



Town of La Conner

Post Office Box 400
La Conner, Washington 98257

Supplemental Staff Report

TO: Hearing Examiner
FROM: Michael Davolio, AICP, Planning Director
APPLICANTS: Atkinson Development/KSA Investments
PROJECT LOCATION: 306 Center Street, La Conner, WA 98257; Parcel #P74143
DATE: March 21, 2022
APPLICATION FILE#: LU21-56CU

ADDITIONAL INFORMATION

On March 15, 2022, the La Conner Planning Commission held a public meeting to review the above-referenced application, to hear public comment, and to make its recommendation to the Hearing Examiner. The applicants made a brief presentation to the Commission, and were available to answer questions regarding the proposed development. A total of 6 members of the public commented on the proposed development, and others submitted written comments.

Based on the material submitted for their review, the presentations made at the meeting, and the public comments received, the Planning Commission voted unanimously to recommend that this development proposal not be approved.

The town has also received a response from the State Historic Preservation Officer, indicating that the proposed development was consistent with the guidelines set forth by her office. She recommended specific conditions of approval, such as an Unanticipated (Inadvertent) Discovery Plan. Such a plan has already been included as part of the staff's recommended conditions of approval.

Since the date of the original staff report, the town has received several additional communications regarding this project. Those communications are included herein.

FINAL RECOMMENDATION

Since the Planning Commission's public meeting, the staff has reviewed and considered all of the additional material that has been provided, including comments made by members of the Commission during their meeting. With due respect to those Commission members, the staff recommendation regarding this proposal remains unchanged. In short, the development, as proposed, meets the requirements of all relevant codes and statutes. Therefore, the final recommendation of the staff is that the proposed development be approved, subject to all of the conditions set forth in the original staff report.

Respectfully submitted,

Michael Davolio, AICP
Town of La Conner

EXHIBITS

- 1. State Historic Preservation Officer letter**
- 2. Additional Public Comments**
- 3. Additional Responses from Applicant**



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

Michael Davolio, AICP
Planning Director
Town of La Conner

In future correspondence please refer to:

Project Tracking Code: 2021-11-08182

Property: Town of La Conner 306 Center St Development P74143

Re: Archaeology - Concur with Survey; Follow Unanticipated (Inadvertent) Discovery Plan

Dear Mr. Davolio:

Thank you for contacting the State Historic Preservation Officer (SHPO) and the Department of Archaeology and Historic Preservation (DAHP) with documentation regarding the above referenced project. In response, we concur with the results and recommendations made in the archaeological survey report. Specifically, as no cultural resources were found during the survey, we do not recommend further direct archaeological supervision of the project. However, we do recommend that a standard Unanticipated (Inadvertent) Discovery Plan is followed during all ground disturbing activities.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving copies of any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

These comments are based on the information available at the time of this review and on behalf of the SHPO pursuant to Washington State law. Please note that should the project scope of work and/or location change significantly, please contact DAHP for further review.

Thank you for the opportunity to review and comment. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is attached to any future communications about this project. Should you have any questions, please feel free to contact me.

Sincerely,

Stephanie Jolivet

Local Governments Archaeologist

(360) 586-3088

Stephanie.Jolivet@dahp.wa.gov

State of Washington • **Department of Archaeology & Historic Preservation**
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ADDITIONAL PUBLIC COMMENTS

To the Hearing Examiner, La Conner Planner and Planning Commission

Thank you for the opportunity to comment on the 306 Centre St Project. I suppose I am in a unique position to comment on this project as a 50 year resident and a retired local architect and builder. I helped write the Towns Historical Code as a Planning Commissioner. I was a Parks Commissioner and a founding member on the Arts Commission. I have had a working relationship with every La Conner Town Planner except the present Planner.

During my 35 year career, I had the opportunity to work with numerous clients in La Conner in both the Residential and Commercial neighborhoods and have formed life long friendships as well as a long knowledge on building and development in La Conner. And I worked with Mark Peizer several years ago on preliminary sketches on what could be done with the 306 Centre property, and in doing so I tried to mitigate the obvious concerns and clashes where one zoning meets another. I was shocked to see the minimal effort put into the Atkinson proposal, particularly the lack of any consideration for his neighbors, the neighborhood or the architectural character and traffic flows of La Conner. It was just another soulless box, stacks of shipping containers, you see Everywhere today.

This attitude is new to La Conner. Until recently, new development in Town has been done by individuals who have tried to fit in and be good neighbors. Now development is occurring quickly in large chunks by developers who are only looking for Big Profit for minimal dollars and effort in this current overheated market.

Dr Atkinson made no effort to mitigate any negative impact his project would have on the Residential neighborhood it abuts. I would encourage he be sent back to the drawing board until he meets La Conner Code, and perhaps his neighbors.

Thank you for your consideration

Sincerely

Bo Miller
9970 Pull and Be Damned Rd
La Conner

March 10, 2022

To LaConner Town Planner, Planning Commission, Hearing Examiner:

I own the property at 307 Center Street, directly across from 306 Center Street. I lived there from 1986 to 2015.

I hope to live at that residence again someday. A family with local employment live there now and their child goes to LaConner Elementary. They love this neighborhood. I would like to make known to you my concerns about the proposed building planned for 306 Center Street, based on my time living there, my understanding of town code, and on the processes exercised by the developer so far that give me little confidence in how they will proceed in the future.

Parking - plan shows one row of parking, 13 compact spaces, list of parking space types notes at 23 total, where are they? Please have developer show these details.

They need 2 for each long-term rental and one for each short term rental according to parking requirements.

Parking - diagram shows enter/exit from short term rentals is on north side, Center Street. This will encourage parking on Center Street regardless of builder assuming they will park in the lot. This adds more traffic to Center Street abutting a residential neighborhood.

Driving and Access - There are more children living on or close to Center Street these days. I am sure some folks have stories of close encounters with cars, bicycles, pets, especially during tulip and other times, and around 4:30pm weekdays when the port employees come zooming down Center instead of turning on Morris. Town has received complaints about this in the past.

Our dog, Monk, was hit by a tourist vehicle coming down Center Street during tulip time on a Saturday four years ago.

Fourth Street entering and exiting from parking lot, turning onto Morris to get out of town will be potentially difficult. Turning onto Center and

heading east will once again add more traffic to a residential neighborhood.

Cars heading east will end up on 6th street, near the LaConner Braves Club entrance, plenty of children in that area. In effect, too many cars forced into a residential and school area. the school can only provide so many crossing guards.

Vandalism and Theft – there is some data out there about crime increasing around clusters of short-term rentals. Car damage and theft, Let's not increase the already higher theft problems we have.

Scale and Size - building is 41 feet high from street level and will tower over homes built around it on 3rd, 4th, and Center. For reference stand in the middle of Center Street next to the LaConner Retirement Inn. From the third- floor window people will be able to see into backyards of residential neighbors.

The building is uninterrupted from east to west along Center Street, not conducive and friendly to a residential neighborhood. There is no area on or near site for families living in the building to participate in fun group activities.

There are many plans available where density could be slightly decreased and friendly group areas included.

Wouldn't this be good?

Density – The potential for high density residency and extremely short-term residency abutting a long-time residential area is not in accordance with code language about commercial businesses mitigating their deleterious effect on near-by residentially zoned properties. Please consider this and disapprove the conditional use.

Keep in mind that as your responsibility to make determinations about approval for development of properties in LaConner is key here, development and speculation success are not your responsibility. Hold speculation projects to a high standard for our town.

Housing Costs - It is difficult to determine what the cost of these long-term rentals might be and if they could be affordable for middle income folks. We don't know how this property will be sold. The last results of a search for average rental cost in our area was 2016, one bedroom was

\$1185 per month. It's only going up, especially with new rentals and condo type sales in 2022. On average, residents of LaConner yearly income lags behind the county average by about \$20,000.

Finally, I must mention the process to bring down and remove the dilapidated building which occurred a few weeks ago. It was a Sunday morning, no hazardous mitigations were in place for restricting the space from humans, pets, no protecting sewer and drainage from contamination. No city or county employee or developer representation was on site. I understand there was a permit that had not been read through thoroughly, Huh? I have no faith in the ability of developer to follow through with instructions, stipulations, any regard for our neighborhood. How about you?

I would apologize for the length of this letter and my myriad concerns yet cannot because I find that you are my best hope for keeping the spirit and institution of the codes in place, keeping and improving the quality of life all LaConner residents experience. Thanks for your good works now and in the future.

Respectfully

Georgia Johnson

360-202-1032

POBOX 792

swtcomice@aol.com

307 Center Street

Dear Planner and PC members-

The KSA project has some serious problems. This letter will provide a simplified summary of the situation. I ask that you add an attachment to this letter of my original letter with its images.

1. This project does not meet the criteria of the CUP. It will provide a negative impact on the neighborhood. It is too big and does not provide buffers with landscaping and setbacks.
- 2 The 25 foot setback BEHIND the property is gratuitous. A pretense to compliance. Putting the setback and landscaping on Center Street would soften the blow to the neighborhood and would make the building look less monstrous. It would also give a park like atmosphere to the renters and residents. It would integrate them into the residential areas. Why would they want to look south.
3. There are not enough measurements on the plans. The units do not have measurements and the decks apparently have not been included. Most couples have a car each and it is my understanding that the plan calls for one compact spot per unit.
- 4 Please enumerate just where and how many spots of parking there are. No one seems to get that in your plan. It appears to have fewer ROW parking spots than it does now.
5. The sidewalk on center goes right through the steps.
6. No one is allowed to build in the right of way. I see no indication of the ROW to Center or 3rd.
7. I see no indication of the 20 percent of required landscaping. It appears that the landscaping, the parking and the setback are all on one.
8. Why would you put the 25 foot setback between you and another commercial use? You certainly are not doing that to be a good neighbor.
- 9 Where are your ev charging spots.
10. Our street has children and grandchildren and friends of kids. And it has people in walkers and on bikes. It has people stopping to chat. A baby lives across for your gated entrance.

Are you going to accept the liability for all that? Or would you rather accept the kudos for a lovely green and welcoming integration - and good model for a project like this. What is the legacy you wish to create?

La Conner deserves so much better than this. Your future clients do too. A well executed project will also attract people willing to enhance your bottom line.

I understand the profit motive. But I also understand the motive to do a job so well that you will make the people happy to have your project here.

Kind regards.

Linda z Talman.

From: Bruce Cornwall [<mailto:b.cornwall@frontier.com>]
Sent: Monday, March 14, 2022 12:46 PM
To: Michael Davolio
Subject: Center Street Motel/Condo

To:
Town Planner, Planning Commission , Hearing Examiner,

Regarding the newly proposed 3-story apartment/motel development across the street from my property on 307 Centre Street, a 10,000 sq ft lot.
I urge you to deny this as proposed.

For a property size slightly over 15,000 square feet the density is simply too high. Impacts to the existing neighborhood are too intense to allow this to be built as planned.

Parking for 20 units; if these are family size units there will likely be more than one vehicle per unit .

Traffic; already a constricted area, put 40 more cars here and it gets immeasurably restrictive.

Utilities; it has been questioned whether or not the municipal water supply is adequate, if the waterline needs to

be augmented how will the impact to existing residents be mitigated?

Height : 30 feet above flood? That is 40 feet higher than existing grade. There will be no back yard privacy.

The mayor told me that the zoning, as it exists , would allow such a building to be built, I disagree, I believe there needs to be conditional use for residential property in commercially zoned areas.

Regardless of the zoning, the scale and density is just not appropriate.
I'll compare what the law allows to what is acceptable and appropriate?

The speed limit in La Conner is 25 MPH, it is not safe to drive 25 MPH down First Street, but the law allows it, I looked the other day to see if a speed limit was otherwise posted, it wasn't obviously apparent, the law allows 25 MPH , but it is never appropriate or safe to drive that fast.

The same principle applies here:

No matter the zoning, the negative impact of this size of a building should preclude its permitting. The area here is appropriate for 2 or 3 single family houses, families who live and work in the community, who are invested in the quality of life here, good neighbors.

Does the developer have a conscience of the impact this will have on the families already living here?

Construction, noise, dirt?

Residents are already displaced during the festivals and gatherings promoted here ,
a building , simply conceived as an investment, is inconsiderate and shouldn't be
permitted as proposed.

Thank you ,

Bruce Cornwall

To La Conner Town Planner, Planning Commission and Hearing Examiner
3/12/202

Dear People,

As a former resident of Centre Street and a current resident of La Conner's neighborhoods for over forty-five years, I am unhappy with the project proposed for 306 Centre. The sheer scale of this building makes it incompatible with the life of those living along Fourth, Centre and Third Streets, and there are many design flaws that will impact the neighborhood as well.

A three-story behemoth means that no one in the surrounding neighborhood who built a fence around their yard for privacy will have any at all. Cars driven by tourists using the short-term rentals, forced through the neighborhood by the poor parking design, will add the kind of traffic most hazardous to children and pets. Think people who don't know where they are, driving at all hours, distracted by novelty, searching for dining opportunities, driving back after an afternoon of wine tasting.

Commercially zoned properties are required, I believe, to mitigate negative impact to abutting residential properties. Years ago a tavern where the Slider Café is now was allowed to have live music with the condition that they not open their windows during live music nights, and that a tree buffer be planted along Centre Street. 18" trees were planted, and the music poured out the windows all summer long. Needless to say, the neighborhood suffered.

Can La Conner accommodate more density without ruining the quality of life here? I believe it starts with good design and more modest proposals. It is not the function of government to aid in financial speculation of developers. It is to serve and protect those of us who live here.

Thank you for your service to these ends.

Sincerely,
Maggie Wilder
1105 South 4th St.
La Conner WA 98257

March 17, 2022

Dear Planning Commission & Hearing Commissioner:

My name is Dick Holt, and I'd like to introduce myself. Our family has lived in La Conner for about 50 years. Since we moved here, I've owned and operated the La Conner Barber Shop, and all four of my children attended and graduated from La Conner High School. Three of our adult children still call La Conner home and have also raised their families here. Our family is very invested in this community, and we want nothing but the best for the people who live here as well as those who come to visit.

Which brings me to the reason I'm writing to you: It is my understanding that Dr. Brandon Atkinson wants to build a new condominium complex in the vacant lot behind Slider's restaurant. For starters, I think this is a fantastic idea because the community desperately needs more housing. And, as everyone knows, this town is unique in that cannot expand east, north, or south without encroaching on farmland, water, or the reservation. And once La Conner has developed all of the available lots, that's the end of it. As a result, I believe Dr. Atkinson's development plan would be a valuable asset, not only because it will make efficient use of the square footage by providing housing for several families, but because it also has the opportunity to attract more visitors to the area as well via nightly rentals. The future of all towns and cities is to provide more housing in a smaller, more compact area, and this is what Dr. Atkinson's proposal will accomplish. This not only benefits our environment, but it also benefits our community financially. Another consideration is that many people in Shelter Bay would gladly move into a development like Dr. Atkinson's because it would be convenient for them. So I think it's a great idea, and I hope you, the Planning Commission, and the Hearing Commissioner, agree and approve this new project. Thank you for your consideration and time.

Sincerely yours,

Richard Holt
PO Box 713
La Conner, WA 98257

ADDITIONAL RESPONSES FROM APPLICANTS

To :
Michael Davolio
Planning Director
Town of La Conner WA

From:
Roger Vallo
Vallo Consulting Services
Project Planning and Management
488 Wanapum Drive
La Conner WA 98257

I have been representing and assisting Dr. Brandon Atkinson officially with the referenced project for the past five months but this is a personal letter from me. Please share it with the Mayor, Town Administrator, and the Project Hearing Examiner.

I know you are aware that from the beginning we made it very clear that Brandon wanted to do a project that would be welcomed by the Town. He did not want to do a project that would require code variances, zoning changes or the like. We were advised that a conditional use would not be a problem as long as it was a use already approved for conditional use in the code. After discussions with You and others plus some research we concluded that quality housing at the most affordable cost was seriously needed in La Conner. In today's market available land for housing is very difficult to find so it has become necessary to increase density to as much as code will allow. The subject parcel was an excellent candidate to do just that. Since it is commercial zoned next to residential zoning It also offered a nice transition between the two.

Brandon always made it clear that he wanted to be within all rules and codes and he wanted a project that would be a great addition to the Town. Issues came up during the permitting process that were not known in the beginning. We learned of a potential for contamination due to an old gas station that was on the adjoining parcel. While I knew this needed to be dealt with I did not think it was necessary for a conditional use decision but Brandon authorized the geo technical studies at considerable cost and developed a plan to clean up the property. The Town also requested a cultural study in spite of the fact that the property was much more than 200' feet from the waterfront and was not in the Historical District. Again, I did not see the need, it was certainly not required before we had conditional use approval but Brandon approved it at a high cost.

Brandon followed and invested in all Town directives, complied with all code and rule requirements, has had two architects develop an excellent site plan before he has even applied for a building permit. In spite of that the Planning Council voted to recommend that the Conditional Use Application not be recommended for approval. I do not understand the basis for this recommendation, it appears to be in conflict with Brandon's property use rights and completely unfair.

I will be attending the Hearing on March 31 2022 and available for any questions You or the Examiner might have.

Very Truly Yours
Roger Vallo

To: The Town of La Conner WA, attention Planning Director, Michael Davolio
From: Brandon and Kate Atkinson
March 21, 2022
Reference: Our Conditional Use Application for the project at 306 Center Street

Please include this with the information to be used by the Hearing Examiner to determine his decision regarding our Application for Conditional Use on the subject property.

We are a bit unsure of the process at this point based on the planning commission's vote of non-approval of the Conditional Use. The non-approval seems out of context with the code since some of the reasons for non-approval by the planning commission were objections to the proposed lodging on the street level which is permitted in the zone without any Conditional Use.

We have been working directly with the Planning Director to design a project which meets all of the requirements of La Conner's code chapter 15.35 Commercial Zone. The Director has given his approval that we met the code and had confirmed our plans have been designed to meet the additional requirements of chapter 15.35.030 Conditional Use. The non-approval by the commission is perplexing because this is regulatory decision and we are not applying for any conditions outside of the basic code requirements within the Commercial Zone and it's Conditional Use requirements.

During our feasibility period, prior to purchasing the above-mentioned property, we met with Michael Davolio showing plans supplied by the previous owner (from 1/2020) and endorsed by Marianne Manville-Ailles, the previous Planning Director. Michael recommended several improvements which would better conform to the current municipal code. After meeting, it was concluded that if the project remained within the code there would be no issue moving forward and receiving Conditional Use approval. We based the purchase of this property and invested six months of our time and thousands of dollars in required studies from this directive from Michael (La Conner Planning Department). Learning of the need for affordable single level housing in La Conner, we were excited to be a solution to this problem. We assembled a team of professionals to begin the required steps with these directives:

1. Maximize the property residential home yield while observing all codes and rules to create a building that contributes to the livability in La Conner. Use high quality design and construction at the lowest possible cost allowing an affordable sales price to the consumer.
2. Design the units with a no stairs utilizing a single floor plan with elevators that is comfortable and convenient for seniors. (There is a lot of interest from this market segment who wish to downsize their living quarters and currently find nothing to meet their needs.)
3. Structure the ownership to provide for comfortable and quiet living conditions for residents and neighbors.

The results are that we are code and rule compliant in every regard including the conditional use for permitted mixed use. We have a design that provides a stunning transition from the

commercial zone to the adjoining residential zone. Including new sidewalks and curbing for safer pedestrian traffic, ten additional public parking sites, water service to the site will be expanded from a four inch to an eight-inch pipe, existing overhead utilities will be buried for a more attractive curb appeal, and an unsightly, unsafe building has been removed, the grounds will be cleaned of any residue of pollution from a gas station that existed many years ago on adjoining property.

Each unit, including the hotel rooms, will be deeded, privately owned and managed by a strict Homeowner Association assuring quiet and comfortable living for tenants and neighbors.

Given that we are fully compliant, that the Planning Director approved the plan with appropriate conditions, and we are building a much-needed quality product, we are concerned and puzzled by the Planning Commission's vote to recommend that the Conditional Use not be approved. Short of giving up our property use rights we remain open to reasonable suggestions. One suggestion from a neighbor during the public hearing was to reduce the rear yard setback and move the building and parking closer to the rear property line. We believe we can move the building another five feet from the North (Center Street) property line and still be within code set back allowances. If the Town approves this adjustment, we will alter the plan.

Again, taking input from the neighbors' concerns, the site plan with a few changes including more landscaping and fewer compact and more full-size parking stalls is being sent in a separate email from our Architect Charly Morgan.

Thank you for your consideration,
Brandon and Kate Atkinson