

Town of La Conner
Town Council Meeting
September 27, 2022 – 6:00 p.m.

The meeting of the La Conner Town Council was called to order at 6:00 p.m. by Mayor Hayes.

Present: Councilmembers Carlson, Dole, Chamberlain and Wohleb.

Also present: Administrator Thomas, Finance Director DeGoede, Planner Davolio and Fire Chief/Code Enforcement Officer Reinstra.

This was a hybrid meeting held in person and electronically on Zoom. Information to join was posted at Town Hall, the published Agenda, in the La Conner Weekly News, and on the Town Website.

Councilmember Chamberlain moved to excuse Councilmember Taylor. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

Public Comments:

Resident Debbie Aldrich advocated for more green space for children to play, suggested grant funding for parks and would like a community pool.

Resident Linda Talman requested researching the history of the assigned parking. She feels there is a lot of overlapping. She also brought up the Jenson property agreement, in which she read it was to be used for Parks and Recreation. Councilmember Carlson stated the Agreement was not specific and says for” public use”, but feels there should be a public process for input on what it is used for. Mayor Hayes agreed with Councilman Carlson, and in his discussions with the Jensons, the intention was for good public use.

Resident Maggie Wilder discussed the Town Government roles and would like to see more creative ideas for the community through public communication.

Resident Leslie Smith suggested the Jenson Property as an agenda item, would like to see green space or a community garden for the Jenson property. She also recommended a town attorney that does not have a role in Town.

Resident Jim Matthews enjoyed the Communication Forum and would like more of them to occur. He questioned the Port zoning changes and staff time towards a project that has no plans. He would like the Assistant Planning position filled with someone from the area that is for the community, more public input on the zoning code changes and feels the Planning Commission recommendations were ignored by the Council.

Resident Gary Nelson heard there was a proposal for condominiums in the Lime Dock Building and stated there is no parking left to accommodate it. He also would like to see us support the Fire Department budget.

Resident Nancy Crowell appreciated the Communication Forum and would like to see more of them. She also is for a community garden for the Jenson property and questioned the Town making changes to the code when the Port has no plans yet. She also feels the Council should have their own attorney separate from the staff.

Property Owner Georgia Johnson discussed the Town government roles and requested the Mayor not make comments on his opinions regarding any Town policies or deliberations. She is for a community garden and recommended a grant from the USDA to fund the Maple Park and the Jenson property.

Resident Joan Cross Recommended Council to have an independent attorney.

Resident Ron Blair also felt the Communication Forum was a positive experience. He recommended hiring someone from this community as a full-time planner and the Town’s first priority should be updating the building codes. He also discussed the Port’s financial problems and requiring them to provide a master plan with real targets and goals.

Resident Lynn Laurel concurred with Mr. Blair and also discussed the short-term rentals and the effect on the parking near her home.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of the September 13, 2022, Council Meeting

Approval of the Minutes of the September 16, 2022, Council Special Meeting

Approval of the Minutes of the September 20, 2022, Council Special Meeting

Accounts Payable:	Checks 25388 - 25412	\$67,964.46
	<u>Electronic Pmts. – 2018036 Excise Tax</u>	<u>\$9,094.79</u>
	Total Accounts Payable	\$77,059.25
Payroll of September 20, 2022	Checks 5619 - 5623	\$2,335.39
	Payroll Auto Tax Payment #2018035	\$6,327.43
	<u>Payroll Auto Deposit</u>	<u>\$18,840.07</u>
	Total Payroll	\$27,502.89

Councilmember Chamberlain moved to approve the Consent Agenda as presented. Motion seconded by Councilmember Dole. Motion carried 4/0.

Mayor’s Report:

Mayor Hayes was contacted by Skagit Habitat for Humanity who is interested in working with the Town regarding the Jenson property. However, the Mayor agrees there should be a public process on what the community wants for the space.

Council Committees

Communication Committee:

Councilmembers Chamberlain and Dole shared there was a great turnout for the Communication Forum. Councilmember Chamberlain is working on notes, there will be a debriefing and then she will share them with Council.

Parks Commission:

Councilmember Wohleb noted the efforts to get the grant for Maple Park fell through, but it was good to hear the USDA has funding.

Fire & Parks Impact Fees:

Planner Davolio explained these fees will help fund the Fire Department and Parks for needs they can’t afford. Based on Council action, it will go to the State for the 60-day review. This is not presented as an ordinance at this time, but will be when it comes back for Council approval in December. Council will also establish the impact fees by resolution at that time. One change he will make is adding short-term rentals as a part of the residential definition. Tonight, he is looking for approval to send the draft to the Department of Commerce for Review.

Public Hearing – Fire & Park Impact Fees:

6:38 p.m. - Mayor Hayes opened the Public Hearing.

Resident Gary Nelson questioned why we are limiting the impact fees to Fire and Parks. We should include schools and utilities. It was confirmed the Town currently has school impact fees and there are utility fees at the time of the application process and permitting; the fees are not identified as impact fees.

Resident Ron Blair questioned fees for sidewalks and streets. Planner Davolio confirmed the Town does have fees for sidewalks. Mayor Hayes asked Planner Davolio to provide Mr. Blair clarification on sidewalk fees for single family developments.

Resident Maggie Wilder questioned why the Parks fees didn’t include commercial. Planner Davolio explained it is limited by the State.

Resident Debbie Aldrich felt the developers should pay for any impact from their development, especially the needs for the Fire Department.

Resident Ron Blair asked if the Fire Department had the ladders to meet the height of the proposed Center Street Project, and if not, is it being addressed to meet the need of the proposed project. Also, in regards to a new fire boat, he noted there are four boats at the Marina that remain unused most of the time. He recommended a joint venture. Councilmember Carlson gave an example of conflict in Friday Harbor, who owns a fire boat shared by the San Juan County Fire Department and Sheriff. They are currently selling the boat to get out of the agreement.

Resident Linda Talman discussed sidewalk fees covering the greater area and the need for a sidewalk safety plan.

Resident Molly Rice is in favor of more sidewalks and increasing handicap parking. She also provided pictures of areas with no sidewalks.

Resident Lynn Laurel questioned if there will be room for parking if there are sidewalks on Center Street. It was advised to have the Public Works Director answer the question.

6:55 p.m. Mayor Hayes closed the Public Hearing.

After discussions, Council decided to table the decision until the next meeting for confirmation commercial impact fees could not be collected for parks. Also, Council requested clarification on the residential sidewalk requirements. Councilmembers Dole and Carlson felt that although sidewalks are needed for safety, part of the small-town charm is not having sidewalks on every street.

Councilmember Wohleb moved to table the Fire and Parks Impact Fees to the next meeting. Motion seconded by Councilmember Chamberlain. Motion carried 4/0.

Resident Ordinance Request – 306 Center Street Rezone Contract:

Administrator Thomas explained this ordinance regarding the 306 Center Street rezone contract, was drafted by resident Dan O'Donnell for Council review. The Town retained independent outside council to advise them on this issue, and was advised the rezone contract was not enforceable. We don't have the authority to require the developer to follow the Prehistoric Preservation District requirements and granting variances as indicated in the ordinance does not meet the States requirements. The ordinance also directs the Town to record the rezone contract, but outside council has advised it is unenforceable, and a member of the public did try to record it with the Skagit County Auditor, who would not record a scanned copy, we don't have an original. It was the recommendation of the Administrator to not adopt the ordinance.

Planner Davolio stated the wording in the ordinance on variances does not give the Council an option. If the applicant comes forward and asks for a variance, this would require Council to grant it. Also, the ordinance directs no further action by the Hearing Examiner. This project has already been approved and is in the appeal process, if we were to remove the Hearing Examiner from the process, the appeals would have to go to court. He further explained this is a zoning matter, which would require a 60-day review with the State and a SEPA checklist.

There was no Council action taken.

Center Street Project:

Councilmember Carlson questioned why the conditional use permit was granted when the Planning Commission unanimously voted against it. Planner Davolio responded their recommendation was given to the Hearing Examiner. Councilmember Carlson also feels the Town made two mistakes, one, the contract rezone was never recorded in 1986 and two, granting a conditional use permit. He suggested negotiating with the developer for a smaller footprint, fewer units, which in turn would require less parking.

Mayor Hayes explained per our code, the Hearing Examiner receives the recommendation from either the Planning Commission or the Planner's administrative decision. Both were submitted as well as all public written comments. Ultimately the final decision is the Hearing Examiners. Administrator Thomas and Mayor Hayes met sometime last year with the developer to see if there could be some accommodation on behalf of the Town, to come up with a development more acceptable to the neighbors, but they were not met with a receptive response. Planner Davolio stated if the developer withdrew his application, he could submit a new one for a hotel, which would not require a conditional use permit.

There were further discussions on negotiating with the developer and offering financial compensation of loss due to delay and redesign of the plans. Council concern of legal implications from engaging with the developer and staying the course by following the legal process we are already in. And citizens offering to meet with the developer on their own behalf.

It was decided to follow through the legal process we are already in and not engage with the developer, but encouraged the public to submit comments to the Hearing Examiner for the appeal. Citizens can meet with the developer if they so choose, but not on behalf of the Town.

Agreement – Community Action Vendor Agreement:

Finance Director DeGoede explained this is for Community Action to help residents with their utility bills. The current agreement expires in October.

Councilmember Chamberlain moved to approve the Mayor to sign the Community Action Vendor Agreement. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

Hotel Motel Funding:

Administrator Thomas presented the Hotel Motel funding distribution recommended by the Finance Committee. There are as follows:

Chamber of Commerce	\$83,000	La Conner Live Concerts	\$9,000
Skagit Valley Tulip Festival	\$3,000	Skagit Artists Together	\$1,000
Skagit County Historical Museum	\$1,000	Lincoln Theater	\$5,000
Pacific NW Quilt & Fiber Arts Museum	\$1,500	Skagit Community Band	\$1,805
Museum of NW Art	\$7,500	Public Restroom/Landscape	\$53,856

This also includes \$600 for advertising, for a total of \$167,261.

After discussions, it was decided to add \$6,000 for security cameras and maintenance fort Maple Hall security.

Councilmember Dole moved to approve the 2023 Hotel Motel distribution as presented with the addition of the cost for the security cameras. Motion seconded by Councilmember Carlson. Motion carried 4/0.

Mayor Roundtable:

Councilmember Carlson felt there has been substantial time spent on the Port project and requested an accounting of staff time. Planner Davolio will provide the hours spent. He also suggested adding a waiver for zoning code proposals fees for the public. Currently the Code requires a \$1,400 fee per each request for zoning code changes.


Councilmember Wohleb discussed complaints she has received due to the constant noise from construction in the residential area. Currently the code for noise in the residential area is from 7:00 a.m. to 10:00 p.m. At the next meeting there will be an ordinance to change the time frame from 8:00 a.m. to 7:00 p.m.

Councilmember Chamberlain would like to see more joint meetings with the Planning Commission.

There being no further business the meeting ended at 7:48 p.m.



Maria DeGoede, Finance Director



Ramon Hayes, Mayor