

MEETING NOTICE

TOWN OF LA CONNER PLANNING COMMISSION

Tuesday, April 18th, 2023 6:00 p.m.

Location

Lower Maple Center
104 Commercial Street, La Conner, WA
And by Zoom
Information below and on the Town website

Agenda

1. CONVENE
2. PUBLIC COMMENT (Topics not otherwise on the Agenda) – Time Limit 3 Minutes
3. MINUTES
 - ❑ Approve minutes from the April 4th, 2023 meeting
4. OLD BUSINESS
 - Status Report: 306 Center Street
 - Status Report: Public Participation Program
 - Development Code Updates: Adult Businesses
5. NEW BUSINESS
 - Comprehensive Plan Update: Discussion of Transportation Element
6. CLOSING COMMENTS

Zoom

Topic: Planning Commission Meeting April 18th
Time: Apr 18, 2023 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://phaudowud-online.zoom.us/j/89204655067?pwd=allpOUlOVVc3UmV2R2NVVlRnZy85QT09>

Meeting ID: 892 0465 5067
Passcode: fm4KWg

Dial by your location
+1 253 215 8782 US (Tacoma)
+1 253 205 0468 US
Meeting ID: 892 0465 506 Passcode: 818571

**TOWN OF LA CONNER
PLANNING COMMISSION MEETING
April 4th, 2023**

The Planning Commission meeting was called to order at 6:00 p.m.

Commissioners present: Bruce Bradburn, John Leaver and Liz Theaker.

Commissioners absent: Carol Hedlin, Marna Hanneman

Staff: Michael Davolio, Ajah Eills

PUBLIC COMMENT:

Gerald George commented that William Smith was going to speak about a building moratorium.

Debbie Aldrich spoke and encouraged everyone to take the new Town survey on the website.

Dr. William Smith spoke and said that the Commission should take a definitive stance on the rising water, and stated that the Commission should consider a moratorium on all new buildings in the floodplain because the Town knows that flooding will increase, and these new buildings have the potential to be underwater soon.

MINUTES:

Commissioner Bradburn moved to approve the minutes from the March 21st, 2023 meeting with corrections. Seconded by Commissioner Leaver. Motion carried 3-0.

OLD BUSINESS:

Staff reported no new updates on the 306 Center Street project.

Staff reported on the progress of the Public Participation Program, and presented a rough draft of the potential door hangers.

NEW BUSINESS:

Staff introduced the concept of regulation for Adult Businesses, and presented an initial report on that subject. Staff indicated that more information about this topic would follow, as well as a set of formal regulations. There will be a Public Hearing on the proposed regulations in the future.

CLOSING COMMENTS:

None.

The next Planning Commission meeting will be on April 18th.

With no further business Commissioner Bradburn moved to adjourn the meeting at 7:02 p.m. Seconded by Commissioner Leaver. Motion carried unanimously.

Chair

Date

For Planning Commission Review:

Door Hanger Text for the Public Participation Program Update: 4/14/2023

FRONT OF DOOR HANGER

HELLO FROM THE LA CONNER PLANNING DEPARTMENT

La Conner's Comprehensive Plan is a document required by the State of Washington that guides development and land use in La Conner. It is updated every 10 years to reflect the changing needs of the community and the changing requirements of the state. The Comprehensive Plan includes 11 elements: Introduction, Public Participation, Community Profile, Economic, Land Use, Housing, Transportation, Utilities, Capital Facilities, and Parks and Recreation. **La Conner is currently updating this document, and would like community feedback to ensure that La Conner continues to improve in the next 10, 20, and 50 years.**

If you would like to inform this update, please take this survey in **ONE** of the following ways:

1. Scan the QR code on the back
2. Visit <https://www.townoflaconner.org/244/Comprehensive-Plan-Update>
3. Visit Town Hall Monday – Friday, 9:00 am to 4:00 pm and get a paper copy

BACK OF DOOR HANGER



Are you looking for specific information about La Conner? Try our town website:

Townoflaconner.org

Use the clickable buttons at the bottom of the screen to navigate to frequently used resources, or the menus at the top of the page to access more specific town information!

Stay updated with NOTIFY ME!

Notify Me lets you sign up for email and/or text notifications when information get posted to the Town of La Conner website. To sign up, visit townoflaconner.org and

1. Click on the "Notify Me" button OR
2. Go to the "How do I..." at the top of the page, and select "Notifications" on the drop-down menu

After you sign up for the lists that you want, please remember to **confirm your email** and get ready to receive notifications!



Town of La Conner

Memorandum

Date: April 14, 2023
To: Planning Commission
From: Michael Davolio, ACIP, Planning Director
Ajah Eills, Assistant Planner
Re: Adult Business Regulations in La Conner

Background

The State of Washington has determined that municipalities can regulate Adult Businesses in order to maintain the health, safety, and character of local communities. To that end, the Planning Department has developed proposed changes to the La Conner Municipal Code.

Chapter 5.25 Adult Business

5.25.010 Provisions.

The provisions of this chapter shall be deemed an exercise of the police power of the town of La Conner, Washington, for the protection of the public, economic and social welfare, health, peace and morals, and all of its provisions shall be liberally construed for the accomplishment of that purpose.

5.25.020 Definitions.

In construing this chapter, except when otherwise plainly declared or clearly apparent from context, the following definitions shall be applied:

- (1) "Adult entertainment" means any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves an entertainer who:
 - (i) Is unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals; or
 - (ii) Touches, caresses, or fondles the breasts, buttocks, anus, genitals, or pubic region of another person, or permits the touching, caressing, or fondling of the entertainer's own breasts, buttocks, anus, genitals, or pubic region by another person, with the intent to sexually arouse or excite another person.¹
- (2) "Adult business" means any business to which the public, patrons, or members are invited or admitted where an entertainer provides adult entertainment to a member of the public, a patron, or a member.
- (4) "Manager" means any person who manages, directs, or administers the affairs or conduct of a portion of the activity within an adult business, including assistant managers working with or under the direction of a manager to carry out such purposes.
- (5) "Entertainer" means any person who provides live adult entertainment in an adult business, whether or not the person is an employee of the adult business, and whether or not a fee is charged or accepted for such entertainment.
- (6) All definitions as applied in 5.05.020 LCMC shall be applied to this chapter.

5.25.030 Adult Business License required

(1) No public place of adult business shall be operated or maintained in the city, unless the owner or lessee thereof has obtained a license from the city clerk as hereinafter set forth; provided, that it is unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of an unlicensed adult business.

¹ As in RCW 49.17.470 (7)(a)

(2) It is unlawful for any person to work as a manager in an adult business unless that person is the holder of a valid manager's license issued by the city clerk under this chapter.

(3) It is unlawful for any person to work or perform as an entertainer in an adult business unless that person is the holder of a valid entertainer's license issued by the city clerk under this chapter.

(4) It is unlawful for any manager or entertainer to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an adult business which is not licensed under this chapter.

5.25.040 Adult Business License – Application – Requirements

(1) Applications for an adult business shall be submitted in the name of the person or entity proposing to conduct such activity on the business premises and shall be signed by such person or their agent and notarized or certified as true under penalty of perjury, all applications shall be submitted on a form supplied by the city clerk, which shall require the following information:

- a. If the applicant is an individual:
 - a. The date of the application
 - b. Name of the applicant
 - c. Phone number of the applicant
 - d. Mailing address of the applicant
 - e. Date and place of birth of the applicant
 - f. Social security number of the applicant
 - g. Proof that the applicant has completed training as required by [RCW 49.17.470](#)
 - h. Documentation that the applicant has attained the age of 18 years. Any of the following shall be accepted as documentation of age:
 - i. A valid driver's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A valid identification card issued by any state bearing the applicant's photograph and date of birth;
 - iii. An official passport issued by the United States of America;
 - iv. An immigration card issued by the United States of America; or
 - v. Any other form of identification that the city clerk determines to be acceptable.
 - i. The proposed location of the adult business, including a street address, tax parcel number, and a legal description of the property
 - j. A diagram showing the configuration of the interior of the adult business, including the amount of total floor space to be occupied by the adult business. The diagram shall be drawn to a designated scale to an accuracy of plus or minus six inches.
 - k. A description of the principal activities and services to be offered by the proposed adult business, including a summary of the types of adult entertainment and sexually-oriented materials to be offered for sale or rent by the proposed adult business.
 - l. Authorization for the city, its agents, and employees to seek information to confirm any statements or other information set forth in the application.
- b. If the applicant is an entity or business than the following must be provided for partners, corporate officers or shareholders who collectively own fifty-one percent or more of the business:

- a. Name
- b. Home address
- c. Phone number
- d. Mailing address
- e. Social security number
- f. Date and place of birth
- g. Date of the application
- h. Proof that training as required by [RCW 49.17.470](#) has been completed
- i. Documentation that the partner, corporate officer, or shareholders have attained the age of 18 years. Any of the following shall be accepted as documentation of age:
 - i. A valid driver's license issued by any state bearing the applicant's photograph and date of birth;
 - ii. A valid identification card issued by any state bearing the applicant's photograph and date of birth;
 - iii. An official passport issued by the United States of America;
 - iv. An immigration card issued by the United States of America; or
 - v. Any other form of identification that the city clerk determines to be acceptable.
- c. The proposed location of the adult business, including a street address, tax parcel number, and a legal description of the property
- d. A diagram showing the configuration of the interior of the adult business, including the amount of total floor space to be occupied by the adult business. The diagram shall be drawn to a designated scale to an accuracy of plus or minus six inches.
- e. A description of the principal activities and services to be offered by the proposed adult business, including a summary of the types of adult entertainment and sexually-oriented materials to be offered for sale or rent by the proposed adult business.
- f. Authorization for the city, its agents, and employees to seek information to confirm any statements or other information set forth in the application.

(2) Each person qualifying as an owner or operator of the proposed adult entertainment facility shall submit a separate application. Each applicant shall be separately qualified under this chapter.

(3) If any person or entity acquires, subsequent to the issuance of an adult business license, a significant interest in the licensed adult business, notice of such acquisition shall be provided in writing to the city clerk within 21 calendar days following such acquisition and the person acquiring the interest shall submit a complete application to the city clerk pursuant to this section within 45 calendar days of acquiring such interest.

(4) An applicant shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this chapter, the city clerk may request information or clarification in addition to that provided in a complete application.

(5) Each adult business license shall be accompanied by a non-refundable fee set by Town Council.

(6) No person or entity granted an adult business license pursuant to this chapter shall operate the adult business under a name not specified on the license, nor shall any person operate an adult business under any designation or at any location not specified on the license.

5.25.050 Adult Business Manager or Entertainer – License Application – Requirements

(1) No person shall work or perform work as a manager or entertainer at an adult business without a valid manager's or entertainer's license. All applications for a manager's or entertainer's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. At the time of application, a picture shall be taken of the applicant by the city clerk. All applications shall be submitted on a form supplied by the city clerk, which shall require the following information:

- a. The date of the application
- b. The name of the applicant
- c. The home address of the applicant
- d. Phone number of the applicant
- e. Mailing address of the applicant
- f. Date and place of birth
- g. Stage name or nicknames used in entertainment, if applicable
- h. Social security number of the applicant
- i. Documentation that the applicant has attained the age of 18 years. Any of the following shall be accepted as documentation of age:
 - a. A valid driver's license issued by any state bearing the applicant's photograph and date of birth;
 - b. A valid identification card issued by any state bearing the applicant's photograph and date of birth;
 - c. An official passport issued by the United States of America;
 - d. An immigration card issued by the United States of America; or
 - e. Any other form of identification that the city clerk determines to be acceptable.
- j. Proof that the applicant has completed training as required by [RCW 49.17.470](#)
- k. Authorization for the city, its agents, and employees to seek information to confirm any statements or other information set forth in the application.

(2) A person shall be permitted to hold both an Adult Business manager's license and an Adult Business entertainer's license, provided they are only working in one capacity per work shift.

(3) The clerk shall deny the application to:

- a. Any applicant under eighteen years of age
- b. Any applicant who is overdue on his/her payment to the city of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to an adult entertainment business.
- c. Any applicant whose place of business is conducted by an agent, unless such agent possesses the same qualifications required of the licensee, or in the case of a manager of an adult entertainment business, the manager has obtained a manager's license.
- d. A partnership, unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the agent of said partnership.
- e. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the agent of said corporation.

- f. Any applicant who has failed to provide information required on a license application for the issuance of the license or has made, with the intent to mislead, a materially false representation in the application for a license under this chapter which the applicant knows to be false.
- g. Any applicant who has failed to comply with any provision or requirement of this chapter.

5.25.060 Manager on Premise

(1) A licensed manager shall be on the premises of an adult business at all times that adult entertainment is being provided. The licensed manager shall not permit any violations of this chapter to occur.

5.25.070 Moral Nuisance

(1) Any adult entertainment facility operated, conducted, or maintained contrary to the provisions of Chapter [7.48A](#) RCW shall be deemed a moral nuisance, and all remedies given by law for the prevention and abatement of moral nuisances shall apply regardless of any other remedy.

5.25.080 Activities not restricted

(1) This chapter shall not be construed to restrict or prohibit the following activities or products: (a) plays, operas, musicals or other dramatic works that are not obscene; (b) classes, seminars, or lectures which are held for a serious scientific or educational purpose and that are not obscene; and (c) exhibitions, performances, expressions or dances that are not obscene.

(2) The provisions of this chapter are not intended to and do not prohibit the simulation of sexual acts which are part of non-obscene expression.

(3) Whether or not activity is obscene shall be judged by consideration of the following factors:

- a. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to the prurient interest in sex; and
- b. Whether the activity depicts or describes sexual conduct in a patently offensive way, as measured against community standards, and as described in RCW [7.48A.010\(2\)\(b\)](#); and
- c. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.