of advocates to now oppose this development.

The newspaper introduction of the new town planner in February set an expectation of decisions that would honor the charm and character of our historic town:

"I hope to help build on the community's strengths," he said. "I believe one of the strengths of the community is how the town has preserved its history. The historical preservation district not only has value, (but) it creates value." ~ Michael Davolio, La Conner Weekly News

Your statement does not match my idea of preserving history as a resident who is lovingly improving a historic home built in 1901. I have owned a supplier business in the multifamily industry for the past 17 years and know the negative impact of this type of construction and resident demographic on the small-town street of retirees, families and neighbors who reside here for a reason.

In closing, my hope is that a Planning Director for this unique town will live amongst the neighbors here and get to know the flavor of our day-to-day life. We are a small, tight-knit community with deep opinions on future development. Please hear our voices.

Tracy McCain
540 N 3rd St.
La Conner, WA
206-963-2147

Danielle Freiburger

From: Richard Widdop <richard.widdop@gmail.com>
Sent: Wednesday, December 01, 2021 2:11 PM
To: planner@townoflaconner.org
Cc: planning@townoflaconner.org; Susan Widdop
Subject: Centre Street Proposal

December 1, 2021

To: Town Planner

RE: Center Street Project

Here we go again. Another development. Another letter. The developer A letter about the incomplete, inappropriate plan for apartments on Center Street before you. This developer's plan is wrong for so many reasons:

1. 1. The plan before you is preliminary. There are no elevations. Is this because the developer does not want you to know how out of scale this 2-story building is compared to the immediate single story residential neighborhood on the north side. Or the scale of the project towering over the single-story businesses on the south side?
2. 2. The site is zoned commercial.
3. 3. The proposed 2 story apartment building would cast a shadow over the traditional one-story residence on the north side. This project needs to be single-story to be in scale with the business on Morris Street and the residences on Center Street.
4. 4. The Bed and Breakfasts noted on the plan is laughable. Even I know Bed and Breakfasts must be owner occupied. The developer may call these short-term rentals another term. With hotels, guests houses, Bed and Breakfasts, already available in town, the town really needs affordable housing.
5. 5. Ahh. Affordable housing. Here is another opportunity. Is the town government going to seize on the possibility of business employees to be able to afford to live in the town they work in. Affordable housing is the vision of the Comprehensive Plan.
6. 6. Finally, parking. 20 apartments. 20 compact parking spaces. The bestselling vehicles in the US are SUVs and trucks. Where are they going to park? In front of residences? I am already scratching my head over where 1.9 cars average per household are going to park on Snapdragon Hill and Maple St.

Scale, impact, appropriateness of project, parking impact on neighborhood are all reasons the town planner and planning commission should refuse this project.

Respectfully, Susan and Richard Widdop, 521 South 4th St., LaConner
(please confirm receipt of this email.)

December 1, 2021

Attn Town of LaConner, Planning Director

Town Council

Comments on the proposed conditional use permit for the 306-310 Centre Street project.

To whom it may concern, the site proposed for redevelopment has several significant areas of concern.

1. The prior use as a fueling delivery site and fuel storage site. There must be testing done as there was Tall vertical storage tanks on the west end of the site and large capacity fuel tankers filling the tanks and fuel delivery being loaded from the tanks. At the very least we need an EIS completed before you can recommend approval for this special exemption.
2. The project will eliminate significant number of parking spaces currently used by the commercial activities located to the adjacent property to the south. The sketches do not address any parking provisions for handicap stalls and access to the building as the flood elevation is approximately 5 feet 6 inches above the existing grade of the center street shoulders. Which will require 4 at least 48 feet of ramps not including landings. I realize the code only requires on parking spot per 1200 square foot unit, as we all know that every couple has at least two cars. As well as the recently approved brewery on Morris Street that was required to have no additional parking for that business. Which will push more parking to the residential streets. We in this town have been trying to solve parking issues at peak times in this town for at least 25 years. Pushing it into residential neighborhoods is not a solution.
3. Life and safety

The ultimate height of this building from the current shoulder level on Centre Street will be over 35 feet. It is not reasonable to think our volunteer fire department can handle a fire at that height.

In conclusion the negative impacts of this application far outweigh the any gains this special use of this project is asking for. As a lifelong resident of LaConner, the traffic increase and the parking impacts will not make LaConner a better place to reside.

Regards

Gary Nelson

403 Morris Street

Danielle Freiburger

From: Bob Raymond <bedrock@wavecable.com>
Sent: Wednesday, December 01, 2021 7:58 PM
To: planner@townoflaconner.org; Planning@townoflaconner.org
Subject: Comments: 306-310 Centre Street

December 1, 2021

Attn: Town of La Conner, Planning Director

I have several concerns regarding the construction proposed for 306 Centre Street.

1. The project as proposed would eliminate important commercial parking on Morris Street.
2. The building height will exceed the 30 feet.
3. Historical use of portions of the property suggest that there should be an environmental impact statement before significant construction is initiated.
4. Relying on street parking for residents of the building is not consistent with the code.
5. Barrier-free, ADA conforming, parking is not provided.
6. The extent of reliance on "compact car" parking is not permitted by the code..

These are my initial concerns. There are others raised by La Conner residents. This is a major change in the neighborhood and the town. If this were a project designed to provide rental housing for low and moderate income families, it would be a welcome addition. Because the project arguably does damage to the neighborhood and fails to provide the kinds of housing in short supply, but that are valued by the community, I do believe there should not be any parking, height or other variances granted, or other accommodations made, by the Planning Commission, the Planner, or the Council.

/s/
Thank You

Bob Raymond
608 S. 2nd Street
La Conner

December 1, 2021

RE the proposed development at 310 Center Street:

There are significant environmental impacts to humans and pets in the size and lack of adequate parking for each proposed unit at this development.

Many people, especially elderly ones, use both 4th Street and Center Street. They walk to the market, they walk for exercise, and they walk their dogs. Many of these people walk slowly because they must. Some use walkers or special canes. At least one is in a wheel chair. They come from all over La Conner, but especially from the two nearby retirement facilities and the surrounding streets.

There are also many people who walk their dogs on Center Street because it is a safe place with little traffic. One dog is disabled, and the owner uses a sling to lift his rear legs.

The owner, of course, has the right to develop the property, but it must be done with sensitivity and purpose to mitigate the impacts on important uses of both 4th Street and Center Street. Fewer units, adequate off-street parking and other measures could make a considerable difference in maintaining the important uses of the affected streets.

Sincerely,

Mollie Rights

Mollie Rights

403 Centre Street #2102, La Conner



Please send to Planner and Town Council

Scott Thomas

From: Ramon Hayes <mayor@townoflaconner.org>
Sent: Saturday, December 4, 2021 3:35 PM
To: Amy McFeely; Mary Wohleb; MaryLee Chamberlain; council_1@townoflaconner.org; council_2@townoflaconner.org; council_3@townoflaconner.org; planner@townoflaconner.org; planning@townoflaconner.org
Cc: Andrea - Deputy Clerk; Rick Dole; Scott Thomas; ivancarlson3@gmail.com
Subject: RE: Resend:

Thank you, Amy. I will make sure this is added to the website.

Andrea, thank you in advance for getting this up.

Let me take a moment to let you know where we are. As Michael digged into the proposed site he realized there were likely some issues that would require a more in-depth look. All to say, a soil study is required and an application would be considered incomplete without that work being done.

The project will go to the planning commission who, along with the planner, will determine whether or not it complies with existing code. The planner will make a recommendation which will go to the hearing examiner (typically an attorney from outside the community). The hearing examiner will also make a determination as to compliance. That determination can be appealed before a judge.

The council and mayor have no role in this process.

Scott and Michael, please clarify any of my statements if needed.

Regards,

Ramon

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Amy McFeely <amcfeely62@gmail.com>
Date: 12/4/21 2:50 PM (GMT-08:00)
To: Mary Wohleb <council_5@townoflaconner.org>, MaryLee Chamberlain <council_4@townoflaconner.org>, council_1@townoflaconner.org, council_2@townoflaconner.org, council_3@townoflaconner.org, mayor@townoflaconner.org, planner@townoflaconner.org, planning@townoflaconner.org
Subject: Resend:

From : Amy McFeely [amcfeely62@gmail.com]
To : Mary Wohleb [council_5@townoflaconner.org], MaryLee Chamberlain [council_4@townoflaconner.org], council_1@townoflaconner.org [council_1@townoflaconner.org], council_2@townoflaconner.org [council_2@townoflaconner.org], council_3@townoflaconner.org [council_3@townoflaconner.org], mayor@townoflaconner.org [mayor@townoflaconner.org], planner@townoflaconner.org [planner@townoflaconner.org], planning@townoflaconner.org [planning@townoflaconner.org]
Date : Saturday, December 4 2021 14:49:51

Dear Mr. Davalio, Councilmen and Councilwomen, Mayor Hayes, and Planning Department:

I sent this email last Sunday, November 28, 2021. I do not see it listed on the Town of LaConner letters web page. My intent is to make clear my opposition to the Centre Street proposal as currently presented.

Respectfully,

Amy

Email text 11/28/21:

Dear Planner Davalio:

I am deeply concerned about the scale of the proposed 310 Centre Street Development. I was a resident of 112 North 4th for 10 years. While never a property owner, we raised our children in this wonderful community and I will always feel gratitude that we were able to rent a lovely home and continue to live in La Conner while saving for a home of our own.

While residential use makes sense on this property, Point D, page 2, of the Conditional Use Narrative is of issue:

"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."

The character of this neighborhood to the east, north, and west of the proposed development is one and two-story single-family homes. There is a two-block buffer to the West from the three-story LaConner Retirement Inn of one and two-story single family homes, and likewise, a two-block buffer from the mixed-use Wave Cable building.

Although height requirements are in the La Conner Uniform Development Code, the sheer size and density of this building will overwhelm the existing neighborhood. Meeting code does not equate to appropriate scale. Additionally, the stress factors from 20 units of ambient light, noise pollution and traffic flow will hugely impact Centre Street and North 4th Street residences. The homes directly to the north stand to lose all exposure to natural light.

Please deny this conditional use permit, and demand a development that will truly enhance the aesthetics and quality of life of this neighborhood.

Respectfully,

Amy McFeely
818 South 4th Street
La Conner

Andrea - Deputy Clerk

From: Danielle Freiburger <planning@townoflaconner.org>
Sent: Tuesday, November 30, 2021 11:38 AM
To: Andrea - Deputy Clerk
Subject: FW: Comments on 306 Centre Street, La Conner

-----Original Message-----

From: Linda Shull [mailto:jlsummershack@gmail.com]
Sent: Monday, November 29, 2021 8:55 AM
To: planner@townoflaconner.org
Subject: Comments on 306 Centre Street, La Conner

Please forward this on to the following;

La Conner Town Planner, Michael Daviolo
La Conner Planning Commissioners
La Conner Town Council

As a current co-owner and resident of 409 Centre Street, I am writing pertaining the application by Ken Olsen, for the construction of a 3 story residential building that includes 14 long-term dwelling units and 6 short term dwelling units, all being rentals, located at 306 Centre Street, La Conner WA.

There will be huge adverse impacts on this sight and neighborhood. The property was formally occupied by a gas station and holding tanks storing heating oil.

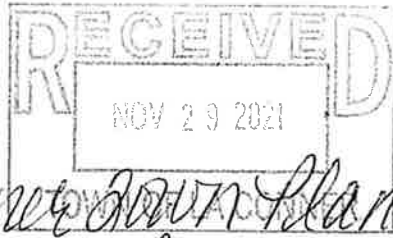
The 4" water line installed in 1958 will not be sufficient along with the sewer system in the area.

Our beautiful neighborhood and small town will be greatly impacted by a project of this size.

Thank you, for caring.

Respectively,

Jerry Shull
409 Centre Street
La Conner Wa 98057
360 770 1771



November 28, 2021

To Saltonstall Town Planner Michael Duvellio
Saltonstall Planning Commission
Saltonstall Town Council

As a current owner, and resident of
409 Centre Street, I am writing pertaining
the application by Ken Olson, for
construction of a residential building
that includes 14 long-term dwelling
units and 16 short-term dwelling
units, all being rentals located at
306 Centre Street, Saltonstall.

There will be huge adverse impacts
on this sight and neighborhood.
The property was formerly occupied
by a gas station and holding tanks
storing heating oil.

The 4" water line installed in 1958
will not be sufficient along

with the sewer system.

Our beautiful neighborhood
and small town will be greatly
impacted by a project of this
size.

Respectively,

Jerry Shull
Gina Shull
360 770 1771
409 Central St
SE Corner 400



11/29/2021

To:
LaConner Town Planning Director Michael Davolio
LaConner Town Planning Commission
LaConner Town Council

We are writing regarding the application for construction at 306 Centre St., LaConner, WA 98257. As the current residents of 307 Centre St., we feel the need to express our shock and disgust at the size of and corresponding effect that the proposed apartment unit would have. It is obvious that the developer is attempting to maximize income from this project and disregarding the residents of this neighborhood.

How would you feel if a building of this size were to go in right next to your home? Three stories and 20 units would lead to an exponential increase in traffic, noise and risk to our child and pet. It would also block our entire southern facing street view and eliminate privacy.

Who are the intended tenants for these units? A small apartment with no yard is not appealing to families and we believe that the town should prioritize housing that is. Long-term residents and families are the foundation of a community. Our school district depends on new enrollments.

We are of the opinion that a conditional use permit should not be allowed for long-term rentals unless they are family friendly apartment units. According to the LaConner's own Residential Zone multi-family dwelling unit standards (15.20.090): there should be a minimum of 8,000 square ft. for the first 2 units and 3,000 square ft. for each additional unit. The proposed project does not meet the land use developments currently allowed under code number 15.20.050.

If the town is expected to issue a Determination of Non-significance (DSN) of environmental impact, that would be a mistake. The soil contamination tests previously performed do not include the footprint of the proposed project. As residents of this neighborhood for more than 10 years, we have personally witnessed the ongoing use of the dilapidated garage as a mechanic shop and as well as the site of potential drug lab activity. We are requesting that, regardless of how the site is permitted, an adequate site investigation is done.

We are requesting additional notification about this proposal application file # LU21-56CU, LU21-57SEPA.

Thank you for considering our concerns,

Rachael Sobczak
(360)420-4410

Frank Liddell
(360)466-9289
PO Box 621

LaConner WA, 98257

11-30-21

Mr. Michael Davolio, Planning Director
Town of La Conner
P.O. Box 400
La Conner, WA 98257

Re: Notice of Application File # LU21-56CU & LU21-SEPA
Preliminary Determination of Non-Significance (PDNS)
KSA Investments, LLC Project at 306 Center Street

Dear Mr. Daviolo and Planning Commissioners:

My name is Linda Talman and I live on the corner of 5th and Centre, La Conner. From my porch I can see the project location proposed by KSA Investments, LLC, (KSA) and I am submitting the following comments on the above referenced project.

1. For the following reasons, the Applicant has not submitted “complete applications” for the Master Permit or Conditional Use Permit – the determination of completeness should be withdrawn for both applications and the applicant should be directed to submit new applications with complete information in order to proceed with the project.
 - a. The legal description of the site in the Master Permit is described as “lots 3 to 8 inclusive and the east 3 feet of lots 1 and 2 in Block 9 of the Calhoun Addition.” KSA, the owner of the proposed project, owns lots 3, 6 and 7 together with the east 3 feet of lot 2 in the Calhoun Addition, but it does not own lots 4, 5 and 8 or the east 3 feet of lot 1 in the Calhoun Addition. Lindeman Properties, LLC owns the latter property and is not a party to the applications for either permit.
 - b. The Master Permit describes “other structures” on the property as one manufactured home and one garage, but there is a very large building between 5,000 and 6,000 square feet on lots 6 and 7 which are within the legal description of the proposed site.
 - c. The Project Description for both applications includes “1 Apartment Building with 14 dwelling units and 6 B&B Units with associated parking (on) 3 floors,” but B&B (Bed and Breakfast) Units are not an allowable use (permitted or conditional) in the Commercial District where this project is proposed. The drawings attached to the applications show 20 dwelling units – 14 proposed for long term residents and 6 proposed for short term rental.

- d. The Project Site is described as Parcel # 74143 but lots 4, 5 & 8 and the east 3 feet of lot 1 which are included in the legal description are located in Parcel # 74144 which is not included in the applications and as noted above are owned by Lindeman Properties, LLC - not an applicant for the proposed project. The Site Address in both applications is listed as 310 Center Street, but according to the property records maintained by the Skagit County Assessor, the address of the project proposed to be constructed on Parcel #74143 is 306 Center Street.
2. For the following reasons, the application does not meet the criteria for Conditional Use Permits in UDC 15.135.190, including the requirement that the applicant submit "evidence substantiating that all of the requirements of this code relative to the proposed project are satisfied" including the requirements for conditional uses in UDC 15.35.030 and the dimensional standards in UDC 15.35.040:
 - a. The project proposes to include 6 B&B (Bed and Breakfast) Units which are not uses "listed as a conditional use in the underlying district."
 - b. The project is proposed to be constructed on 3 lots that total 15,296 square feet, but it is located within the Morris Street Commercial District where the maximum lot size is 10,000 square feet (UDC 15.35.040(2)). Each of the 3 lots has separate setback requirements and unless aggregated, the project will need to be reduced in size to fit one or more of the existing lots with a maximum building foot print of 4,000 square feet (80% of 5,000) for each lot.
 - c. The setbacks from South Fourth and Center Streets are "not sufficient to mitigate potential adverse impacts that might emerge from the proposed conditional use." UDC 15.35.040(5)(a) provides that: "the side yard setback shall be 10 feet and the rear yard setback shall be 25 feet." This provision was drafted for commercial uses on properties that front Morris Street and have residential properties "behind them." The clear intent of this provision is to require a 25-foot setback on the side of the property that abuts a residential zone – here the residences on South Fourth and Center Streets. The project drawings show 5-foot setbacks for the two front setbacks, a 5-foot setback for one side yard and a 10-foot setback for the other side yard. These clearly do not meet the requirements or UDC 15.35.040(5)(a) even for the applicant's oversized 15,296 square foot lot.
 - d. UDC 15.35.040(7) provides that the "maximum floor area shall be no more than 2 times the property area." The drawings show the property dimensions as 152.96 by 100 which equals 15,296 feet. The dimension of the structure –

less a few cutouts that do not have dimensions and less the 5-foot front and side yard setback and 10-foot rear setback is 142.96 by 85 which equals 12,151.6 square feet. These dimensions far exceed the requirements for a project with a maximum lot size of 10,000 square feet.

- e. As proposed, the project is clearly too large: (1) it appears to cover most of Parcel #74143 which includes all 3 lots and is 15,246 square feet; (2) the building footprint appears to exceed the maximum lot coverage on a maximum size lot which would be 8,000 square feet (80% of 10,000); and (3) the building floor area appears to exceed the maximum floor area which would be 20,000 square feet (2x 10,000).
- f. UDC 15.35.030(2) provides that "Dwelling units, attached or unattached, are not to exceed 49 percent of the square footage on the ground floor." Again, there are no drawings or anything else in the application that provides the square footage of the floors or the dwelling units on the ground floor. However, the narrative provided to support the conditional use application states that 51% of the ground floor units must be commercial (i.e. B+B/VRBO). The code DOES NOT require the ground floor dwelling units to be commercial – they can be long term residential – and the maximum square footage for dwelling units on the ground floor is 49% and not 51%.
- g. The Town's Notice of Application and Preliminary Determination of Non-Significance states that "short term rentals are permitted by right and long-term rentals are allowed subject to a Conditional Use Permit." However, long-term and short-term rentals (Guest Houses) both require a conditional use permit pursuant to UDC 15.35.030(2)&(8).
- h.
- i. The parking for the project is inadequate. Each of the 20 residential units must have two onsite parking places. Only half of the 40 required spaces can be compact size. There must be a site for handicapped use. None of parking places can be in the street ROW. The lighting from the parking cannot intrude onto the residences on 4th St. There is no indication of the size of the parking. There is also no indication of how that parking will be accessed to and from a street with families. There is also no indication of how the parking will mesh from the flood elevation to the street. There is also no indication of how the requirements of the parking of Sliders and the Marshall Arts Academy will mesh with the new project. ((15.90.030) (photo evidence in appendix)

- j. "Conditional use" means a use addressing a limited or specific need...(Definitions). The applicant cannot make a case for the need for guest housing. [Ord. 901 § 2, 2003; Ord. 671 § 2, 1995.]
 - k. In the CUP Narrative the applicant states "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." (CUP narrative d) If the project were limited to a two story residential project, that might be said to be true. But as it is, it is 20 ' taller than Sliders (south), 10" over the peak of the yellow residence to the north. (Measured with a laser.) (Photo evidence in appendix.)
3. For the following reasons, the SEPA Environmental Checklist submitted by the Applicant is incomplete and lacking required information. A DNS or MDNS should not be issued until all the relevant information is provided.
- a. Section A.11. asks the applicant to "Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. The applicant responded "See attached documents – drawings and text." For many of the reasons discussed above, this response does not answer the question or provide the information requested: (1) none of the documents provide the lot size, the square footage of the building footprint to evaluate the maximum lot coverage, the floor area of the entire project to evaluate the maximum floor area, the square footage of the landscaped area to evaluate the minimum landscaping area, setbacks from adjacent roads and other lots, or drawings that show elevations with heights of floors and the height of the overall building.
 - b. Section A.12 asks the applicant to "give sufficient information for a person to understand the precise location of your proposed project." The applicant responded "See attached documents – drawings and text." Again, for many of the reasons discussed above, this response is confusing and does not provide sufficient information: the project location is described as Parcel # 74143 but also includes lots 4, 5 & 8 that are not owned by the applicant and adjacent to Parcel # 74143.
 - c. Section B.1.c. asks "What general types of soils are found on the site" and the applicant's response was "To be determined by Geotech." A DNS or an MDNS should not be issued until the Geotech report has been submitted by the

applicant. See response to Section B.7. – Environmental Health – for information about the history of past soil contamination.

- d. Section B.1.e. asks the applicant to “Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. The applicant responded “No fill.” This answer is incomplete. The applicant has indicated that the site will be graded, but did not submit a grading plan or any description of what the grading will be done on the site.
- e. Section B.7.a. asks “Are there any health environmental health hazards, including exposure to toxic chemicals that could occur as a result of this proposal and then asks 5 specific questions? The applicant answered “None” to all of the questions. However, the property was formerly used as part of a business that provided gasoline for cars and trucks and home heating oil. Local residents have witnessed oil spills on the property from delivery trucks and there is some concern about the past use of the garage to store and mix toxic chemicals. Further research should be required before a final environmental determination is made.

The application is incomplete and incorrect and the proposal is intrusive to the neighborhood.

Regards,

Linda Z Talman

Attachment

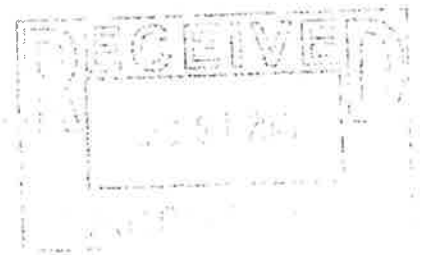
RE: 310 Center Street

There is a retiremaent village beyond State Street on 4th street. The proposed 20 unit apartment complex poses a significant risk to seniors, several of whom must use walkers to navigate sidewalkless 4th street to reach Pioneer Market or the library.

It is reasonable to assume that the renters of these apartments will have and use automobiles.at one car per apartment that would be 20 new cars, likely more, on 4th and center streets at unpredictable times.

Limited ability walkers and automobiles on the same roadway at the same time does not seem a good plan.

Gerald George, 403 Centre Street, La Conner 406-465-0114

A handwritten signature in cursive script, appearing to read "Gerald George".

Please send to both Planner and Town Council

MEMORANDUM

TO: Town Council
FROM: Michael Davolio, AICP, Planning Director
SUBJECT: Proposed Development, 306 Center Street
DATE: December 6, 2021

This memorandum is intended to provide you with a status update regarding the proposed development at 306 Center Street.

Following a pre-application meeting, the applicant submitted materials requesting a Conditional Use permit for a residential use at this address, which is zoned for commercial use. The application was received on November 2, 2021. Per Section 15.35.030(2) of the town's Development Code, dwelling units are permitted in the Commercial zone with a Conditional Use permit. Because this section limits dwelling units on the first floor, the applicant is proposing short-term residential uses on the first floor, as specifically authorized by Section 15.35.020(10) (lodging establishment). The applicant understands that the "bed-and-breakfast" use listed on his application is not a permitted use in our Commercial zone, and has explained that their intent is to provide short-term rentals such as advertised on VRBO.

The Public Works Director and the Fire Chief have been actively involved in the review of this proposal. Their primary concerns are the adequacy of utility lines serving the area, and the ability of the Fire Department to adequately protect the proposed building and its occupants in the event of a fire. I was advised that the 30-foot height limit for buildings was established primarily because the Fire Department does not have a ladder truck to enable firefighters to reach a taller building. These concerns have been expressed to the applicant, who is currently adapting his plans to address those issues.

The application also included a State Environmental Policy Act (SEPA) checklist, as required. I issued a preliminary determination of non-significance (PDNS) on November 16, 2021. The PDNS is intended as a preliminary notice that an application has been received, and an invitation for the public to review and comment. We sent notices to every property owner within 300 feet of the site, we posted a notice on the site, and we published a notice in the local newspaper. We have received some complaints by neighbors that they did not receive notice of this application. We have advised them that notices are sent to property owners, so renters would not receive a notice.

Following the issuance of that PDNS, I learned of a prior use of an abutting property (a former gas station) that may have an impact on the site. The SEPA checklist submitted by the applicant had no indication of this prior use, or of any existing soil or environmental conditions that may have an impact on the proposal. I subsequently advised the applicant that we would deem his application to be incomplete until a geotechnical study is completed. The applicant is now in the process of having this study prepared.

Once we receive a completed application, I will begin to prepare a staff report for the Hearing Examiner. Our Development Code requires that a recommendation be made to the Hearing Examiner by the Planning Director or the Planning Commission. It has been my practice to provide the Examiner with recommendations from both the Director and the Commission. This

MEMORANDUM

practice enables the community to have several opportunities to be heard, which allows the Planning Commission and the Hearing Examiner to make informed decisions regarding the application. It also ensures that the Hearing Examiner will receive a formal recommendation from citizens of the community.

All of the written comments that we have received to date, including those comments that were made directly to the Town Council, will be forwarded to the Planning Commission and to the Hearing Examiner for consideration.

Assuming that the completed application is submitted in a timely manner, it is anticipated that the Planning Commission will review the proposal in January. This review will occur at a public meeting, where citizens will be able to comment on the proposal. The public hearing before the Hearing Examiner will take place within two weeks of the Planning Commission's review and recommendation. A final decision from the Hearing Examiner will typically be made within two weeks of the hearing.

It is important to note that the Town Council has no role in this process. The Hearing Examiner makes the final determination at the local level. Any appeal of the decision of the Hearing Examiner must be made within 21 days of that decision to the Skagit County Superior Court.

I will be in attendance at your next meeting to answer any questions that you may have.

Center Street Apartment Building

Concerning the proposed apartment and short-term day rental on Center Street. I am opposed to this proposal. I live in the neighborhood and enjoy the residential feeling of calm and quiet.

With this proposed development the structure height of three stories being thirty plus feet counting flood plain, is also a block long, would block sun and sky from the neighborhood.

Also twenty and more cars passing through the neighborhood and parking on the street is not a good idea. I do not believe the proposed parking area will satisfy all twenty units.

I am okay with the long term rentals but the short term rentals on a nightly basis has me feeling we will be losing La Conner, the investors who do not live here.

Applying for residential status for the site would eliminate the need for the short term rentals, bring the structure down to two stories, and provide adequate parking.

Sounds like a good idea.

Lynn Laurel
La Conner

Christogene