



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

David Lowell, Hearing Examiner

RE: Atkinson Development / KSA)	Case No: LU21-56CU
Investments CUP)	
Conditional Use Permit)	REQUEST FOR RECONSIDERATION
)	LCMC 15.12.100

NOW COMES Linda Talman, a party of record (Decision, page 2, line 27) who disagrees with the decision of the examiner and makes written request for reconsideration by the examiner within five days of the date of service of the written decision (May 11, 2022).

The party of record, Linda Talman, alleges the following specific error of fact in the decision. Finding of Fact #5, Zoning, finds that the site has a zoning designation of Commercial.

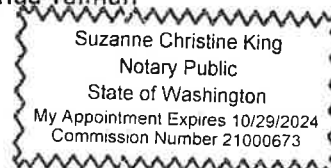
Attached as Exhibit 1 is a copy of the Contract Rezone entered into between the Town of La Conner and the owners of the subject property, Gerald and Donna Blades. To It recites that the site, prior to the contract rezone was residential. In exchange for the Town changing the zoning of the site to commercial the owners agreed that if they sought to improve the site application to approve the plan would require the site to be treated as if it were located within the Historical Preservation District. Any violation or failure to comply with this would cause the site to revert to residential. The parties agreed that this agreement shall become an encumbrance upon the land.

Failure of the Town to provide this Contract Rezone document to the Hearing Examiner is error and denies procedural due process and appearance of fairness to the parties in this matter (LCMC 15.12.010 (2)).

The examiner should reconsider his decision and issue a revised decision (LCMC 15.12.100).

Respectfully submitted this 13th day of May 2022.

Linda Talman



REQUEST FOR RECONSIDERATION - 1

State of Washington
County of Skagit
Suzanne Christine King
Suzanne Christine King
Expires: 10/29/24

Section A. General Information

Name of Requestor: Linda Talman
Address: 202 N 5th
City: LaConner State: WA Zip: 98257
Email: Linda.talman@gmail.com
Phone: (home) 360 840 1714 (work) _____ (cell) _____
Name of project: 306 Center/Centre KSA Atkinson
Date of Hearing Examiner decision/recommendation: May 11, 2022
Expiration date of reconsideration period: _____

Section B. Basis for Request for Reconsideration

Please fill out items 1-4 below. Reference all applicable City Code citations and attach additional sheets if necessary.

1. Please indicate whether this request for reconsideration addresses an error in

_____, LAW _____ and/or an error in FACT _____. Attached

2. Please provide a concise statement identifying each alleged error; identify the specific factual or legal errors or misinterpretations; and/or identify the specific laws, code sections or plan policies that have been misapplied, misinterpreted or violated:

Attached

3. Please state the specific relief requested:

Attached

May 13, 2022

Re Appearance of Fairness

For the Reconsideration re 306 Center.

On March 23 I requested information from the Town re any rezone discussion of the property proposed for the development.

On March 28 I received an answer from the town administrator saying that he had the right to take five days to answer me. And he was legally correct.

On March 28 he also informed me that he would need another 10 days to get it and review it. Again he was legally correct.

But being legally right and doing the right thing are not always the same, are they? I received the documents two days after the record for submission to the Hearing Examiner closed. =

Why does it matter?

One of the documents from 1986 was a contract rezone requested by the Blades to change the project property from residential to commercial HPD. That is what the front of the property was. The condition of the contract was that it would be considered for all purposes to be in the HPD (historic preservation district) And that they would agree to have it revert to residential if they didn't abide by the condition. It also stated that this be filed and go with the property. The contract is still valid.

The town is obliged to respect it.

Respectfully,

Linda Talman



Enclosed;

Contract rezone. 1986. *A*

Application for Reconsideration *B*

\$250.

Letter from Scott Thomas *C*

Email from me to town with FOI request. *C*

1980 Zoning Map

Cover letter

DET



Town of La Conner

March 28, 2022

Linda Talman
PO Box 392
La Conner, WA 98257

SUBJECT: Public Disclosure Request

Dear Linda:

I am in receipt of your request for the production of public records, received by the Town of La Conner on March 23, 2022. Enclosed is a copy of your request, which describes the documents you have requested.

I anticipate that it will require approximately 10 days to complete a search for these records, and conduct a legal review. I therefore estimate that the records will be made available for review on or about April 8, 2022. The Town will, of course, provide you with access to those records that are not exempt from disclosure as soon as our search and review are completed.

I suggest you contact the Northwest Regional Branch of the State Archives:
https://www.sos.wa.gov/archives/archives_holdings.aspx?r=6.

Please contact me at your convenience if you have any questions or concerns.

Sincerely,

Scott Thomas
Town Administrator / Town Attorney
TOWN OF LA CONNER

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

(360) 466-3125, Fax (360) 466-3901

Website: www.townoflaconner.org

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

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

Sent: Wednesday, March 23, 2022 10:10 AM

To: Scott Thomas <administrator@townoflaconner.org>; Andrea Clerk

<deputyclerk@townoflaconner.org>

Cc: maggie wilder <wildermaggie@hotmail.com>; Georgia Johnson <swtcomice@aol.com>

Subject: New FOI request

As per Scott's advice that my request was too large to be accommodated in time for the hearing, I am making a simpler request.

I would like to see the zoning maps of the town over time:

The first one and the iterations that followed over time. They should be in the comp plans.

I would also like to see the rezones on the center street property. Particularly in the 80s.

The info I sent in the last request might help with the search. It is from the last Danielle when she totally organized the archives to make them searchable before she retired.

I think that the town should start recording the history of the town zoning and planning. There might be a grant for that.

Sent from my iPhone

CENTRE 306

CONTRACT REZONE

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

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

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

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

CONTRACT REZONE
Page 1 of 3

ORIGINAL

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

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

DATED THIS 21 day of December, 1986.


GERALD BLAKES

CONTRACT REZONE
Page 2 of 3

STATE OF WASHINGTON))
) SS.
COUNTY OF SKAGIT)

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

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

BY Mary T. Lam
MARY LAM, Mayor

Attested by:
William A. Eacker
 Town Clerk


DIANNE EDMONDS GODDARD
La Conner City Attorney

A



1980 map



D