To:
Michael Davolio
Planning Director
Town of La Conner WA

From:
Brandon Atkinson
KSA Investments

Reference:
306 Center Street Project
Application for Conditional Use

April 2, 2022

This is a summary for use by the Hearing Examiner of our position regarding the referenced application.

The Project Team:
Owner Developer – Brandon and Kate Atkinson, KSA Investments.
Planning and Management Consultant – Vallo Consulting Services.
Preliminary Site Plan Architect – Olsen Associates.
Project Architect - Charles Morgan and Associates.
Survey and Civil Engineers – Sound Development Group.
Environmental Soil Analysis, Plan and Clean Up – Dixon Environmental Services.
Soil Content and Structural Analysis and Plan – Colbalt Geo LLC.
Legal, Condominium Documentation and Home Owner Association Agreements – Randy Boyer, Attorney.
General Contractor and Structural Engineer – To Be Determined.

All Team Members are Washington State Licensed, highly regarded, fully experienced professionals who will continue with the project and be responsible for their areas of expertise. For contact information call Roger Vallo 360 348 2557.
Project Status:
1.Codes and statutes – We are fully compliant.
2.Soil Conditions – Professional analysis and studies are complete, plans for clean up and soil changes are in place and the Town has made them a condition of approval.
3.Utilities – a preliminary building permit application meeting was held with Public Works, water, sewer, storm water, sidewalks, parking were discussed and needed expansion requirements were provided. All required improvements will be included in our building permit application. Meetings with Puget Sound Energy have been held on the site and requirements for needed three phase power extension determined. The overhead wires will be buried for improved appearance.
4.Fire safety – the La Conner Fire Department has advised that we meet their requirements at this time. We have had discussions with The Skagit County Fire Department and will receive their comments when we file the building permit application.
5.Historical and Cultural – The State Historic Officer has approved the project with conditions that will be adhered to.

Town of La Conner

Post Office Box 400
La Conner, Washington 98257

Supplemental Staff Report #2

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 29, 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. One of the repeated comments made at that meeting related to the building setbacks shown on the applicant's site plan, and the potential for negative impacts on the neighborhood if the site was built out in that manner. Following that meeting, and at the request of the applicant, the staff did some further research on setback requirements for this lot. That research noted that, because the subject property is a corner lot, setback requirements could be amended to note that corner lots have two front-yard setbacks and two side-yard setbacks.

Based on this research, the applicants have submitted a revised site plan that takes advantage of this interpretation by setting the building further back from Center Street, thus allowing increased landscaping in that area and a less imposing façade overlooking the street.

To be clear, this revised site plan was not required, as the staff had previously determined that the original plan was consistent with the requirements of the La Conner Municipal Code. However, the staff is of the opinion that these changes represent an improvement to the original plan.

The town continues to receive written communications regarding this project. Those communications have been forwarded to the Hearing Examiner as they are received.

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. The staff has also maintained communications with the applicant, resulting in the revised site plan as included. 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, and the proposed revisions will reduce potential impacts to the surrounding properties. 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

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.

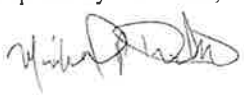
The town has also received a response from the State Historic Preservation Officer, indicating that the proposed development was consistent with the guidelines set forth by her office. She recommended specific conditions of approval, such as an Unanticipated (Inadvertent) Discovery Plan. Such a plan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

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 Jolivette

Local Governments Archaeologist
(360) 586-3088
Stephanie.Jolivette@dahp.wa.gov

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 307Centre 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 78257

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 that 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

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)*

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

SITE ADDRESS 310 CENTER STREET
PROPERTY ID# (P NUMBER) P74143

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 9255 E-MAIL BRANDON.KATE.ATKINSON@GMAIL.COM

AUTHORIZED REPRESENTATIVE/APPLICANT/CONTACT:

NAME KEN OLSEN, ARCHITECT
MAILING ADDRESS P.O. BOX 9006
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 LOTS 1 AND 2 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
- ☐ Historic District
- ☐ Critical Area
  - ____Sloped
  - ____Wetland
- ☒ Floodplain (100 year)
- ☐ 200' Shoreline

OTHER:

Are there any other structures on the property? Yes X No ____
(if yes, please describe) 1 MANUFACTURED HOME, 1 GARAGE

Is property located in a flood zone area? Yes X No ____

Does this project require a SEPA? Yes* ____ No ____

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

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

Will fill, grading and/or excavation be included in this project? Yes* X No ____
(if yes, please indicate number of cubic yards) 500 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 X
(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 AND 6 B+B UNITS WITH ASSOCIATED PARKING; 3 FLOORS

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 10-25-21

Owner Signature _____ Date 10/25/21

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 it 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%.

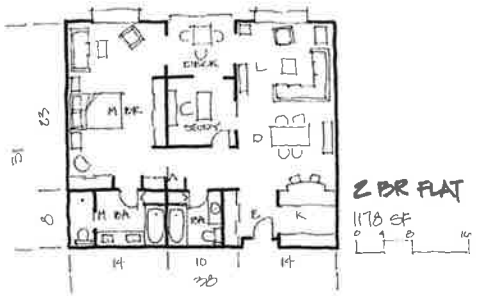
g) The use must cause no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution.

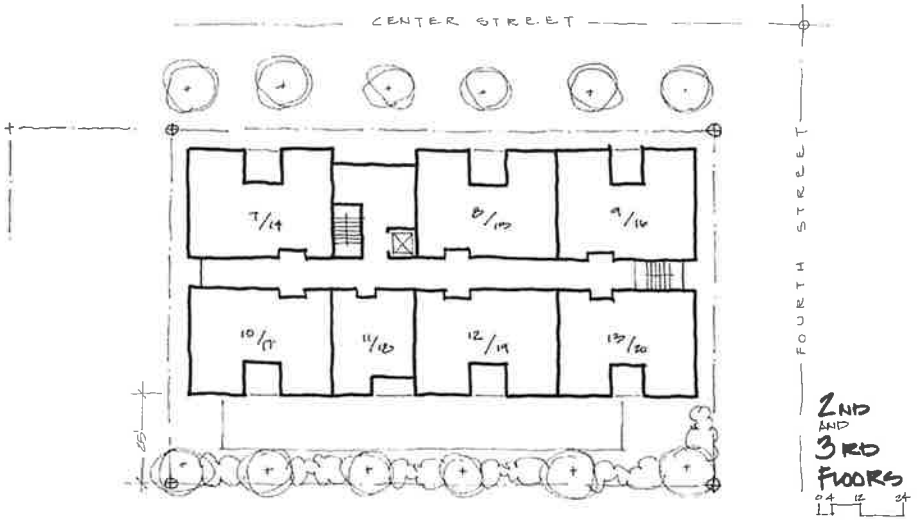
As noted in the Comprehensive Plan Housing Element, the existing levels of service are adequate to support 152 new housing units. This project proposes to add 6 B+B units, and 14 residential units. Parking for the uses are provided on site, thus placing no additional load on the public parking supply. 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.

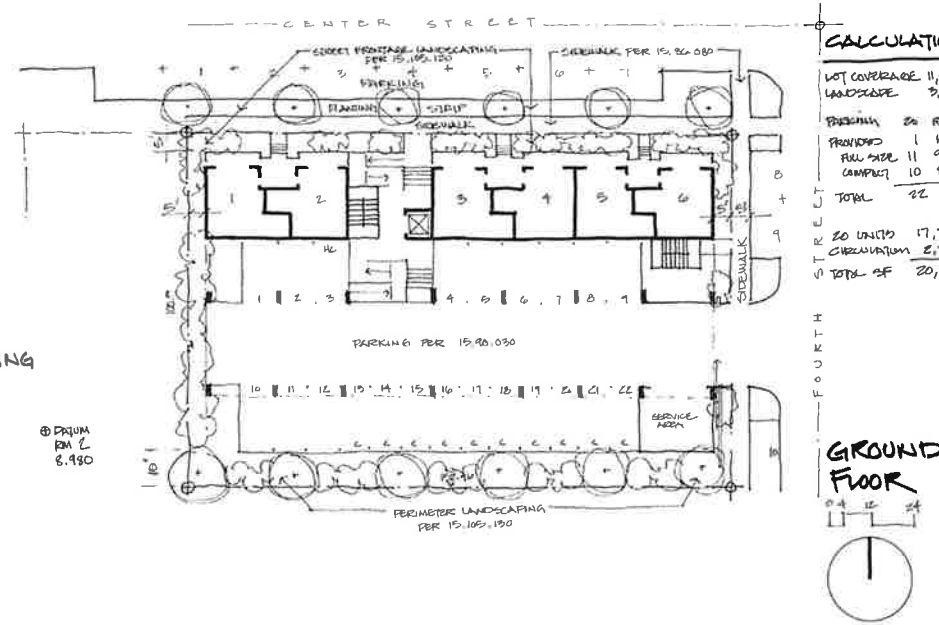
h) Consideration shall be given to the cumulative impact of like uses within the neighborhood.

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.

VICINITY







CALCULATIONS

LOT COVERAGE	11,466 = 77%
LANDSCAPE	3,319 = 21%
PARKING	20 REQUIRED
PROVIDED	1 H.C.
FULL SIZE	11 9'x18.5'
COMPACT	10 8.5'x16'
TOTAL	22 SPACES
20 UNITS	17,736 SF
CIRCULATION	2,732 SF
TOTAL SF	20,468

310 Center Street

PARCEL # P7443

LA CANADA COMMERCIAL ZONE

19.28.030 (Z) CONDITIONALLY USE PERMITTED USES - 51% GROUND FLOOR MUST BE NON-RESIDENTIAL TRANSIENT UNITS UNLIMITED UNITS ON UPPER FLOORS

LOT AREA = 15,300 SF

FAR 2 = 30,000 SF

6 TRANSIENT UNITS = 2,160
14 RES. UNITS = 15,576
TOTAL 20 DU = 17,736 SF

1 SPACE/UNIT IF LESS THAN 1200 SF = 20 SPACES UP TO 50% COMPACT

SETBACKS
N = 5'
E = 5'
S = 15' MIN 5'
W = 15' MIN 5'

80% IMPERVIOUS
20% PERVIOUS/LANDSCAPE > 3,000 SF

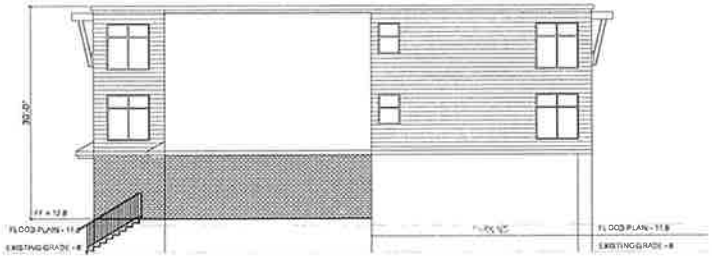
HEIGHT LIMIT 30' + 1 ABOVE BFE-8'

REV 1: DEC 07 2021

Pre-App

NORTH ELEVATION - MAIN ENTRY RESIDENTIAL

EAST ELEVATION - GARAGE ENTRY



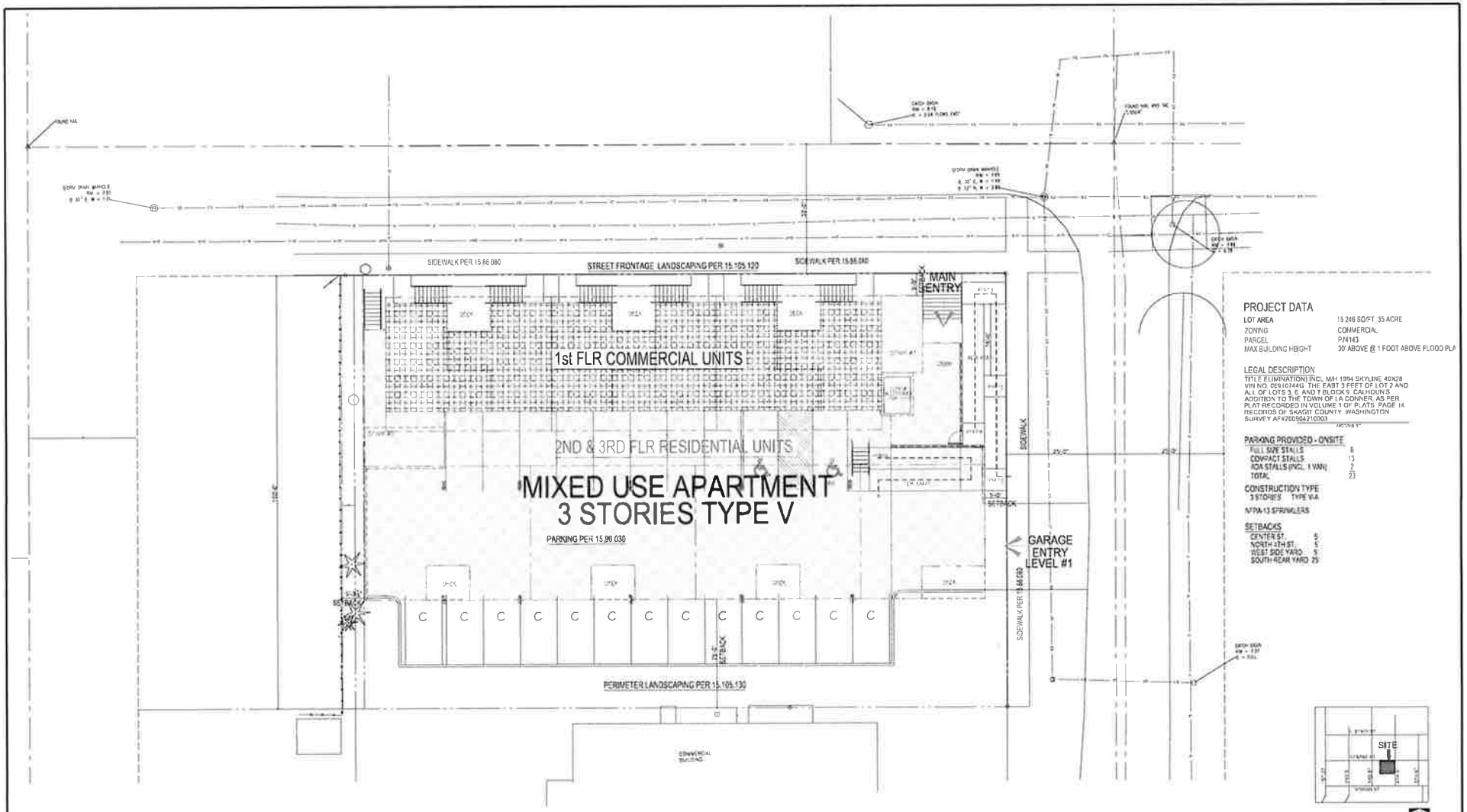
WEST ELEVATION

SOUTH ELEVATION

ELEVATIONS

SCALE: 1/8" = 1'-0"

REVISIONS	PROJECT: 14 UNIT - APARTMENT PROJECT & 6 RENTAL UNITS LOCATION: CENTRE STREET & N 4TH., LA CONNER, WA DRAWN BY: DR. BRANDON ATKINSON	CHARLES MORGAN & ASSOCIATES ARCHITECTS 7301 BEVERLY LANE EVERETT, WA 98203 EMAIL info@cmoarch.com PHONE 425-355-2888 FAX 425-348-8234	DATE 7 JAN 22 REVISION	SHEET A3.1



SITE PLAN

SCALE: 1" = 20'

REVISIONS	PROJECT: 14 UNIT APARTMENT PROJECT & 6 RENTAL UNITS LOCATION: CENTRE STREET & N 4TH, LA CONNER, WA DEVELOPER: DR. BRANDON ATKINSON	CHARLES MORGAN & ASSOCIATES ARCHITECTS 7331 BEVERLY LANE EVERETT, WA 98203 EMAIL info@cmarch.com PHONE 425-353-2888	DATE 12 JAN 22 REVISION	SHEET A1.1

Town of La Conner

Post Office Box 400
La Conner, Washington 98257

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 10, 2022
APPLICATION FILE#:	LU21-56CU

PROJECT DESCRIPTION/PROJECT NARRATIVE
The proposal is for the construction of a three-story building to include 14 long-term dwelling units on the upper floors, with six short-term dwelling units on the first floor, on a 15,300 square foot parcel of land. The property, which has frontage on Center Street and Fourth Street, is zoned Commercial. Residential uses within the Commercial zone are permitted with a Conditional Use permit, as set forth in Section 15.35.020 of the La Conner Municipal Code. Properties to the north and east of the subject property are zoned Residential. The property to the west is zoned Commercial. The property to the south is zoned Commercial and is also located within the town's Historic Preservation District. However, the subject property is not located within the Historic Preservation District.

The original application for this project was submitted on November 2, 2021. This application included a SEPA checklist. A Preliminary Determination of Non-Significance (PDNS) was issued on November 16, 2021. Proper notice of this determination was posted on site, published locally, and mailed to every property owner within 300 feet of the subject property. Following the issuance of the PDNS, the staff learned that the prior use of an abutting property was a gas station that was the subject of an earlier investigation for contamination by the state's Department of Ecology (see Exhibit 4). In addition, it was learned that these two abutting properties were under common ownership at that time. 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. The staff subsequently advised the applicant that we would deem his application to be incomplete until appropriate studies were done to determine existing soil conditions. Those studies have since been completed and submitted, and are attached hereto as Exhibits 5 and 6. These studies have been valuable in contributing to the staff's knowledge of the site, and recommendations from those studies are included as part of our Suggested Findings of Fact and Recommended Decision.

During and after the public comment period, numerous comments objecting to the proposed development were received. Those comments are attached as Exhibit 8. During this period, the staff also received a request from the Swinomish tribe for additional information regarding the subject property. As a result, the applicant agreed to our request to conduct a Cultural Resources study (also attached as Exhibit 7).

Challenges often arise when development is proposed on a parcel of land that is zoned Commercial, and partially surrounded by residential uses. The Conditional Use process is intended to examine potential conflicts, and arrive at a determination that addresses the concerns of the neighbors while acknowledging the rights of the property owner. In this case, the applicant is requesting a permit for a use that may be regarded as consistent with the surrounding residential properties. While the proposed use is not single-family homes, which some abutting residents indicate as their preference, it would be considered as more compatible than several uses that *are* permitted by right, such as theaters, bowling alleys, restaurants, gas stations, taverns, night clubs, or recreational vehicle parks.

SUGGESTED FINDINGS of FACT

1. Section 15.10.255 defines "Conditional use" as *"a use addressing a limited or specific need but, due to a potential adverse effect upon permitted uses or public services and facilities, is only allowed subject to review by the hearing examiner, of the use standards of the district, and the certain criteria in this code."* Proposed residential uses on a property abutting other residential properties would not likely have potential adverse effects on those abutting properties.

2. The proposed uses of the subject property are permitted per Section 15.35 of the La Conner Municipal Code. Specifically, residential uses are permitted as conditional uses, per Section 15.35.030(2), which 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 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."* All of the proposed long-term residential uses are situated on the second and third floors. The short-term residential uses (lodging establishments) proposed for the first floor are permitted per Section 15.35.020(10).

3. The subject properties are located within a flood plain, but not within 200 feet of a shoreline. Consideration of flood plain requirements are a part of this application.

4. The development, as proposed, meets the requirements of the State Environmental Policy Act.

5. The proposed building height of 30 feet is the maximum height permitted per Section 15.35.040(8), which also states *"for structures built within the 100-year floodplain, the height shall be measured from one foot above the base flood elevation to the highest point on the building."* While concerns have been expressed regarding the

height and the overall scale of the proposed building, the building dimensions are consistent with Code requirements.

6. Commercial parking requirements are set forth in LCMC 15.90.030(3)(c)(vii), which requires one parking space per residential unit for units no larger than 1,200 square feet. In addition, for the short-term units, one parking space per unit plus one space per on-site manager. These provisions thus require a minimum of 21 parking spaces. In addition, LCMC 15.90.010(9) requires at least one barrier-free on-site parking space. The proposed development provides two such spaces. In summary, the 24 parking spaces provided is greater than the minimum number required. The proposed development will also create 10 on-street parking spaces. These spaces are available for public use, and are not included in the calculation of spaces to meet development requirements.

7. Building setbacks, lot coverage, and landscaping as shown on the site plans submitted comply with Section 15.35.040.

8. The applicant has provided a Cultural Resources Survey, as requested by the Swinomish Tribe.

9. The following sections of the Town of La Conner Municipal Code apply to this application:
   - Chapter 13.05 Building Code
   - Chapter 13.10 State Environmental Policy Act
   - Chapter 15.35 Commercial Zone
   - Chapter 15.70 Floodplain Management
   - Chapter 15.90 Off Street Parking and Loading
   - Chapter 15.105 Landscaping

10. The development, as proposed, meets the requirements of all relevant codes and statutes.

RECOMMENDED DECISION

Staff recommends that this application be approved. It is further recommended that the following conditions be attached to the approval of this proposal:

1. No portion of any structure to be built on this property shall exceed thirty feet in height, as measured from one foot above the base flood elevation, per Section 15.35.040(8).

2. Any access to the roof of the structure shall be approved in advance by the Fire Chief, and shall not result in any portion of the structure exceeding the height limitations as set forth in Condition 1.

3. 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. If any such contamination is found, all work on the site shall cease until further studies are completed and reviewed by the town.

4. 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.

5. A groundwater monitoring well shall be installed on the property, with subsequent sampling performed in accordance with the recommendations set forth in the Dixon report.

6. A resistant vapor barrier shall be installed beneath the new building to be constructed.

7. 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.

8. All contractors and subcontractors shall be licensed to conduct business in the Town of La Conner.

9. The permit holder must provide contact information on all contractors and subcontractors to the Town of La Conner prior to commencement of construction.

10. All contractors and subcontractors must report sales tax transactions within the Town of La Conner. The La Conner sales tax number is 2905.

11. The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

    a) Construction best management practices will be implemented as necessary for erosion control and to prevent waste materials from entering ground or surface waters.

    b) Drainage report required.

    c) Storm water runoff will be collected and drained from the site in a manner to be approved by the Public Works Director.

    d) The lighting intended to be used shall direct light downward to minimize light pollution, improve nighttime visibility, and protect potential nocturnal ecosystems offsite. Measures anticipated are similar to those recommended by LEED 2009 New Construction Credit 8 "Light Pollution Reduction".

    e) In the event that any ground-disturbing activities (as outlined above) uncover protected cultural material (e.g., bones, shell, stone or antler tools), all work in the immediate vicinity shall stop, the area should 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.

f) In the event that any ground-disturbing activities or other project activities related to this development or in any future 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.

Nothing in this approval shall be construed to exempt the proposal from any Federal, State or local regulations.

Respectfully submitted,

Michael Davolio, AICP
Town of La Conner

EXHIBITS

1. **Application**
2. **SEPA Checklist**
3. **Public Notices**
4. **Department of Ecology Site Information**
5. **Geotechnical Evaluation**
6. **Phase II Environmental Site Assessment: Subsurface Investigation Report**
7. **Cultural Resources Survey**
8. **Public Comments**

EXHIBIT 1

TOWN OF LA CONNER
APPLICATION FOR CONDITIONAL USE
CLASS IV

Date of Application: 10.25.21 File # LU21-50CU

Site Address: 310 CENTER ST Tax Parcel Number P74143

APPLICANT:

NAME KEN OLSEN, ARCHITECT

MAILING ADDRESS P.O. BOX 906

CITY LA CONNER STATE WA ZIP CODE 98257

PHONE 425 890 9415 EMAIL KEN@OLSENASSOCIATES.NET

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 9255 EMAIL BRANDON.KANE.ATKINSON@GMAIL.COM

Please provide a brief description of the Conditional Use desired: (if applicable, please attach a SEPA Checklist)

DEVELOPMENT OF RESIDENTIAL + COMMERCIAL PER 15.35.030(2)
14 DWELLING UNITS + 6 B+B UNITS. 3 FLOORS

Criteria for Conditional Use Permits §15.135.190 and Shoreline Master Program

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.
   b) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
   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.
   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.
   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.
   f) Setbacks or buffers proposed by applicant are shown to mitigate potential adverse impacts that might emerge from the proposed conditional use.
   g) The use must cause no adverse effect on the surrounding area due to traffic, parking, noise, odor, air or water pollution.
   h) Consideration shall be given to the cumulative impact of like uses within the neighborhood.

2) No conditional use permit shall be approved unless the hearing examiner has made findings and/or conclusions that each of the foregoing criteria is met or is inapplicable.

By signing this application I agree to pay a Town of La Conner permit fee and all charges assessed by the Hearing Examiner.

Applicant Signature [signature] Date 10.25.21

Property Owner Signature [signature] Date 10/25/21

OFFICE USE ONLY

✓ SEPA Checklist
Fee Paid: $875 Date: 11-2-21

File Number: LU21-56CU
Date Received: 11-2-21

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)*

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

SITE ADDRESS 310 CENTER STREET
PROPERTY ID# (P NUMBER) P74143

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 9255 E-MAIL BRANDON.KATE.ATKINSON@GMAIL.COM

AUTHORIZED REPRESENTATIVE/APPLICANT/CONTACT:

NAME KEN OLSEN, ARCHITECT
MAILING ADDRESS P.O. BOX 9006
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. 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 LOTS 1 AND 2 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
- ☐ Historic District
- ☐ Critical Area
  - ___ Sloped
  - ___ Wetland
- ☒ Floodplain (100 year)
- ☐ 200' Shoreline

OTHER:

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

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

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

Does this project require a SEPA? Yes* No

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

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

Will fill, grading and or excavation be included in this project? Yes* X No

(If yes, please indicate number of cubic yards) SEE 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 X

(If yes, please include proof of residence within the Town of La Conner corporate limits)

PROJECT DESCRIPTION - INCLUDE USE(S):

1 APARTMENT BUILDING WITH 14 DWELLING UNITS, 6 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

Conditional Use Application Narrative

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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. transient housing). There is no limit on residential uses on the upper floors. The proposal shows 100% of the ground floor uses being transient housing. 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 it 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.

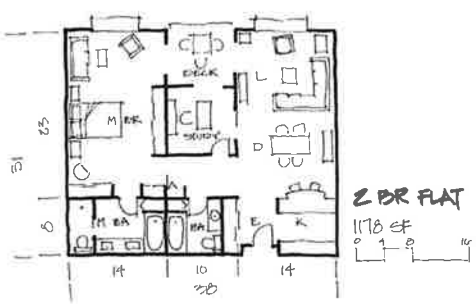
As noted in the Comprehensive Plan Housing Element, the existing levels of service are adequate to support 152 new housing units. This project proposes to add 6 transient housing units, and 14 residential units. Parking for the uses are provided on site, thus placing no additional load on the public 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.

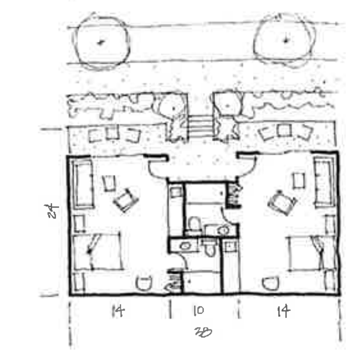
As noted above, the Town needs additional housing to meet its GMA goals and to fulfill its Comprehensive Plan Goals and Policies. This project is a step in that direction, and will possibly encourage other similar developments that will help to meet those goals. This project will also help the town by 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.

310 Center Street

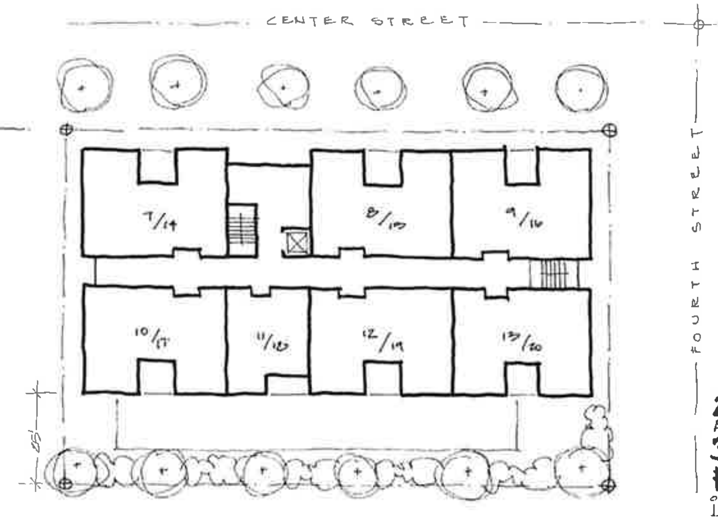
VICINITY



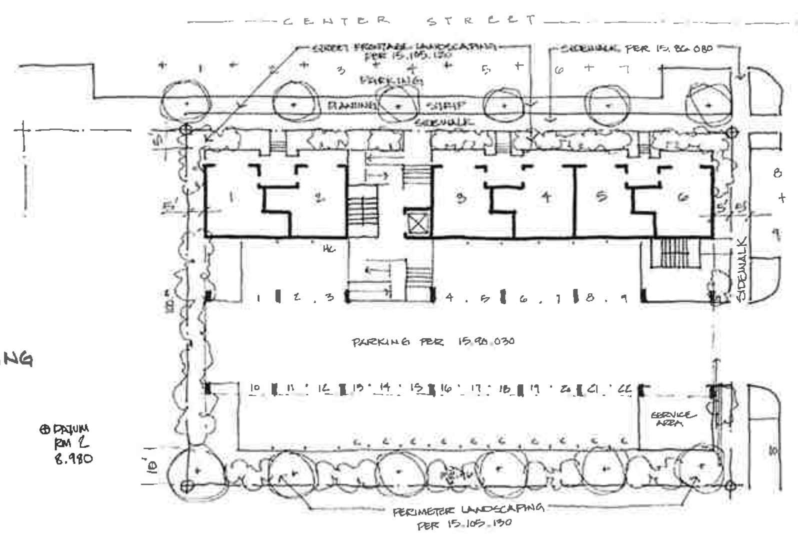
2 BR FLAT
1178 SF
0 1 8 16



TRANSIENT HOUSING PAIR
360 SF EACH
0 4 8 16



2ND AND 3RD FLOORS
0 4 12 24



⊕ DATUM BM 2 8.980

GROUND FLOOR
0 4 12 24

CALCULATIONS

LOT COVERAGE	11,868 = 77%	
LANDSCAPE	3,319 = 26%	
PARKING	20	REQUIRED
PROVIDED	1	H.C.
FULL SIZE	11	9x18.5
COMPACT	10	8.5x16
TOTAL	22	SPACES
20 UNITS	17,736 SF	
CIRCULATION	2,752 SF	
TOTAL SF	20,488	

PARCEL # P74443

LACONNER COMMERCIAL ZONE

15.35.030 (2) CONDITIONAL USE DWELLING UNITS - 51% GROUND FLOOR MUST BE NON-RESIDENTIAL - TRANSIENT UNITS UNLIMITED UNITS ON UPPER FLOORS

LOT AREA = 15,300 SF

FAR 2 = 30,600 SF

6 TRANSIENT UNITS = 2,160
14 RES. UNITS = 15,576
TOTAL 20 DU = 17,736 SF

1 CAR/UNIT IF LESS THAN 1200 SF = 20 CARS
UP TO 50% COMPACT

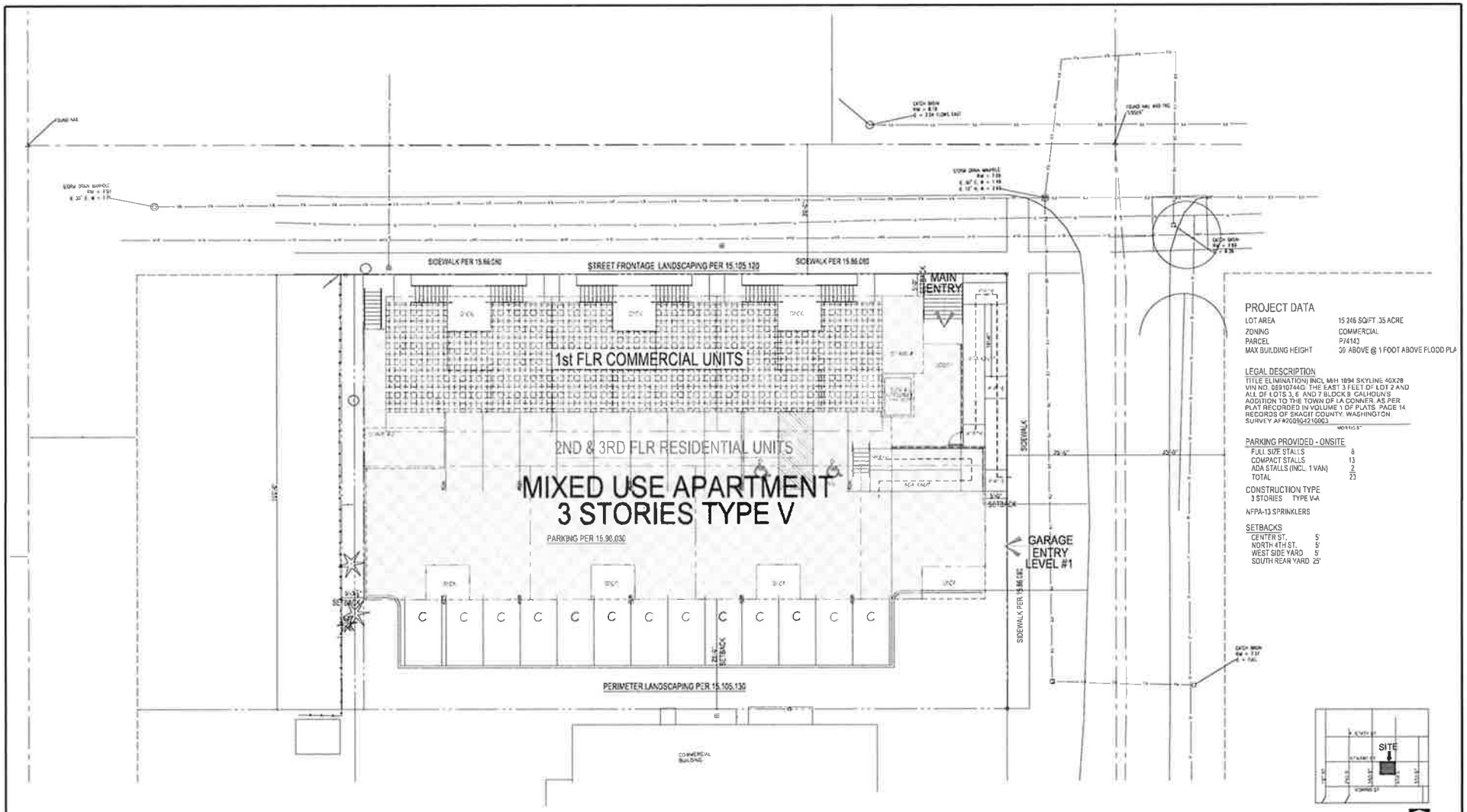
SETBACKS
N = 5'
E = 5'
S = } 15' MIN 5'
W = }

80% IMPERVIOUS
20% PERVIOUS/LANDSCAPE > 3,060 SF

HEIGHT LIMIT
30' + 1 ABOVE BFE 8'

REV 1 : DEC 07 2021

Pre-App



PROJECT DATA

LOT AREA	15 246 SQ/FT .35 ACRE
ZONING	COMMERCIAL
PARCEL	P74143
MAX BUILDING HEIGHT	30 ABOVE @ 1 FOOT ABOVE FLOOD PLA

LEGAL DESCRIPTION

TITLE ELIMINATION) INCL MH 1894 SKYLINE 40X28 VIN NO. 0891074AD THE EAST 3 FEET OF LOT 2 AND ALL OF LOTS 3, 6 AND 7 BLOCK 8 CALHOUN'S ADDITION TO THE TOWN OF LA CONNER, AS PER PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 14 RECORDS OF SKAGIT COUNTY, WASHINGTON SURVEY AFN#200904210063

PARKING PROVIDED - ONSITE

FULL SIZE STALLS	8
COMPACT STALLS	13
ADA STALLS (INCL. 1 VAN)	2
TOTAL	23

CONSTRUCTION TYPE

3 STORIES TYPE V-A

NFPA-13 SPRINKLERS

SETBACKS

CENTER ST.	5'
NORTH 4TH ST.	5'
WEST SIDE YARD	5'
SOUTH REAR YARD	25'

VICINITY SKETCH

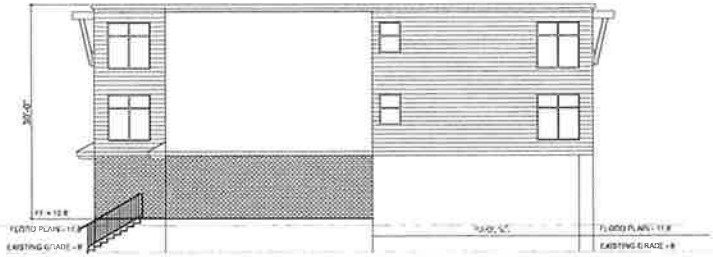
SITE PLAN

SCALE 1" = 10'-0"

REVISIONS	PROJECT	CHARLES MORGAN & ASSOCIATES ARCHITECTS	DATE 12 JAN 22	SHEET
	14 UNIT - APARTMENT PROJECT & 6 RENTAL UNITS LOCATION CENTRE STREET & N 4TH, LA CONNER, WA DEVELOPER DR. BRANDON ATKINSON	7301 BEVERLY LANE EVERETT, WA 98203 EMAIL info@cmaarch.com PHONE 425-353-2888	REVISION	A1.1

NORTH ELEVATION - MAIN ENTRY RESIDENTIAL

EAST ELEVATION - GARAGE ENTRY



WEST ELEVATION

SOUTH ELEVATION

ELEVATIONS

SCALE 1/8" = 1'-0"

REVISIONS	PROJECT: 14 UNIT APARTMENT PROJECT & 6 RENTAL UNITS LOCATION: CENTRE STREET & N 4TH, LA CONNER, WA OWNER: DR. BRANDON ATKINSON	CHARLES MORGAN & ASSOCIATES ARCHITECTS 7301 BEVERLY LANE EVERETT, WA 98203 EMAIL info@cmaarch.com PHONE 425-353-7888 FAX 425-348-8234	DATE 7 JAN 22 REVISION	SHEET A3.1

MAIN FLOOR AREA

Room Number	Square Footage
101	533
102	454
103	454
104	454
105	454
106	459
	2,808

SECOND FLOOR AREA

Room Number	Square Footage
201	764
202	1,086
203	1,086
204	1,169
205	1,089
206	1,086
207	1,086
	7,366

THIRD FLOOR AREA

Room Number	Square Footage
301	764
302	1,086
303	1,086
304	1,169
305	1,089
306	1,086
307	1,086
	7,366

17,540

UNIT TYPE	# OF UNITS	SQUARE FOOTAGE
Air B&B	6	2,808
2 BEDROOM	12	13,204
1 BEDROOM	2	1,528
TOTALS	20	17,540

Town Copy

Davido

UPDATE

UPDATE 1/05/22

RECEIVED
JAN 06 2022
TOWN OF LA CONNER

Geo Tech Rpt Sent 1/7

EXHIBIT 2

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:

2. Name of applicant: Ken Olsen

3. Address and phone number of applicant and contact person:

425 890 9415

4. Date checklist prepared: Oct 25, 2021 Date Checkiist revised:01/08/22

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable): construction

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. #LU21-56CU/LU21-57SEPA#202106042.Town of La Conner Subsurvace

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.

10. List any government approvals or permits that will be needed for your proposal, if known.

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]

- ***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 Attach report: Report forwarded to La Conner Planning Department.

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%

g. Proposed measures to reduce or control erosion, or other impacts to the

earth, if any: To be determined – SEE GEOTECH REPORT

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 Attach design; Alternatives included in submitted Geo Tech study. Selection to be determined in final design.

4. Plants [help]

- Check the types of vegetation found on the site:

__X__deciduous tree: alder, maple, aspen, other
__X__evergreen tree: fir, cedar, pine, other
__X__shrubs
__X__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.

- Describe any known or possible contamination at the site from present or past uses. None Refer to DoE studies. See studies listed under A - 8 and our Geo Tech analysis.

- 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 : See Geo Tech Report.

- 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

- Describe special emergency services that might be required. None.

- Proposed measures to reduce or control environmental health hazards, if any: None See Studies listed under A - 8 above and our Geo Tech analysis

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)? Indi-
cate 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 flod 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 Only one was indicated earlier. Correct answer is one.

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 Attach building design with elevations shown. Will be forwarded from Architects, Charlie Morgan and Associates

b. What views in the immediate vicinity would be altered or obstructed? No

- 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. Even though the site is not in the Historical District and is well beyond 200' from the Swinomish Channel waterfront the Tribe has suggested that we have an archaeological survey done. We have reviewed other surveys done in the area and are in discussions with the company that did them to do one for this site. Completion of the study has not yet been scheduled but will be done before any site work is started. We anticipate the study recommendations to be consistent with other studies done nearby. This should have no impact on our conditional use application.

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 transient housing 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

- 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_____

Signature of 01/08/2022 updates by Owners Representative ROGER P VALLO

Roger P Vallo

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; pro-
duction, 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.

EXHIBIT 3

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

TOWN OF LA CONNER
NOTICE OF HEARING
FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE

Date: February 28, 2022

Application File #: LU21-56CU Conditional Use permit, LU21-57SEPA SEPA Checklist.

Project Applicant: Ken Olson, PO Box 906, La Conner, WA 98257.

Property Owner: KSA Investments LLC, 721 Maple Street, La Conner, WA 98257.

Town Contact Person: Michael Davolio AICP, Planning Director; P.O. Box 400, La Conner, WA 98257; 360-466-3125

Description of proposal: The proposal is to construct a 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.

Location of proposal: 306 Center Street, La Conner, WA 98257; Parcel P74143

Lead Agency: Town of La Conner

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment with mitigation measures. 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 upon request.

This MDNS is issued after using WAC 197-11-350 and the optional DNS process in WAC 197-11-355. The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158.

Conditions Necessary to Mitigate Environmental Impacts:

1. 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.

2. 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.

3. 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.

4. Groundwater monitoring well shall be installed on the property, with subsequent sampling performed in accordance with the recommendations set forth in the Dixon report.

5. A resistant vapor barrier shall be installed beneath the new building to be constructed.

6. 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.

7. All contractors and subcontractors must be licensed to conduct business in the Town of La Conner.

8. The permit holder must provide contact information on all contractors and subcontractors to the Town of La Conner prior to commencement of construction.

9. All contractors and subcontractors must report sales tax transactions within the Town of La Conner. The La Conner sales tax number is 2905.

10. The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

    a) Construction best management practices will be implemented as necessary for erosion control and to prevent waste materials from entering ground or surface waters.
    b) Drainage report required.
    c) Storm water runoff will be collected and drained from the site in a manner to be approved by the Public Works Director.
    d) The lighting intended to be used directs light downwards to minimize light pollution, improve nighttime visibility and protect potential nocturnal ecosystems offsite. Measures anticipated are similar to those recommended by LEED 2009 New Construction Credit 8 "Light Pollution Reduction".
    e) Prior to any ground-disturbing activities within the property boundary a professional archaeologist should give an unanticipated discovery protocol (UDP) training given to all construction personnel. A copy of the Unanticipated Discoveries Protocol (UDP) in the Cultural Resources Report prepared for the project is to be on site at all times.
    f) In the event that any ground-disturbing activities (as outlined above) uncover protected cultural material (e.g., bones, shell, stone or antler tools), all work in the

immediate vicinity shall stop, the area should 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.

g) In the event that any ground-disturbing activities or other project activities related to this development or in any future 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.

Planning Commission—Public Meeting (hearing to be at Hearing Examiner)

Date: March 15, 2022
Location: Zoom - Information on the town website one week prior to meeting.
Time: 6:00 pm

Public Hearing—Hearing Examiner

Date: March 31, 2022
Location: Zoom - Information on the town website one week prior to meeting.
Time: 2 pm

Comments: Comments on the above application must be submitted in writing to Michael Davolio, AICP, Planning Director, PO Box 400, La Conner, WA 98257, **by 4 PM on Wednesday, March 30, 2021.** Comments will also be accepted at the public hearing. Anyone submitting comments will automatically become a party of record and will be notified of any decision on the project.

The complete file is available for public review at Town Hall. If you have any questions concerning this project, contact Michael Davolio at (360) 466-3125 or email planner@townoflaconner.org.

Responsible Official: Michael Davolio, AICP; Planning Director; Phone: (360) 466-3125; Address: P.O. Box 400, La Conner, WA 98257; Email: planner@townoflaconner.org

Date: 2-28-2022 Signature: _____

You may appeal this determination in writing to the La Conner Hearing Examiner. The written appeal and appropriate fees must be filed with the Town Clerk no later than 10 days (LCMC 15.135.220) following the publication of the MDNS notice. The appeal must comply with the procedures of LCMC 15.12.130 – Appeal of Administrative Decisions. You should be prepared to make specific factual objections. The cost of any appeal shall be borne by the appellant.

Issued: February 28, 2022
Published: March 2, 2022

EXHIBIT 4

DEPARTMENT OF ECOLOGY State of Washington

Underground Storage Tank System Summary

UST ID: 6918

Site Name: LA CONNER STATION — Glossary

UST ID:	6918	**Facility/Site ID:**	14654211	**Latitude:**	48.39254	**Active Tag(s):**	N/A
Address:	315 MORRIS ST			**Longitude:**	-122.49313	**Responsible Unit:**	Northwest
	LA CONNER, WA 98257			**County:**	Skagit		

Tank Summary

Tank Name	Tank Status	Tank Install Date
4	Removed	12/31/1964
2	Removed	12/31/1964
1	Removed	12/31/1964
5	Removed	12/31/1964
3	Removed	12/31/1964
6	Removed	1/1/1900
7	Removed	1/1/1900
8	Removed	1/1/1900
9	Removed	1/1/1900

Tank Name: 4 **Tank Status:** Removed

Tank Installation:	12/31/1964	**Tank Upgrade:**	**Business License Endorsement Expiration:**
Tank Status Date:	8/6/1996	**Piping Installation:**	**Tank Permanently Closed Date:**

Tank Information		Piping Information	
Material:	Steel	**Material:**	Steel
Construction:	Double Wall Tank	**Construction:**	
Corrosion Protection:		**Corrosion Protection:**	
Manifolded Tank:		**SFC* at Tank:**	
Release Detection:		**SFC* at Dispenser/Pump:**	
Tightness Test:		**Primary Release Detection:**	
Spill Prevention:		**Secondary Release Detection:**	
Overfill Prevention:		**Pumping System:**	
Actual Capacity:		**Turbine Sump Construction:**	
Capacity Range:	111 TO 1,100 Gallons	*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			

Tank Name: 2			Tank Status: Removed
Tank Installation:	12/31/1964	Tank Upgrade:	Business License Endorsement Expiration:
Tank Status Date:	8/6/1996	Piping Installation:	Tank Permanently Closed Date:

Tank Information		Piping Information	
Material:	Steel	Material:	Steel
Construction:	Single Wall Tank	Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:		Turbine Sump Construction:	
Capacity Range:		*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			

Tank Name: 1			Tank Status: Removed
Tank Installation:	12/31/1964	Tank Upgrade:	Business License Endorsement Expiration:
Tank Status Date:	8/6/1996	Piping Installation:	Tank Permanently Closed Date:

Tank Information		Piping Information	
Material:	Steel	Material:	Steel
Construction:	Single Wall Tank	Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:		Turbine Sump Construction:	
Capacity Range:		*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1	Unleaded Gasoline		

Tank Name: 5			Tank Status: Removed
Tank Installation:	12/31/1964	Tank Upgrade:	Business License Endorsement Expiration:
Tank Status Date:	8/6/1996	Piping Installation:	Tank Permanently Closed Date:

Tank Information		Piping Information	
Material:	Steel	Material:	Steel
Construction:	Double Wall Tank	Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:		Turbine Sump Construction:	
Capacity Range:	111 TO 1,100 Gallons	*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			

Tank Name: 3			Tank Status: Removed
Tank Installation:	12/31/1964	Tank Upgrade:	Business License Endorsement Expiration:
Tank Status Date:	8/6/1996	Piping Installation:	Tank Permanently Closed Date:

Tank Information		Piping Information	
Material:	Steel	Material:	Steel
Construction:	Single Wall Tank	Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:		Turbine Sump Construction:	
Capacity Range:		*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1	Leaded Gasoline		

Tank Name: 6			Tank Status: Removed	
Tank Installation:	1/1/1900	Tank Upgrade:	Business License Endorsement Expiration:	
Tank Status Date:	4/9/2003	Piping Installation:	Tank Permanently Closed Date:	7/8/2003

Tank Information		Piping Information	
Material:		Material:	
Construction:		Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:	1,100 Gallons	Turbine Sump Construction:	
Capacity Range:	111 TO 1,100 Gallons	*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			1,100 Gallons

Tank Name: 7			Tank Status: Removed	
Tank Installation:	1/1/1900	Tank Upgrade:	Business License Endorsement Expiration:	
Tank Status Date:	4/9/2003	Piping Installation:	Tank Permanently Closed Date:	7/8/2003

Tank Information		Piping Information	
Material:		Material:	
Construction:		Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:	1,100 Gallons	Turbine Sump Construction:	
Capacity Range:	111 TO 1,100 Gallons	*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			1,100 Gallons

Tank Name: 8			Tank Status: Removed	
Tank Installation:	1/1/1900	Tank Upgrade:	Business License Endorsement Expiration:	
Tank Status Date:	4/9/2003	Piping Installation:	Tank Permanently Closed Date:	7/8/2003

Tank Information		Piping Information	
Material:		Material:	
Construction:		Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:	650 Gallons	Turbine Sump Construction:	
Capacity Range:	111 TO 1,100 Gallons	*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			650 Gallons

Tank Name: 9			Tank Status: Removed	
Tank Installation:	1/1/1900	Tank Upgrade:	Business License Endorsement Expiration:	
Tank Status Date:	4/10/2003	Piping Installation:	Tank Permanently Closed Date:	7/8/2003

Tank Information		Piping Information	
Material:		Material:	
Construction:		Construction:	
Corrosion Protection:		Corrosion Protection:	
Manifolded Tank:		SFC* at Tank:	
Release Detection:		SFC* at Dispenser/Pump:	
Tightness Test:		Primary Release Detection:	
Spill Prevention:		Secondary Release Detection:	
Overfill Prevention:		Pumping System:	
Actual Capacity:	550 Gallons	Turbine Sump Construction:	
Capacity Range:	111 TO 1,100 Gallons	*SFC = Steel Flex Connector	

Compartment	Substance Stored	Substance Used	Capacity
1			550 Gallons

EXHIBIT 5

COBALT GEOSCIENCES

Cobalt Geosciences, LLC
P.O. Box 82243
Kenmore, Washington 98028

January 3, 2022

Dr. Brandon Atkinson
KSA Investments
C/O Roger Vallo
Roger_vallo@msn.com

RE: Geotechnical Investigation
Proposed Development
306 Center Street
La Conner, Washington

In accordance with your authorization, Cobalt Geosciences, LLC has prepared this letter to discuss the results of our geotechnical evaluation at the referenced site.

The purpose of our evaluation was to provide recommendations for foundation design, grading, pavements, stormwater management, and earthwork.

Site Description

The site is located at 306 Center Street in La Conner, Washington. The site consists of one irregularly shaped parcel (No. 74143) with a total area of 15,300 square feet.

The south portion of the site is developed with a small structure. The remainder of the site is vegetated with grasses, and sparse bushes/trees.

The site is nearly level to slightly sloping in multiple directions with minimal relief. The site is bordered to the east by a residence, to the south by commercial properties, to the east by North Fourth Street, and to the north by Center Street.

The proposed development includes a new residential building and surface parking. The building will be three stories in height and supported on perimeter and isolated foundation systems.

Stormwater will include infiltration or other systems depending on feasibility. Site grading may include cuts and fills of 3 feet or less and foundation loads are expected to be moderate. We should be provided with the final plans to verify that our recommendations remain valid and do not require updating.

Area Geology

The Geologic Map of the La Conner Quadrangle, indicates that the site is underlain by Estuarine and/or Tidal Flat Deposits.

These materials include loose to medium dense mixtures and layers of sand, silt, clay, and peat. These materials vary widely in density and were deposited through shoreline processes over the last several thousand years. These deposits often have some potential for liquefaction and settlement resulting from seismic activity or surcharge loads.

Soil & Groundwater Conditions

The geotechnical field investigation program was completed on December 23, 2021 and included drilling and sampling one hollow stem auger boring with a limited access drill rig.

Disturbed soil samples were obtained during drilling by using the Standard Penetration Test (SPT) as described in ASTM D-1586. The Standard Penetration Test and sampling method consists of driving a standard 2-inch outside-diameter, split barrel sampler into the subsoil with a 140-pound hammer free falling a vertical distance of 30 inches. The summation of hammer-blows required to drive the sampler the final 12-inches of an 18-inch sample interval is defined as the Standard Penetration Resistance, or N-value. The blow count is presented graphically on the boring logs in this appendix. The resistance, or "N" value, provides a measure of the relative density of granular soils or of the relative consistency of cohesive soils.

The soils encountered were logged in the field and are described in accordance with the Unified Soil Classification System (USCS).

A Cobalt Geosciences field representative conducted the explorations, collected disturbed soil samples, classified the encountered soils, kept a detailed log of the explorations, and observed and recorded pertinent site features.

The results of the boring sampling are presented in Appendix C.

The boring encountered approximately 6 inches of topsoil and vegetated underlain by approximately 7.5 feet of soft/very loose to medium stiff, silt with fine grained sand trace clay and organics (Possible Fill and Alluvium). This layer was underlain by loose to medium dense, fine to medium grained sand trace silt (Alluvium) which continued to the termination depth of the boring.

Groundwater was encountered at approximately 4 feet below grade during drilling. We anticipate an approximate groundwater table fluctuation of 3 to 9 feet below grade during a typical year. Note that a piezometer would be necessary to evaluate actual groundwater fluctuations.

Water table elevations often fluctuate over time. The groundwater level will depend on a variety of factors that may include seasonal precipitation, irrigation, land use, climatic conditions and soil permeability. Water levels at the time of the field investigation may be different from those encountered during the construction phase of the project.

Erosion Hazard

The Natural Resources Conservation Services (NRCS) maps for Skagit County indicate that the site is underlain by Skagit silt loam. These soils would have a slight to moderate erosion potential in a disturbed state depending on the slope magnitude.

It is our opinion that soil erosion potential at this project site can be reduced through landscaping and surface water runoff control. Typically, erosion of exposed soils will be most noticeable during periods of rainfall and may be controlled by the use of normal temporary erosion control measures, such as silt fences, hay bales, mulching, control ditches and diversion trenches. The typical wet weather season, with regard to site grading, is from October 31st to April 1st. Erosion control measures should be in place before the onset of wet weather.

Seismic Hazard

The overall subsurface profile corresponds to a Site Class *E* as defined by Table 1613.5.2 of the International Building Code (IBC).

We referenced the U.S. Geological Survey (USGS) Earthquake Hazards Program Website to obtain values for S_S, S_1, F_a, and F_v. The USGS website includes the most updated published data on seismic conditions. The following tables provide seismic parameters from the USGS web site with referenced parameters from ASCE 7-16.

Seismic Design Parameters (ASCE 7-16)

Site Class	Spectral Acceleration at 0.2 sec. (g)	Spectral Acceleration at 1.0 sec. (g)	Site Coefficients		Design Spectral Response Parameters		Design PGA
			F_a	F_v	S_{DS}	S_{D1}	
E	1.2	0.427	Null	Null	Null	Null	0.512

For items listed as "Null" see Section 11.4.8 of the ASCE.

Additional seismic considerations include liquefaction potential and amplification of ground motions by soft/loose soil deposits. The liquefaction potential is highest for loose sand with a high groundwater table.

Soil liquefaction is a state where soil particles lose contact with each other and become suspended in a viscous fluid. This suspension of the soil grains results in a complete loss of strength as the effective stress drops to zero as a result of increased pore pressures. Liquefaction normally occurs under saturated conditions in soils such as sand in which the strength is purely frictional. However, liquefaction has occurred in soils other than clean sand, such as low plasticity silt. Liquefaction usually occurs under vibratory conditions such as those induced by seismic events.

To evaluate the liquefaction potential of the site, we analyzed the following factors:

1) Soil type and plasticity

2) Groundwater depth

3) Relative soil density

4) Initial confining pressure

5) Maximum anticipated intensity and duration of ground shaking

The commercially available liquefaction analysis software, LiqSVS was used to evaluate the liquefaction potential and the possible liquefaction induced settlement for the existing site soil conditions. Maximum Considered Earthquake (MCE) was selected in accordance with the ASCE, *International Building Code* and the U.S. Geological Survey (USGS) Earthquake Hazards Program website.

For this site, we used a peak ground acceleration of 0.512g and a 7.0M earthquake in the liquefaction analyses.

The analyses yielded significant liquefaction induced settlement from about 8 to 29 feet below grade. The total estimated settlement is on the order of 12 to 16 inches with differential settlements of about 6 to 8 inches. We have attached our results with this report.

Conclusions and Recommendations

General

The site is underlain by very soft to medium dense alluvium which varies in composition from silt to medium grained sand. The alluvium has a moderate to high potential for liquefaction during/after certain seismic events.

The proposed building may be supported on a shallow foundation system bearing on geopiers, rock columns, auger-cast piles (with grade beams); or on shallow mat/raft foundation systems. Driven pipe piles may be considered; however, we should be notified so that we may provide specific depth requirements and load testing program.

We recommend that all stormwater be routed into a detention system with overflow to City infrastructure. The soil and groundwater conditions are not suitable for shallow low impact development systems or infiltration systems.

Site Preparation

The upper 6 to 18 inches of existing topsoil and fill should be removed prior to preparation of the site for new fills or excavations. Note that the near surface soils will vary with location due to the likelihood that historic grading has occurred in this area.

The near surface soils consist of silty-sand with gravel and silt with sand and clay (locally). Some of the native soils may be used as structural fill provided they achieve compaction requirements and are within 3 percent of the optimum moisture (silty-sands only). These soils will likely be suitable for use as fill only during the summer months, as they will be above the optimum moisture levels in their current state. These soils are variably moisture sensitive and may degrade during periods of wet weather and under equipment traffic. Organic laden soils and any clayey soils should not be used as structural fill.

Imported structural fill should consist of a sand and gravel mixture with a maximum grain size of 3 inches and less than 5 percent fines (material passing the U.S. Standard No. 200 Sieve). Structural fill should be placed in maximum lift thicknesses of 12 inches and should be compacted to a minimum of 95 percent of the modified proctor maximum dry density, as determined by the ASTM D 1557 test method.

Temporary Excavations

Based on our understanding of the project, we anticipate that the grading could include local cuts on the order of approximately 3 feet or less for foundation and most of the utility placement. Any deeper temporary excavations should be sloped no steeper than 1.5H:1V (Horizontal:Vertical) in loose native soils and fill and 1H:1V in medium dense native soils. If an excavation is subject to heavy vibration or surcharge loads, we recommend that the excavations be sloped no steeper than 2H:1V, where room permits. We should be notified if any excavations will extend below about 4 feet as water-tight shoring and de-watering could be required.

Temporary cuts should be in accordance with the Washington Administrative Code (WAC) Part N, Excavation, Trenching, and Shoring. Temporary slopes should be visually inspected daily by a qualified person during construction activities and the inspections should be documented in daily reports. The contractor is responsible for maintaining the stability of the temporary cut slopes and reducing slope erosion during construction.

Temporary cut slopes should be covered with visqueen to help reduce erosion during wet weather, and the slopes should be closely monitored until the permanent retaining systems or slope configurations are complete. Materials should not be stored or equipment operated within 10 feet of the top of any temporary cut slope.

Soil conditions may not be completely known from the geotechnical investigation. In the case of temporary cuts, the existing soil conditions may not be completely revealed until the excavation work exposes the soil. Typically, as excavation work progresses the maximum inclination of temporary slopes will need to be re-evaluated by the geotechnical engineer so that supplemental recommendations can be made. Soil and groundwater conditions can be highly variable. Scheduling for soil work will need to be adjustable, to deal with unanticipated conditions, so that the project can proceed and required deadlines can be met.

If any variations or undesirable conditions are encountered during construction, we should be notified so that supplemental recommendations can be made. If room constraints or groundwater conditions do not permit temporary slopes to be cut to the maximum angles allowed by the WAC, temporary shoring systems may be required. The contractor should be responsible for developing temporary shoring systems, if needed. We recommend that Cobalt Geosciences and the project structural engineer review temporary shoring designs prior to installation, to verify the suitability of the proposed systems.

Foundation Design

Mat Foundations

It is our opinion that a rigid or flexible mat foundation system with interconnecting grade beams or a structural slab may be used to support the proposed building. This could consist of perimeter and isolated footings connected with grade beams or a uniform mat slab.

A net allowable bearing pressure of 750 pounds per square foot (psf) may be used for design of the mat/raft foundation.

We recommend removal of the uppermost 24 inches of soil below the proposed foundation system. Tensar TX160 should be placed over the resulting subgrade to further reduce the likelihood of soil settlement over time or under seismic scenarios. The geogrid should extend at least 2 feet beyond foundation edges and have 12 inches of overlap onto adjacent grid. We recommend placement of 24 inches of 1-1/4 to 1-1/2 inch crushed rock over the geogrid, compacted to the specifications above.

Resistance to lateral footing displacement can be determined using an allowable friction factor of 0.40 acting between the base of foundations and the supporting subgrades. Lateral resistance for footings can also be developed using an allowable equivalent fluid passive pressure of 250 pounds per cubic foot (pcf) acting against the appropriate vertical footing faces (neglect the upper 12 inches below grade in exterior areas). The allowable friction factor and allowable equivalent fluid passive pressure values include a factor of safety of 1.5. The frictional and passive resistance of the soil may be combined without reduction in determining the total lateral resistance.

Foundation excavations should be inspected to verify that the elements will bear on suitable material. It should be noted that tipping may occur during/after certain seismic events, which could result in some structural distress.

Exterior footings should have a minimum depth of 18 inches below pad subgrade (soil grade) or adjacent exterior grade, whichever is lower. Once the final design plans have been determined, we should be allowed to review the plans for conformance with our recommendations.

Note that some tilting could occur as a result of large seismic events due to the type of soils that underlie the site. If structural distress cannot be tolerated, we recommend supporting the building on rock columns (ground improvement) or auger-cast piles.

Rock Columns

Shallow perimeter and column footings supported on compacted rock columns or geopiers. We anticipate that compacted rock columns/aggregate piers will need to extend at least 30 feet below current site elevations; however, the final depths will depend on the overall design and loads. These systems are often a proprietary design that includes varying depth piers based on building load locations.

Provided that the concrete grade beam footings are supported on a system of compacted rock columns, a net allowable bearing pressure of up to 4,000 pounds per square foot (psf) may be used for design. Final structural design should be prepared by a structural engineer experienced with aggregate piers. We recommend that at least one load test be performed to verify adequate bearing capacity.

Resistance to lateral footing displacement can be determined using an allowable friction factor of 0.40 acting between the base of foundations and the supporting subgrades. Lateral resistance for footings can also be developed using an allowable equivalent fluid passive pressure of 250 pounds per cubic foot (pcf) acting against the appropriate vertical footing faces (neglect the upper 12 inches below grade in exterior areas). The allowable friction factor and allowable equivalent fluid passive pressure values include a factor of safety of 1.5. The frictional and passive resistance of the soil may be combined without reduction in determining the total lateral resistance.

A representative of Cobalt should be present at the site during the installation to verify general conformance with our recommendations.

Stormwater Management Feasibility

The site is underlain by fill and at depth by very fine grained alluvium. These soils are not suitable for infiltration or other shallow low impact development stormwater systems. We recommend routing all runoff into a detention system with overflow to City infrastructure. Groundwater could be very shallow in this area.

Slab-on-Grade

We recommend that the upper 24 inches of the existing fill and/or native soils within slab areas be re-compacted to at least 95 percent of the modified proctor (ASTM D1557 Test Method). This recommendation is not relevant if a mat/raft foundation is utilized. If the moisture content is too high for recompaction to required levels, the soils will likely require removal and replacement with structural fill.

If unstable soils are present at the 2 foot overexcavation depth during construction, we should be notified so that we may provide location specific recommendations. These could include the use of Tensar or other types of geogrid reinforcement. We suggest utilizing geogrid if heavy loads are expected in these areas.

Often, a vapor barrier is considered below concrete slab areas. However, the usage of a vapor barrier could result in curling of the concrete slab at joints. Floor covers sensitive to moisture typically requires the usage of a vapor barrier. A materials or structural engineer should be consulted regarding the detailing of the vapor barrier below concrete slabs. Exterior slabs typically do not utilize vapor barriers.

The American Concrete Institutes ACI 360R-06 Design of Slabs on Grade and ACI 302.1R-04 Guide for Concrete Floor and Slab Construction are recommended references for vapor barrier selection and floor slab detailing.

Slabs on grade may be designed using a coefficient of subgrade reaction of 150 pounds per cubic inch (pci) assuming the slab-on-grade base course is underlain by structural fill placed and compacted as outlined in Section 8.1. A 4- to 6-inch-thick capillary break layer should be placed over the prepared subgrade. This material should consist of pea gravel or 5/8 inch clean angular rock.

A perimeter drainage system is recommended unless interior slab areas are elevated a minimum of 12 inches above adjacent exterior grades. If installed, a perimeter drainage system should consist of a 4-inch diameter perforated drain pipe surrounded by a minimum 6 inches of drain rock wrapped in a non-woven geosynthetic filter fabric to reduce migration of soil particles into the drainage system. The perimeter drainage system should discharge by gravity flow to a suitable stormwater system.

Exterior grades surrounding buildings should be sloped at a minimum of one percent to facilitate surface water flow away from the building and preferably with a relatively impermeable surface cover immediately adjacent to the building.

Erosion and Sediment Control

Erosion and sediment control (ESC) is used to reduce the transportation of eroded sediment to wetlands, streams, lakes, drainage systems, and adjacent properties. Erosion and sediment control measures should be implemented, and these measures should be in general accordance with local regulations. At a minimum, the following basic recommendations should be incorporated into the design of the erosion and sediment control features for the site:

- Schedule the soil, foundation, utility, and other work requiring excavation or the disturbance of the site soils, to take place during the dry season (generally May through September). However, provided precautions are taken using Best Management Practices (BMP's), grading activities can be completed during the wet season (generally October through April).
- All site work should be completed and stabilized as quickly as possible.
- Additional perimeter erosion and sediment control features may be required to reduce the possibility of sediment entering the surface water. This may include additional silt fences, silt fences with a higher Apparent Opening Size (AOS), construction of a berm, or other filtration systems.

- Any runoff generated by dewatering discharge should be treated through construction of a sediment trap if there is sufficient space. If space is limited other filtration methods will need to be incorporated.

Utilities

Utility trenches should be excavated according to accepted engineering practices following OSHA (Occupational Safety and Health Administration) standards, by a contractor experienced in such work. The contractor is responsible for the safety of open trenches. Traffic and vibration adjacent to trench walls should be reduced; cyclic wetting and drying of excavation side slopes should be avoided. Depending upon the location and depth of some utility trenches, groundwater flow into open excavations could be experienced, especially during or shortly following periods of precipitation.

In general, silty soils were encountered at shallow depths in the explorations at this site. These soils have low cohesion and density and will have a tendency to cave or slough in excavations. Shoring or sloping back trench sidewalls is required within these soils in excavations greater than 4 feet deep.

All utility trench backfill should consist of imported structural fill or suitable on site soils. Utility trench backfill placed in or adjacent to buildings and exterior slabs should be compacted to at least 95 percent of the maximum dry density based on ASTM Test Method D1557. The upper 5 feet of utility trench backfill placed in pavement areas should be compacted to at least 95 percent of the maximum dry density based on ASTM Test Method D1557. Below 5 feet, utility trench backfill in pavement areas should be compacted to at least 90 percent of the maximum dry density based on ASTM Test Method D1557. Pipe bedding should be in accordance with the pipe manufacturer's recommendations.

The contractor is responsible for removing all water-sensitive soils from the trenches regardless of the backfill location and compaction requirements. Depending on the depth and location of the proposed utilities, we anticipate the need to re-compact existing fill soils below the utility structures and pipes. The contractor should use appropriate equipment and methods to avoid damage to the utilities and/or structures during fill placement and compaction procedures.

Pavements

The near surface subgrade soils generally consist of silty sand and silt with clay and sand. These soils are rated as fair to poor for pavement subgrade material (depending on silt content and moisture conditions). We estimate that the subgrade will have a California Bearing Ratio (CBR) value of 6 and a modulus of subgrade reaction value of k = 160 pci, provided the subgrade is prepared in general accordance with our recommendations.

We recommend that at a minimum, 18 inches of the existing subgrade material be moisture conditioned (as necessary) and re-compacted to prepare for the construction of pavement sections. Deeper levels of recompaction or overexcavation and replacement may be necessary in areas where fill and/or very poor (soft/loose) soils are present. Note that re-compaction may not be possible unless the soils are aerated and dried to the proper moisture levels. Overexcavation will likely be the most suitable method of mitigation.

If the work occurs during the wet season, additional overexcavation could be required as soils typically degrade more rapidly in wet weather conditions.

The subgrade should be compacted to at least 95 percent of the maximum dry density as determined by ASTM Test Method D1557. In place density tests should be performed to verify proper moisture content and adequate compaction. If unstable soils are prsenet prior to fill placement for the sections, we should be notified so that we may provide location specific recommendations. These could include additional overexcavation or stabilization with geotextiles.

The recommended flexible and rigid pavement sections are based on design CBR and modulus of subgrade reaction (k) values that are achieved, only following proper subgrade preparation. It should be noted that subgrade soils that have relatively high silt contents will likely be highly sensitive to moisture conditions. The subgrade strength and performance characteristics of a silty subgrade material may be dramatically reduced if this material becomes wet.

Based on our knowledge of the proposed project, we expect the traffic to range from light duty (passenger automobiles) to heavy duty (delivery trucks, forklifts). The following tables show the recommended pavement sections for light duty and heavy duty use.

ASPHALTIC CONCRETE (FLEXIBLE) PAVEMENT

LIGHT DUTY

Asphaltic Concrete	Aggregate Base*	Compacted Subgrade* **
2.5 in.	6.0 in.	18.0 in.

HEAVY DUTY

Asphaltic Concrete	Aggregate Base*	Compacted Subgrade* **
4.5 in.	8.0 in.	18.0 in.

PORTLAND CEMENT CONCRETE (RIGID) PAVEMENT

Min. PCC Depth	Aggregate Base*	Compacted Subgrade* **
6.0 in.	8.0 in.	18.0 in.

** 95% compaction based on ASTM Test Method D1557*

*** A proof roll may be performed in lieu of in place density tests*

The asphaltic concrete depth in the flexible pavement tables should be a surface course type asphalt, such as Washington Department of Transportation (WSDOT) ½ inch HMA. The rigid pavement design is based on a Portland Cement Concrete (PCC) mix that has a 28 day compressive strength of 4,000 pounds per square inch (psi). The design is also based on a concrete flexural strength or modulus of rupture of 550 psi.

CONSTRUCTION FIELD REVIEWS

Cobalt Geosciences should be retained to provide part time field review during construction in order to verify that the soil conditions encountered are consistent with our design assumptions and that the intent of our recommendations is being met. This will require field and engineering review to:

- Monitor and test structural fill placement and soil compaction
- Observe bearing capacity at foundation locations
- Verify foundation placement
- Observe slab-on-grade preparation
- Monitor foundation drainage placement
- Observe excavation stability

Geotechnical design services should also be anticipated during the subsequent final design phase to support the structural design and address specific issues arising during this phase. Field and engineering review services will also be required during the construction phase in order to provide a Final Letter for the project.

CLOSURE

This report was prepared for the exclusive use of KSA Investments and their appointed consultants. Any use of this report or the material contained herein by third parties, or for other than the intended purpose, should first be approved in writing by Cobalt Geosciences, LLC.

The recommendations contained in this report are based on assumed continuity of soils with those of our test holes and assumed structural loads. Cobalt Geosciences should be provided with final architectural and civil drawings when they become available in order that we may review our design recommendations and advise of any revisions, if necessary.

Use of this report is subject to the Statement of General Conditions provided in Appendix A. It is the responsibility of KSA Investments who is identified as "the Client" within the Statement of General Conditions, and its agents to review the conditions and to notify Cobalt Geosciences should any of these not be satisfied.

Sincerely,

Cobalt Geosciences, LLC

1/3/2021
Phil Haberman, PE, LG, LEG
Principal

Statement of General Conditions

USE OF THIS REPORT: This report has been prepared for the sole benefit of the Client or its agent and may not be used by any third party without the express written consent of Cobalt Geosciences and the Client. Any use which a third party makes of this report is the responsibility of such third party.

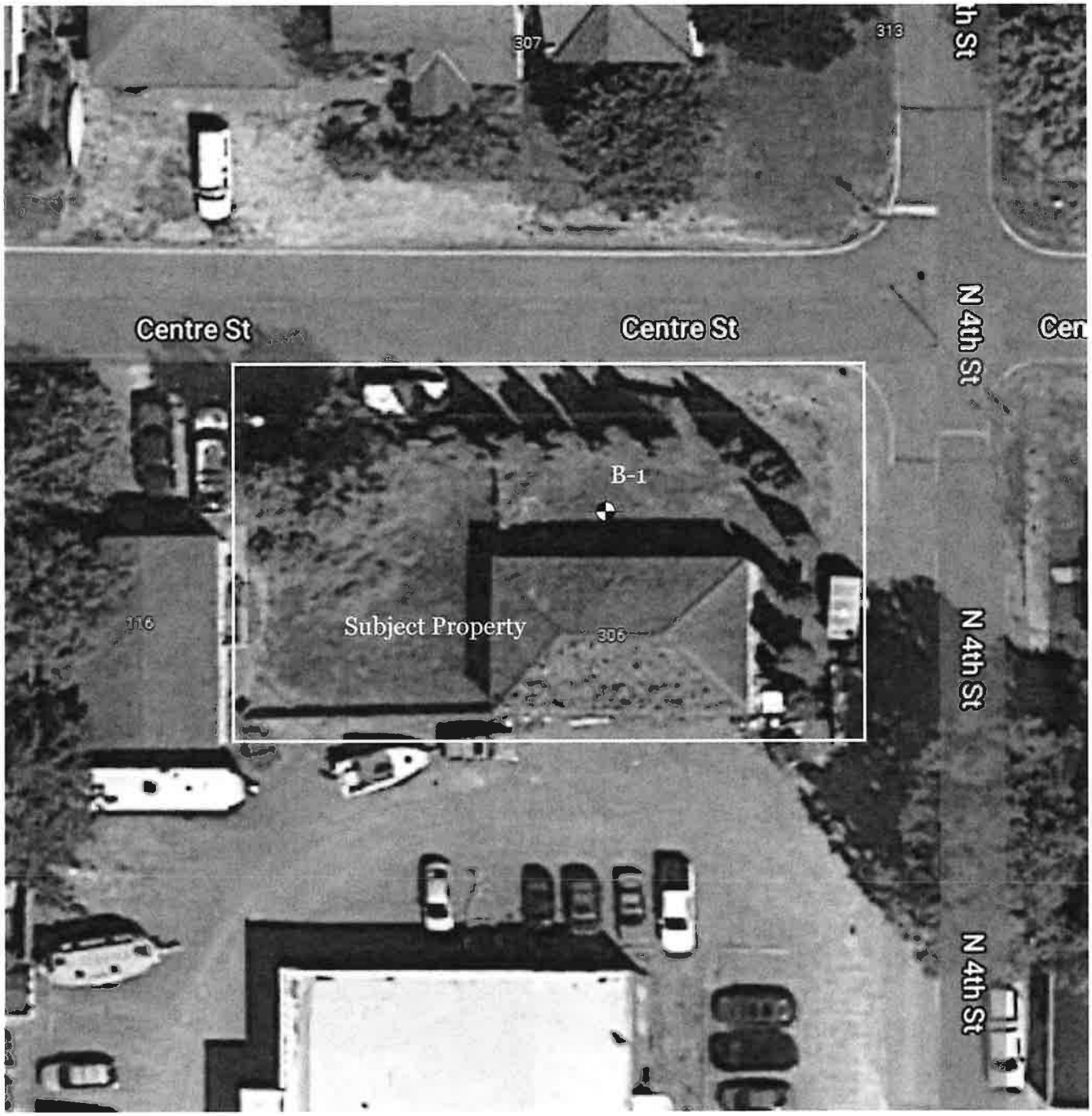
BASIS OF THE REPORT: The information, opinions, and/or recommendations made in this report are in accordance with Cobalt Geosciences present understanding of the site specific project as described by the Client. The applicability of these is restricted to the site conditions encountered at the time of the investigation or study. If the proposed site specific project differs or is modified from what is described in this report or if the site conditions are altered, this report is no longer valid unless Cobalt Geosciences is requested by the Client to review and revise the report to reflect the differing or modified project specifics and/or the altered site conditions.

STANDARD OF CARE: Preparation of this report, and all associated work, was carried out in accordance with the normally accepted standard of care in the state of execution for the specific professional service provided to the Client. No other warranty is made.

INTERPRETATION OF SITE CONDITIONS: Soil, rock, or other material descriptions, and statements regarding their condition, made in this report are based on site conditions encountered by Cobalt Geosciences at the time of the work and at the specific testing and/or sampling locations. Classifications and statements of condition have been made in accordance with normally accepted practices which are judgmental in nature; no specific description should be considered exact, but rather reflective of the anticipated material behavior. Extrapolation of in situ conditions can only be made to some limited extent beyond the sampling or test points. The extent depends on variability of the soil, rock and groundwater conditions as influenced by geological processes, construction activity, and site use.

VARYING OR UNEXPECTED CONDITIONS: Should any site or subsurface conditions be encountered that are different from those described in this report or encountered at the test locations, Cobalt Geosciences must be notified immediately to assess if the varying or unexpected conditions are substantial and if reassessments of the report conclusions or recommendations are required. Cobalt Geosciences will not be responsible to any party for damages incurred as a result of failing to notify Cobalt Geosciences that differing site or sub-surface conditions are present upon becoming aware of such conditions.

PLANNING, DESIGN, OR CONSTRUCTION: Development or design plans and specifications should be reviewed by Cobalt Geosciences, sufficiently ahead of initiating the next project stage (property acquisition, tender, construction, etc), to confirm that this report completely addresses the elaborated project specifics and that the contents of this report have been properly interpreted. Specialty quality assurance services (field observations and testing) during construction are a necessary part of the evaluation of sub-subsurface conditions and site preparation works. Site work relating to the recommendations included in this report should only be carried out in the presence of a qualified geotechnical engineer; Cobalt Geosciences cannot be responsible for site work carried out without being present.

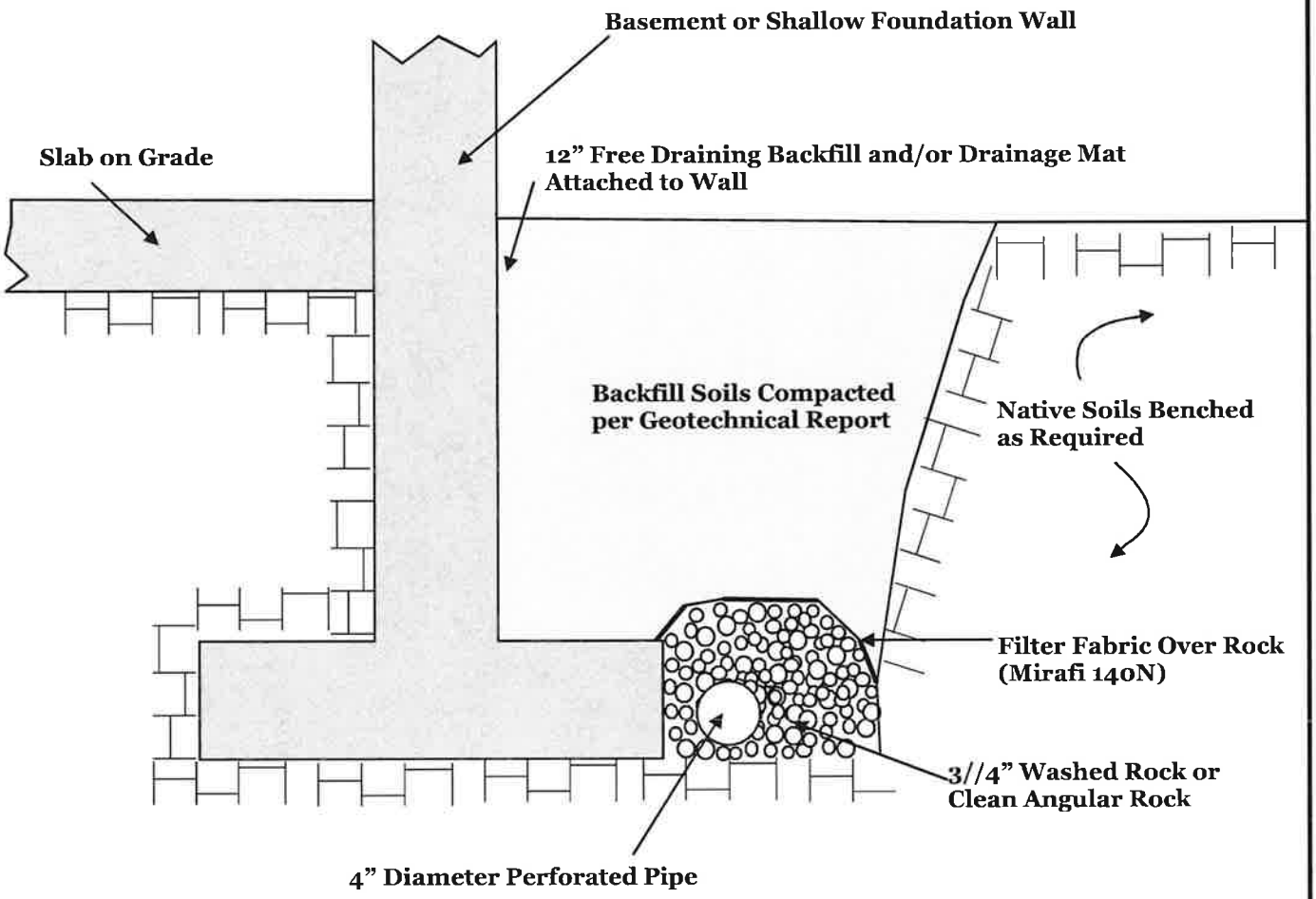


Approximate Boring Location (Cobalt)

B-1

N

COBALT GEOSCIENCES	Proposed Res. Development 306 Center Street La Conner, Washington	**AREA MAP** **FIGURE 1**	Cobalt Geosciences, LLC P.O. Box 82243 Kenmore, WA 98028 (206) 331-1097 www.cobaltgeo.com cobaltgeo@gmail.com



Not to Scale

COBALT GEOSCIENCES	Typical Foundation Drain Detail	Attachment	Cobalt Geosciences, LLC PO Box 1792 North Bend, WA 98045 (206) 331-1097 www.cobaltgeo.com phil@cobaltgeo.com

Unified Soil Classification System (USCS)

MAJOR DIVISIONS			SYMBOL	TYPICAL DESCRIPTION
COARSE GRAINED SOILS (more than 50% retained on No. 200 sieve)	Gravels (more than 50% of coarse fraction retained on No. 4 sieve)	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravels, gravel-sand mixtures, little or no fines
			GP	Poorly graded gravels, gravel-sand mixtures, little or no fines
		Gravels with Fines (more than 12% fines)	GM	Silty gravels, gravel-sand-silt mixtures
			GC	Clayey gravels, gravel-sand-clay mixtures
	Sands (50% or more of coarse fraction passes the No. 4 sieve)	Clean Sands (less than 5% fines)	SW	Well-graded sands, gravelly sands, little or no fines
			SP	Poorly graded sand, gravelly sands, little or no fines
		Sands with Fines (more than 12% fines)	SM	Silty sands, sand-silt mixtures
			SC	Clayey sands, sand-clay mixtures
FINE GRAINED SOILS (50% or more passes the No. 200 sieve)	Silts and Clays (liquid limit less than 50)	Inorganic	ML	Inorganic silts of low to medium plasticity, sandy silts, gravelly silts, or clayey silts with slight plasticity
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays silty clays, lean clays
		Organic	OL	Organic silts and organic silty clays of low plasticity
	Silts and Clays (liquid limit 50 or more)	Inorganic	MH	Inorganic silts, micaceous or diatomaceous fine sands or silty soils, elastic silt
			CH	Inorganic clays of medium to high plasticity, sandy fat clay, or gravelly fat clay
		Organic	OH	Organic clays of medium to high plasticity, organic silts
HIGHLY ORGANIC SOILS	Primarily organic matter, dark in color, and organic odor		PT	Peat, humus, swamp soils with high organic content (ASTM D4427)

Classification of Soil Constituents

MAJOR constituents compose more than 50 percent, by weight, of the soil. Major constituents are capitalized (i.e., SAND).

Minor constituents compose 12 to 50 percent of the soil and precede the major constituents (i.e., silty SAND). Minor constituents preceded by "slightly" compose 5 to 12 percent of the soil (i.e., slightly silty SAND).

Trace constituents compose 0 to 5 percent of the soil (i.e., slightly silty SAND, trace gravel).

Grain Size Definitions

Description	Sieve Number and/or Size
Fines	<#200 (0.08 mm)
Sand	
-Fine	#200 to #40 (0.08 to 0.4 mm)
-Medium	#40 to #10 (0.4 to 2 mm)
-Coarse	#10 to #4 (2 to 5 mm)
Gravel	
-Fine	#4 to 3/4 inch (5 to 19 mm)
-Coarse	3/4 to 3 inches (19 to 76 mm)
Cobbles	3 to 12 inches (75 to 305 mm)
Boulders	>12 inches (305 mm)

Relative Density (Coarse Grained Soils)

N, SPT, Blows/FT	Relative Density
0 - 4	Very loose
4 - 10	Loose
10 - 30	Medium dense
30 - 50	Dense
Over 50	Very dense

Consistency (Fine Grained Soils)

N, SPT, Blows/FT	Relative Consistency
Under 2	Very soft
2 - 4	Soft
4 - 8	Medium stiff
8 - 15	Stiff
15 - 30	Very stiff
Over 30	Hard

Moisture Content Definitions

Dry	Absence of moisture, dusty, dry to the touch
Moist	Damp but no visible water
Wet	Visible free water, from below water table

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Soil Classification Chart

Figure C1

Log of Boring B-1

Date: December 23, 2021	Depth: 31.5'	Initial Groundwater: 4'
Contractor: CN	Elevation: N/A	Sample Type: Split Spoon
Method: Hollow Stem Auger	Logged By: JJ Checked By: PH	Final Groundwater: 4'

Depth (Feet)	Interval	% Recovery	Blows/6"	Graphic Log	USCS Symbol	Material Description
2			1 2 3		ML	Very soft to medium stiff, silt with fine grained sand trace gravel, mottled yellowish brown to grayish brown, moist to wet. (Alluvium)
4						
6			0 0 1			
8					SP	Loose to medium dense, fine to medium grained sand trace gravel local areas of fine sand and silt, grayish brown, wet. (Alluvium)
10			1 2 3			
12						
14						
16			7 8 10			
18						
20			3 5 6			
22						
24						
26			4 6 6			
28						
30			8 13 14			
32						End of Boring 31.5'

Groundwater

Moisture Content (%)
Plastic Limit — Liquid Limit

SPT N-Value
0 10 20 30 40 50

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Proposed Building
306 Center Street
La Conner, Washington

Boring Log

GEOLOGISMIC
Geotechnical Software

SPT BASED LIQUEFACTION ANALYSIS REPORT

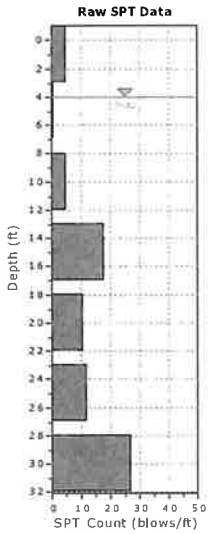
Project title : La Conner

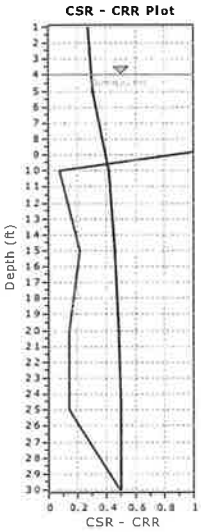
SPT Name: SPT #1

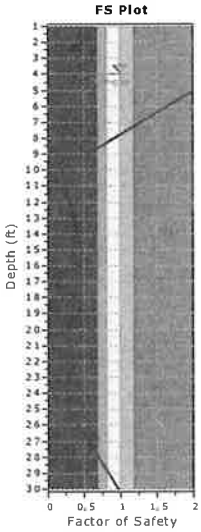
Location : 306 Center Street

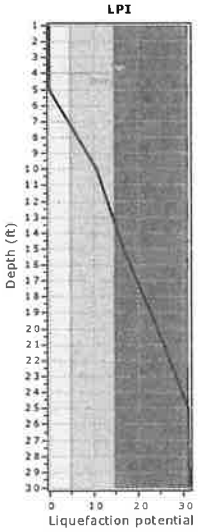
:: Input parameters and analysis properties ::

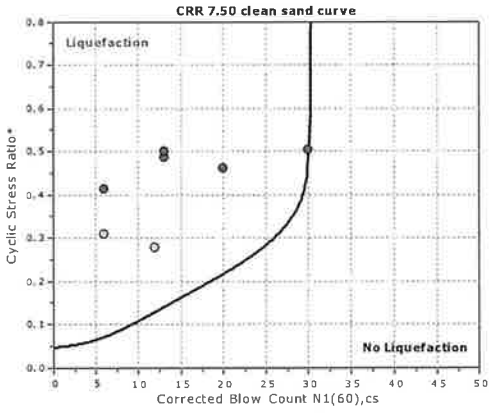
Analysis method:	NCEER 1998	G.W.T. (in-situ):	4.00 ft
Fines correction method:	NCEER 1998	G.W.T. (earthq.):	4.00 ft
Sampling method:	Standard Sampler	Earthquake magnitude M_w:	7.00
Borehole diameter:	65mm to 115mm	Peak ground acceleration:	0.51 g
Rod length:	3.28 ft	Eq. external load:	0.00 tsf
Hammer energy ratio:	1.00		











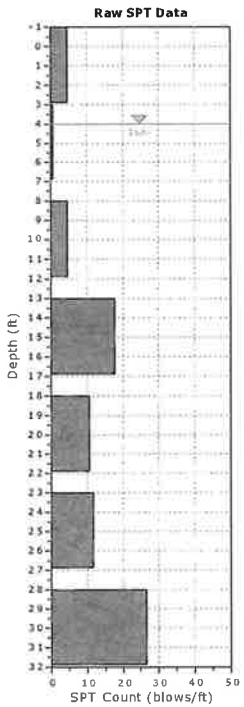
F.S. color scheme

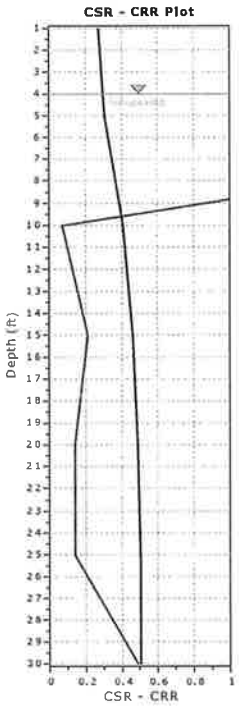
- Almost certain it will liquefy
- Very likely to liquefy
- Liquefaction and no liq. are equally likely
- Unlike to liquefy
- Almost certain it will not liquefy

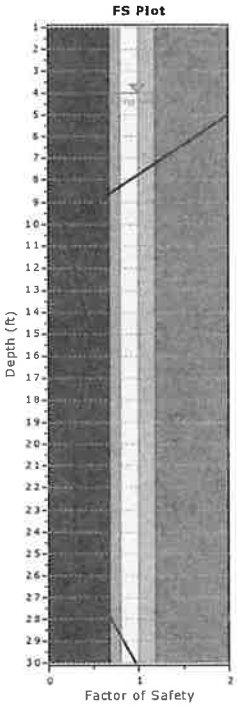
LPI color scheme

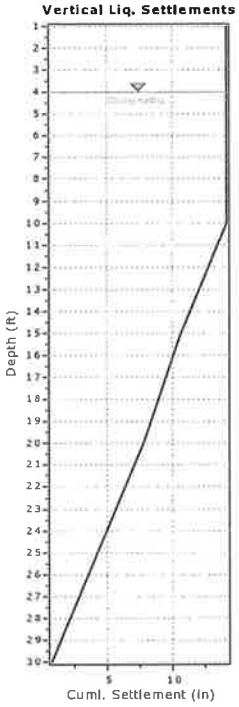
- Very high risk
- High risk
- Low risk

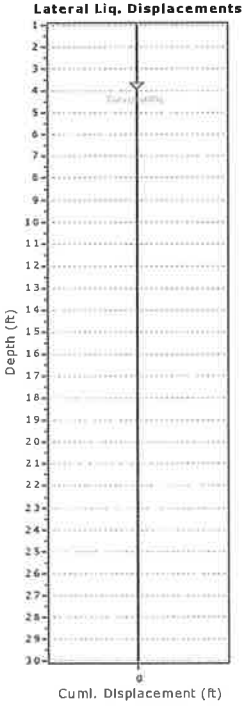
:: Overall Liquefaction Assessment Analysis Plots ::











:: Field input data ::

Test Depth (ft)	SPT Field Value (blows)	Fines Content (%)	Unit Weight (pcf)	Infl. Thickness (ft)	Can Liquefy
1.00	5	70.00	110.00	4.00	No
5.00	1	70.00	110.00	4.00	No
10.00	5	5.00	110.00	5.00	Yes
15.00	18	5.00	110.00	5.00	Yes
20.00	11	5.00	110.00	5.00	Yes
25.00	12	5.00	110.00	5.00	Yes
30.00	27	5.00	110.00	5.00	Yes

Abbreviations

Depth: Depth at which test was performed (ft)
SPT Field Value: Number of blows per foot
Fines Content: Fines content at test depth (%)
Unit Weight: Unit weight at test depth (pcf)
Infl. Thickness: Thickness of the soil layer to be considered in settlements analysis (ft)
Can Liquefy: User defined switch for excluding/including test depth from the analysis procedure

:: Cyclic Resistance Ratio (CRR) calculation data ::

Depth (ft)	SPT Field Value	Unit Weight (pcf)	σ_v (tsf)	u_o (tsf)	σ'_{vo} (tsf)	C_N	C_E	C_B	C_R	C_S	$(N_1)_{60}$	Fines Content (%)	α	β	$(N_1)_{60cs}$	$CRR_{7.5}$
1.00	5	110.00	0.06	0.00	0.06	1.70	1.00	1.00	0.75	1.00	6	70.00	5.00	1.20	12	4.000
5.00	1	110.00	0.28	0.03	0.24	1.54	1.00	1.00	0.75	1.00	1	70.00	5.00	1.20	6	4.000
10.00	5	110.00	0.55	0.19	0.36	1.43	1.00	1.00	0.85	1.00	6	5.00	0.00	1.00	6	0.073
15.00	18	110.00	0.83	0.34	0.48	1.33	1.00	1.00	0.85	1.00	20	5.00	0.00	1.00	20	0.218
20.00	11	110.00	1.10	0.50	0.60	1.24	1.00	1.00	0.95	1.00	13	5.00	0.00	1.00	13	0.142
25.00	12	110.00	1.38	0.66	0.72	1.17	1.00	1.00	0.95	1.00	13	5.00	0.00	1.00	13	0.142
30.00	27	110.00	1.65	0.81	0.84	1.10	1.00	1.00	1.00	1.00	30	5.00	0.00	1.00	30	0.488

Abbreviations

σ_v: Total stress during SPT test (tsf)
u_o: Water pore pressure during SPT test (tsf)
σ'_{vo}: Effective overburden pressure during SPT test (tsf)
C_N: Overburden corretion factor
C_E: Energy correction factor
C_B: Borehole diameter correction factor
C_R: Rod length correction factor
C_S: Liner correction factor
$N_{1(60)}$: Corrected N_{SPT} to a 60% energy ratio
α, β: Clean sand equivalent clean sand formula coeffidents
$N_{1(60)cs}$: Corected $N_{1(60)}$ value for fines content
$CRR_{7.5}$: Cydic resistance ratio for M=7.5

:: Cyclic Stress Ratio calculation (CSR fully adjusted and normalized) ::

Depth (ft)	Unit Weight (pcf)	$\sigma_{v,eq}$ (tsf)	$u_{o,eq}$ (tsf)	$\sigma'_{vo,eq}$ (tsf)	r_d	α	CSR	MSF	$CSR_{eq,M=7.5}$	K_{sigma}	CSR^*	FS	
1.00	110.00	0.06	0.00	0.06	1.00	1.00	0.331	1.19	0.278	1.00	0.278	2.000	●
5.00	110.00	0.28	0.03	0.24	0.99	1.00	0.370	1.19	0.310	1.00	0.310	2.000	●
10.00	110.00	0.55	0.19	0.36	0.98	1.00	0.492	1.19	0.413	1.00	0.413	0.176	●
15.00	110.00	0.83	0.34	0.48	0.97	1.00	0.550	1.19	0.461	1.00	0.461	0.472	●
20.00	110.00	1.10	0.50	0.60	0.96	1.00	0.581	1.19	0.487	1.00	0.487	0.291	●
25.00	110.00	1.38	0.66	0.72	0.94	1.00	0.597	1.19	0.500	1.00	0.500	0.284	●
30.00	110.00	1.65	0.81	0.84	0.92	1.00	0.601	1.19	0.504	1.00	0.504	0.969	●

:: Cyclic Stress Ratio calculation (CSR fully adjusted and normalized) ::

Depth (ft)	Unit Weight (pcf)	$\sigma_{v,eq}$ (tsf)	$u_{o,eq}$ (tsf)	$\sigma'_{vo,eq}$ (tsf)	r_d	α	CSR	MSF	$CSR_{eq,M=7.5}$	K_{sigma}	CSR*	FS

Abbreviations

$\sigma_{v,eq}$: Total overburden pressure at test point, during earthquake (tsf)
$u_{o,eq}$: Water pressure at test point, during earthquake (tsf)
$\sigma'_{vo,eq}$: Effective overburden pressure, during earthquake (tsf)
r_d : Nonlinear shear mass factor
α: Improvement factor due to stone columns
CSR : Cyclic Stress Ratio (adjusted for improvement)
MSF : Magnitude Scaling Factor
$CSR_{eq,M=7.5}$: CSR adjusted for M=7.5
K_{sigma}: Effective overburden stress factor
CSR*: CSR fully adjusted (user FS applied)***
FS: Calculated factor of safety against soil liquefaction

*** User FS: 1.00

:: Liquefaction potential according to Iwasaki ::

Depth (ft)	FS	F	wz	Thickness (ft)	I_L
1.00	2.000	0.00	9.85	4.00	0.00
5.00	2.000	0.00	9.24	4.00	0.00
10.00	0.176	0.82	8.48	5.00	10.64
15.00	0.472	0.53	7.71	5.00	6.21
20.00	0.291	0.71	6.95	5.00	7.51
25.00	0.284	0.72	6.19	5.00	6.76
30.00	0.969	0.03	5.43	5.00	0.26

Overall potential I_L: 31.37

I_L = 0.00 - No liquefaction
I_L between 0.00 and 5 - Liquefaction not probable
I_L between 5 and 15 - Liquefaction probable
I_L > 15 - Liquefaction certain

:: Vertical settlements estimation for dry sands ::

Depth (ft)	$(N_1)_{60}$	τ_{av}	p	G_{max} (tsf)	a	b	γ	ε_{15}	N_c	ε_{Nc} (%)	Δh (ft)	ΔS (in)
1.00	6	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	0.000

Cumulative settlemetns: 0.000

Abbreviations

τ_{av}: Average cyclic shear stress
p: Average stress
G_{max}: Maximum shear modulus (tsf)
a, b: Shear strain formula variables
γ: Average shear strain
ε_{15}: Volumetric strain after 15 cycles
N_c: Number of cycles
ε_{Nc}: Volumetric strain for number of cycles N_c (%)
Δh: Thickness of soil layer (in)
ΔS: Settlement of soil layer (in)

:: Vertical settlements estimation for saturated sands ::

Depth (ft)	D_{50} (in)	q_c/N	e_v (%)	Δh (ft)	s (in)

:: Vertical settlements estimation for saturated sands ::

Depth (ft)	D_{50} (in)	q_c/N	e_v (%)	Δh (ft)	s (in)
5.00	0.01	2.10	0.00	4.00	0.000
10.00	0.01	2.10	5.80	5.00	3.480
15.00	0.01	2.10	4.76	5.00	2.853
20.00	0.01	2.10	5.80	5.00	3.480
25.00	0.01	2.10	5.80	5.00	3.480
30.00	0.01	2.10	1.36	5.00	0.814

Cumulative settlements: 14.107

Abbreviations

D_{50}: Median grain size (in)
q_c/N: Ratio of cone resistance to SPT
e_v: Post liquefaction volumetric strain (%)
Δh: Thickness of soil layer to be considered (ft)
s: Estimated settlement (in)

:: Lateral displacements estimation for saturated sands ::

Depth (ft)	$(N_1)_{60}$	D_r (%)	γ_{max} (%)	d_z (ft)	LDI	LD (ft)
1.00	6	34.29	0.00	4.00	0.000	0.00
5.00	1	14.00	0.00	4.00	0.000	0.00
10.00	6	34.29	51.20	5.00	0.000	0.00
15.00	20	62.61	22.70	5.00	0.000	0.00
20.00	13	50.48	34.10	5.00	0.000	0.00
25.00	13	50.48	34.10	5.00	0.000	0.00
30.00	30	76.68	3.44	5.00	0.000	0.00

Cumulative lateral displacements: 0.00

Abbreviations

D_r: Relative density (%)
γ_{max}: Maximum amplitude of cyclic shear strain (%)
d_z: Soil layer thickness (ft)
LDI: Lateral displacement index (ft)
LD: Actual estimated displacement (ft)

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EXHIBIT 6

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DIXON
ENVIRONMENTAL SERVICES

PHASE II ENVIRONMENTAL SITE ASSESSMENT:

SUBSURFACE INVESTIGATION REPORT

Skagit County Parcel #P74143
306 Center Street
La Conner, WA 98257

February 15, 2022

Prepared for:

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Table of Contents

1.0 Introduction

On behalf of KSA Investments LLC (KSA), Dixon Environmental Services (Dixon ES) has prepared this Phase II Environmental Site Assessment (ESA): Subsurface Investigation (SI) Report for the parcel addressed at 306 Center Street in La Conner, Washington (the Property) (Figure 1). This SI was conducted to evaluate the environmental quality of soil and groundwater beneath the Property due to the documented release of petroleum hydrocarbons associated with a historical fuel station on the south adjacent parcel.

Dixon ES understands that KSA has applied for conditional use approval with the City of La Conner to construct a 3-story, mixed-use commercial/residential structure on the Property; however, prior to considering the application, the City has requested documentation that the Property is safe for residential land use due to potential contaminant migration from the south adjacent parcel.

This SI Report details site activities and observations, investigation methodology, sample analytical results, and provides conclusions and recommendations based on the investigation findings.

2.0 Property Location, Description, and Background

The Property consists of a single rectangularly shaped Skagit County Tax Parcel (P74143), 0.35 acres in size, addressed at 306 Center Street in La Conner, Washington.

The Property is currently improved with a 1,080 square foot (sf) manufactured home. The southern portion of the Property is paved with asphalt and utilized for parking associated with a restaurant on the south adjacent parcel (Figure 2).

2.1 Land Use History

According to records provided by the Washington State Department of Ecology (Ecology), the property addressed at 315 Morris Street was formerly occupied by several vintages of fuel stations between at least 1930 and 1989.

The fuel stations were reportedly improved with at least 6 underground storage tanks (USTs) and associated product distribution systems. The UST nests were reportedly positioned in two different locations on the site, as they were used during separate station operational configurations (Figure 2). The facility was also reportedly equipped with above ground bulk fuel tanks, which appear to have been positioned to the north of the current parcel line, on the Property itself. Historically, the Property and south adjacent property were one parcel, although the majority of facility activities occurred on the southern portion of the site.

2.2 Physical Setting

Category	Description	Source
Topographic Characteristics		
Site Elevation	12 feet above mean sea level.	USGS Topographic Map La Conner, WA (2020)
Topographic Gradient	The general topographic gradient at the Property is from southwest to northeast.	Field Observations, USGS Topographic Map La Conner, WA (2020)
Hydrologic Characteristics		
Nearest Water Body	Swinomish Channel: Approximately 730 feet to the west of the Property.	USGS Topographic Map La Conner, WA (2020)
Flood Zones	Zone A: Areas Determined to be Inside the 1% Annual Flood Hazard zone.	FEMA Map Panel 5301560001B
Wetlands	The Property does not appear to lie within the National Wetland Inventory.	USGS Topographic Map La Conner, WA (2020)
Geologic Characteristics		
Primary Soil Types	Soil encountered during this investigation generally consisted of varying ratios of sand and silt the maximum depth explored of 16 feet below ground surface (bgs).	Drilling Observations (Exhibit D: Boring Logs)
Fill Material	Apparent fill material was encountered during the investigation between approximately 0 and 1.5 feet bgs.	Drilling Observations (Exhibit D: Boring Logs)
Hydrogeologic Characteristics		
Depth to Nearest Groundwater	Shallow groundwater was encountered during this investigation at approximately 4 feet bgs.	Drilling Observations
Groundwater Flow Direction	Based on a review of regional topography and geomorphology, it appears that shallow-seated groundwater (if present), may flow in an easterly direction toward localized low-lying areas.	USGS Topographic Map La Conner, WA (2020)
Nearest Groundwater Supply Wells	The nearest groundwater supply wells appear to be located over 5,000 feet to the west of the Property.	Ecology Well Log Search

2.4 Previous Environmental Investigations

In 1989, at least 2 USTs were reportedly removed from the southwestern portion of the former fuel station. No records associated with the decommissioning of these tanks were available for review.

In 2003, 4 USTs were discovered during a utility improvement project, which were partially positioned beneath the Morris Street right-of-way (ROW). These tanks were subsequently removed by ADEPT Geoscience and Environment, Inc. (Adept).

According to Adept's UST Removal and Site Assessment Report (Appendix A), soil within the tank pit contained concentrations of gasoline-range petroleum hydrocarbons (GRPH) toluene, ethylbenzene, and xylenes in excess of their respective Model Toxics Control Act (MTCA) Method A Cleanup Levels.

Soil samples were also analyzed for diesel-range petroleum hydrocarbons (DRPH), oil-range petroleum hydrocarbons (ORPH), and lead. These contaminants were either not detected, or were at concentrations below their respective MTCA Method A Cleanup Level.

Approximately 127 tons of petroleum contaminated soil was removed from the former tank area; however, several soil samples collected at the final limits of the excavation still contained concentrations of contaminants of concern in excess of their respective MTCA Method A Cleanup Levels.

Groundwater was encountered during the cleanup activities, but no samples were collected.

In order to further evaluate the nature and extent of the release, Sound Environmental Strategies (SES) performed a subsurface investigation at the site in March of 2005.

The subsurface investigation included the advancement of 6 borings within the Morris Street ROW and 6 borings within the 4th Street ROW (Figure 3). At least 3 soil samples were collected from each boring at depths between 2 and 12 feet bgs.

Groundwater was encountered in all 12 borings, and was reportedly sampled using standard low-flow methodology from temporary monitoring wells.

Select soil and groundwater samples were analyzed for one or more of the following contaminants of concern: GRPH; DRPH; ORPH; benzene, toluene, ethylbenzene, and xylenes (BTEX); lead; manganese; and polycyclic aromatic hydrocarbons (PAHs).

Concentrations of GRPH, DRPH, benzene, ethylbenzene, xylenes, and/or naphthalene were detected in soil at concentrations exceeding their respective MTCA Method A Cleanup Levels in borings ROW-4, ROW-5, ROW-6, ROW-7, ROW-11, and ROW-12.

Concentrations of GRPH, DRPH, benzene, and/or lead were detected in groundwater at concentrations exceeding their respective MTCA Method A Cleanup Levels in borings ROW-3, ROW-4, ROW-5, ROW-6, ROW-7, ROW-11, and ROW-12.

It should be noted that all DRPH concentrations were flagged by the laboratory for not representing the fuel standard used for quantitation. The laboratory observed that the pattern variation is consistent with projects in close proximity to septic systems or marine waters.

The results of the investigation indicate that the nature and extent of the release(s) remain undefined.

Based on these findings, it was our opinion that a focused investigation along the southern Property boundary would provide sufficient information to evaluate whether the Property has been impacted by the known release(s), as well as evaluate any potential impacts from the staging of above ground bulk fuel tanks on the Property. No other areas of the Property appear to warrant investigation based on the known historical land use practices.

3.0 Subsurface Investigation Tasks and Methodology

3.1 Approved Scope of Work

The approved scope of work for this SI included:

- Development of a project work plan;
- Identification of public and private utilities;
- Oversight of direct push drilling activities;
- Collection and laboratory analysis of soil and groundwater samples; and,
- Preparation of this report.

3.2 Contaminants of Concern

Based on the results of previous investigations, the primary contaminants of concern (COCs) for the Property include:

- Gasoline-range Petroleum Hydrocarbons (GRPH);
- Diesel-range Petroleum Hydrocarbons (DRPH);
- Oil-range Petroleum Hydrocarbons (ORPH); and,
- Benzene, Toluene, Ethylbenzene, and Xylenes (BTEX)

Secondary COCs include lead and naphthalene, however these contaminants are not expected to be present without the primary COCs and were not evaluated under the scope of this assessment.

3.3 Pre-Field Activities

Prior to subsurface work, the Washington Utility Notification Center was contacted to submit a public utility locate request (Ticket #21557324), and Dixon ES contracted with Mountainview Locating Services (Mountainview) of Bonney Lake, Washington to perform a private utility sweep and clear any potential drilling conflicts.

Dixon ES also prepared a site-specific health and safety plan which identified physical and chemical hazards associated with the project.

3.4 Field Activities

On January 28, 2022, Dixon ES oversaw the advancement of 6 borings (B1 through B6) by Standard Environmental Probe of Tumwater, Washington, using direct push drilling techniques. Borings B1 and B2 were advanced near the southern Property boundary to evaluate the potential for contaminant migration from the south adjacent parcel. B3 was also intended to evaluate potential for contaminant migration from the southern parcel, but was positioned in a location which would evaluate a potential release from the former bulk fuel tanks on the Property as well (Figures 4 & 5).

Borings B4 through B6 were added to the west, east, and south of B3 due to potential contamination identified during field screening.

Soil was extracted from each boring using 4-foot long, 2.25-inch MacroCore samplers, with 4-foot interior acetate liners. Soil was continuously screened for the presence of contamination using a photoionization detector (PID), as well as visual and olfactory observations, and was characterized in accordance with the Unified Soil Classification System (USCS) (Exhibit C: Boring Logs).

A total of 13 soil samples were collected from the 6 borings at depths between 5 and 14 feet bgs, however not all samples were selected for chemical analysis; certain samples were held at the laboratory for further contamination delineation if necessary, or were not analyzed due to the lack of field evidence of impacts. The full sample log is summarized in the table below:

Boring ID	Sample ID	Sample Depth (ft)	Selected for Analysis	Contaminants of Concern
B1	B1-5	5	Yes	DRPH, ORPH, GRPH, BTEX
B1	B1-9	9	Yes	DRPH, ORPH, GRPH, BTEX
B2	B2-5	5	Yes	DRPH, ORPH, GRPH, BTEX
B2	B2-10	10	Yes	DRPH, ORPH, GRPH, BTEX
B3	B3-5	5	Yes	DRPH, ORPH, GRPH, BTEX
B3	B3-9	9	Yes	DRPH, ORPH, GRPH, BTEX

Boring ID	Sample ID	Sample Depth (ft)	Selected for Analysis	Contaminants of Concern
B3	B3-14	14	Yes	GRPH, BTEX
B4	B4-5	5	Yes	DRPH, ORPH, GRPH, BTEX
B4	B4-11	11	No	
B5	B5-6	6	Yes	DRPH, ORPH, GRPH, BTEX
B5	B5-12	12	No	
B6	B6-5	5	Yes	DRPH, ORPH, GRPH, BTEX
B6	B6-11	11	No	

Soil samples were collected directly from the acetate liners, extracted from the MacroCore samplers, and transferred into clean laboratory provided glassware, including 4oz jars and 40ml volatile organic analysis (VOA) vials. Samples collected for VOC analysis were done so in accordance with EPA Method 5035 Sampling Techniques.

Shallow perched groundwater was encountered in borings B1 through B6 at approximately 4 feet bgs, which was sampled in accordance with the Environmental Protection Agency (EPA) 2005 publication *Groundwater Sampling and Monitoring with Direct Push Technologies*.

Samples were placed in a cooler and kept on ice until delivered to a Washington State Department of Ecology (Ecology) Accredited Laboratory, Friedman and Bruya, Inc. (F&BI) of Seattle, Washington under standard chain of custody protocols. Laboratory analytical methods for the site specific COCs are presented below:

- GRPH – Northwest Method NWTPH-Gx
- ORPH and DRPH – Northwest Method NWTPH-Dx
- BTEX – EPA Method 8021B

4.0 Investigation Results

4.1 Soil Analytical Results

- The soil sample collected from B2 at 10 feet bgs contained a concentration of benzene, however the value was below its MTCA Method A Cleanup Level.
- The soil sample collected from B3 at 5 feet bgs contained a concentration GRPH in excess of its MTCA Method A Cleanup Level. This sample also contained detectable concentrations of DRPH, ORPH, ethylbenzene, and xylenes, however the values were below their respective MTCA Method A Cleanup Levels.

- The soil sample collected from B3 at 9 feet bgs contained a concentration of benzene in excess of its MTCA Method A Cleanup Level.
- The soil sample collected from B5 at 6 feet bgs contained detectable concentrations of GRPH, ethylbenzene, and xylenes, however the values were below their respective MTCA Method A Cleanup Levels.
- No other soil samples contained detectable concentrations of site-specific COCs.

Soil sample analytical results are summarized on Table 1. Laboratory analytical reports are included in Exhibit D.

4.2 Groundwater Analytical Results

- The groundwater sample collected from B1 contained no detectable concentrations of site-specific COCs.
- The groundwater sample collected from B2 contained a concentration of benzene in excess of its MTCA Method A Cleanup Level. This sample also contained detectable concentrations of GRPH, DRPH, and toluene, however the values were below their respective MTCA Method A Cleanup Levels.
- The groundwater sample collected from B3 contained concentrations of DRPH, ORPH, and benzene in excess of their respective MTCA Method A Cleanup Levels. This sample also contained detectable concentrations of GRPH and toluene, however the values were below their respective MTCA Method A Cleanup Levels.
- The groundwater sample collected from B4 contained a concentration of benzene in excess of its MTCA Method A Cleanup Level. This sample also contained detectable concentrations of GRPH, DRPH, and toluene, however the values were below their respective MTCA Method A Cleanup Levels.
- The groundwater sample collected from B5 contained detectable concentrations of DRPH and benzene, however the values were below their respective MTCA Method A Cleanup Levels.
- The groundwater sample collected from B6 contained concentrations of benzene and toluene, however the values were below their respective MTCA Method A Cleanup Levels.
- It should be noted that all groundwater samples originally contained detectable concentrations of ORPH and/or DPRH that were flagged by the laboratory for not representing the fuel standard used for quantitation. Those that were above the MTCA Method A Cleanup Levels (B1-GW, B3-GW, and B5-GW) were re-analyzed by passing the

sample extracts through a silica gel column prior to the analysis to remove potential organic interference.

This re-analysis showed that there were no true detectable DRPH and ORPH concentrations in the groundwater collected from B1 and B5, while the groundwater collected from B3 contained both in excess of their respective MTCA Method A Cleanup Levels.

Groundwater sample analytical results are summarized on Table 2. Laboratory analytical reports are included in Exhibit D.

5.0 Summary, Conclusions, and Recommendations

On January 28, 2022, Dixon ES collected soil and groundwater samples beneath the Property to evaluate the potential for contaminant migration from the south adjacent parcel, as well as the potential for a release from the former bulk fuel tanks historically staged on the Property.

The results discussed above support the following conclusions:

- Soil beneath the Property does not appear to have been substantially impacted by the release(s) on the south adjacent parcel.
- Groundwater beneath the Property does appear to have been impacted by the release(s) on the south adjacent parcel. Most likely associated with the USTs removed in 1989 based on inferred groundwater flow direction.
- A release appears to have occurred in connection with the former bulk fuel tanks. Soil impacted with GRPH, ORPH, DRPH, and benzene, was identified between 5 and 9 feet bgs in the vicinity of the former tank area. The GRPH and benzene concentrations were above their respective MTCA Method A Cleanup Levels.
- The release associated with the former bulk fuel tanks does not appear to be widespread in the southerly, westerly, or easterly directions. The northern extent remains undefined due to the presence of the existing residential structure.
- There is a potential vapor intrusion risk for on-Property structures. The concentrations of benzene detected in groundwater exceed the MTCA Method B Screening Level considered protective of indoor air (2.4 micrograms per liter [µg/L]).

Based on these findings, and request to assure that the Property is safe for residential development, Dixon ES makes the following recommendations:

- Once the residential structure is demolished, the most permanent and practical solution to remediate the contaminated soil identified near the former bulk fuel tanks would be excavation and disposal at a Subtitle D landfill.

  The excavation would occur in the vicinity of boring B3, extending outward and in a northerly direction. The samples collected from borings B4, B5, and B6 provide lateral bounds to the contamination in the westerly, easterly, and southerly direction, but it is possible there is contamination residing beneath the existing structure.

  Performance monitoring would 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 would be collected directly from the sidewalls and/or bottom of the remedial excavation using either stainless steel or plastic sampling tools. Non-dedicated sampling equipment would be decontaminated between uses.

  Samples should be collected using industry standard practices, including 5035 sampling techniques for analysis of VOCs in soil, and should be placed in a cooler and kept on ice until delivered to an Ecology Accredited Laboratory under standard chain of custody protocols.

  Soil should be analyzed for all site-specific COCs discussed within this report.

  Groundwater contamination in this area would likely be substantially restored by virtue of source removal, which should be confirmed through the installation of groundwater monitoring wells and subsequent sampling in accordance with American Society of Testing and Materials (ASTM) Guideline D6771-02 "Standard Practice for Low-Flow Purging and Sampling for Wells and Devices Used for Ground-Water Quality Investigations".

  Alternative remediation options in this area could be considered as long as they meet the substantive requirements of MTCA.

- To address the potential vapor intrusion risk associated with groundwater contamination migrating from the south adjacent parcel, Dixon ES recommends the installation of a vapor barrier resistant to VOC permeability beneath the future structure. Active remediation efforts on the Property associated with this contamination would not likely prove effective without accompanying source control efforts on the southern parcel and adjacent ROWs; which are the primary responsibility of the owner/operator of the historical fuel stations.

- To prevent direct contact and/or ingestion of contaminated groundwater, no supply wells should be allowed on the Property.

It is our opinion that if these recommendations are followed, all exposure pathways would be controlled and there would be no human health risk to future commercial or residential tenants.

6.0 Statement of Quality Assurance

Dixon ES has performed this Phase II ESA: SI in accordance with current generally accepted environmental practices and procedures. Dixon ES has employed the degree of care and skill ordinarily exercised under similar circumstances by reputable environmental professionals practicing in this area.

Conclusions presented within this report were based on the analytical results from a limited data set, as such, there remains a possibility that additional areas or sources of contamination exist on the Property that were not identified during this assessment. No warranty, expressed or implied, is made as to the environmental quality of the Property or risk associated with potential contamination.

7.0 References

Adept Geoscience & Environment. 2003. *UST Removal & Site Assessment.* May.

Adept Geoscience & Environment. 2003. *Interim Soil Cleanup Report.* May.

Sound Environmental Strategies. 2005. *Subsurface Investigation Report.* August 10.

EXHIBIT 7

CULTURAL RESOURCES REPORT COVER SHEET

DAHP Project Number: _____

Author: Kelly R. Bush and Ashley A. Yates

Title of Report: ARCHAEOLOGICAL SURVEY REPORT: 306 CENTER STREET, LA CONNER, SKAGIT COUNTY, WASHINGTON

Date of Report: February 17, 2022

County(ies): Skagit Section: 36 Township: 34 N Range: 02 E E/W

Quad: La Conner Acres: .35

PDF of report submitted (REQUIRED) ☒ Yes

Historic Property Inventory Forms to be Approved Online? ☐ Yes ☒ No

Archaeological Site(s)/Isolate(s) Found or Amended? ☐ Yes ☒ No

TCP(s) found? ☐ Yes ☒ No

Replace a draft? ☐ Yes ☒ No

Satisfy a DAHP Archaeological Excavation Permit requirement? ☐ Yes # ☒ No

Were Human Remains Found? ☐ Yes DAHP Case # ☒ No

DAHP Archaeological Site #:

_____
_____
_____
_____
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_____
_____
_____
_____

ARCHAEOLOGICAL SURVEY REPORT: 306 CENTER STREET, LA CONNER, SKAGIT COUNTY, WASHINGTON

Prepared for: KSA Investments LLC

February 17, 2022

Prepared by:

ERCI

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CREDITS AND ACKNOWLEDGMENTS

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LEAD AGENCY ..... Town of La Conner

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FIELD RESEARCHERS ..... Ashley A. Yates and Fiona L. Koehnen, BA

PROJECT CONTACT ..... Roger Vallo, KSA Investments Representative

TRIBAL CONTACTS ..... Josephine Jefferson, Swinomish Indian Tribal Community

DAHP CONTACTS ..... Stephanie Jolivette, Local Government Archaeologist

..... Robert Whitlam, State Archaeologist

..... Guy Tasa, State Physical Anthropologist

Equinox Research and Consulting International Inc. (ERCI) would like to thank KSA Investments LLC for retaining us for this investigation and for their commitment to the process and archaeological resources.

We extend our thanks to the representatives of the Swinomish Indian Tribal Community for their insights and timely attention to our projects.

The opinions and recommendations in this report are those of ERCI alone and do not necessarily reflect those held by any of the organizations or individuals mentioned above. Any errors or omissions are ERCI's responsibility.

MANAGEMENT SUMMARY

Project	22-854 Atkinson La Conner
County	Skagit
TRS	Township 34 N, Range 02 E, Section 36
Quad	La Conner
Parcel ID	P74143
Address	306 Center St
Property Owner	KSA Investments LLC
Property Owner Address	16559 Country Club, Dr Burlington, WA 98233
Area	~0.35 acres
Lat/Long	48° 23′ 34″ N/ 122° 29′ 35″ W
UTM	Zone 10 537522 Easting 5360076 Northing
Elevation	7′
Nearest Water Body	Swinomish Channel
Nearest Arch Site	45SK31 – ~0.25 miles
Soils	Skagit Silt Loam
Geology	Nearshore Deposits (Holocene)
Agency/Project No.	

In January 2022 Roger Vallo, representative of KSA Investments LLC, contacted Kelly R. Bush of Equinox Research and Consulting International Inc. (ERCI) to carry out an archaeological survey of .35 acres at 306 Center Street, La Conner, Skagit County, Washington. The proposed project is a residential development.

This report documents ERCI's background research and archaeological survey and assessment results.

No historic properties or protected cultural resources were encountered during the archaeological survey.

No protected cultural resources were identified during our fieldwork. The management recommendations that we are now providing are based on our findings from this initial investigation. We recommend that:

1. The proposed project proceeds as planned with an Unanticipated Discoveries Protocol (UDP) training for all workers on the site by a Professional Archaeologist and copy of the UDP to be on site at all times.
2. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, stone or antler tools), all work in the immediate vicinity should stop, the area should be secured, and any equipment moved to a safe distance away from the location. The on-site superintendent should then follow the steps specified in the UDP.
3. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover human remains, all work in the immediate vicinity should stop, the area should be secured, and any equipment moved to a safe distance away from the location. The on-site superintendent should then follow the steps specified in the UDP.

CONTENTS

FIGURES

TABLES

1.0 INTRODUCTION

In January 2022 Roger Vallo, representative of KSA Investments LLC, contacted Kelly R. Bush of Equinox Research and Consulting International Inc. (ERCI) to carry out an archaeological survey of .35 acres at 306 Center Street, La Conner, Skagit County, Washington. The proposed project is a residential development.

The Project area lies in the commercial district of La Conner, near but outside the historic district. The parcel (P74143), is owned by KSA Investments. The subject property is bounded by Center Street to the north, 4th Street on the east. There is currently a prefabricated house constructed in 1995 on the property that is proposed for removal. A small garage with a dirt floor was removed from the property prior to ERCI's involvement with the project.

This report documents ERCI's background research and archaeological survey results.

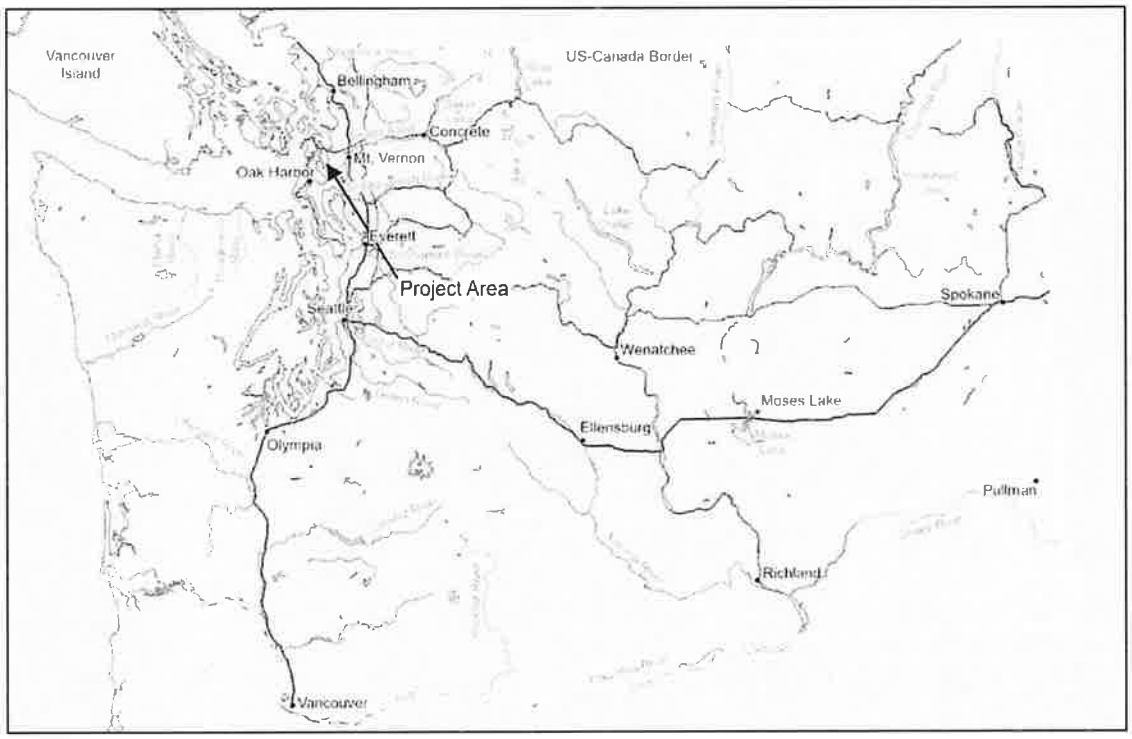

Figure 1: Regional map showing approximate Project location.

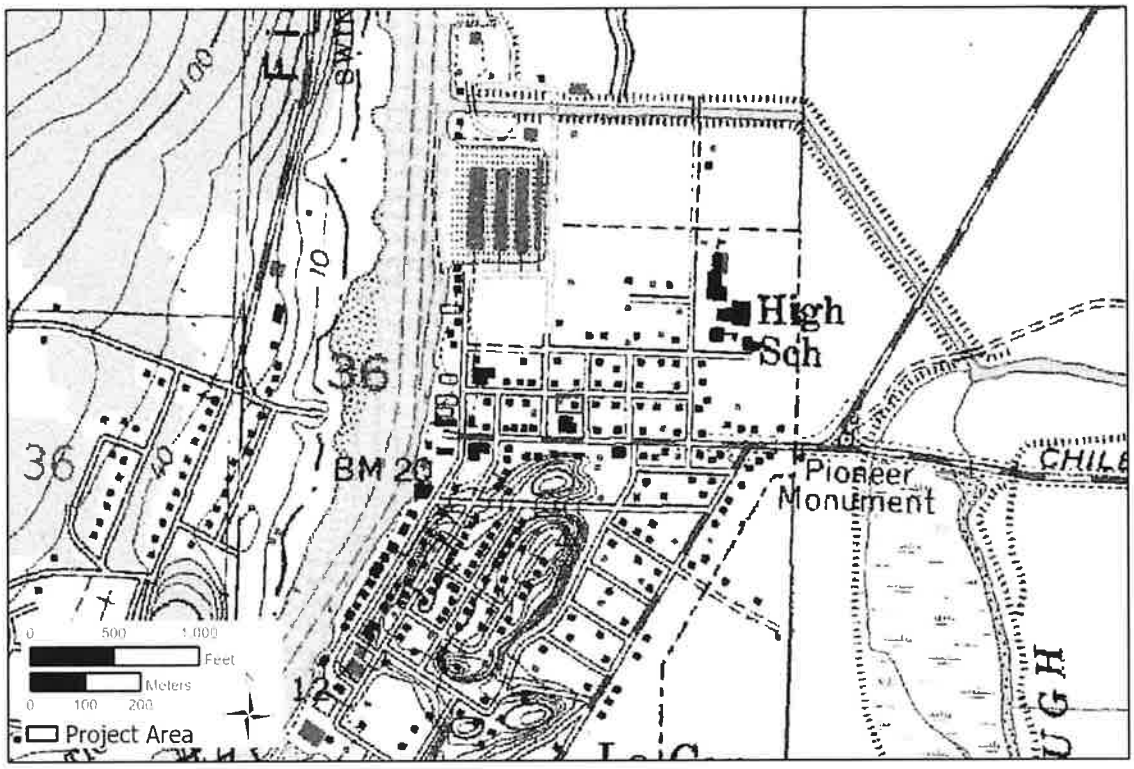

Figure 2: USGS La Conner 7.5-minute quadrangle showing the Project area.

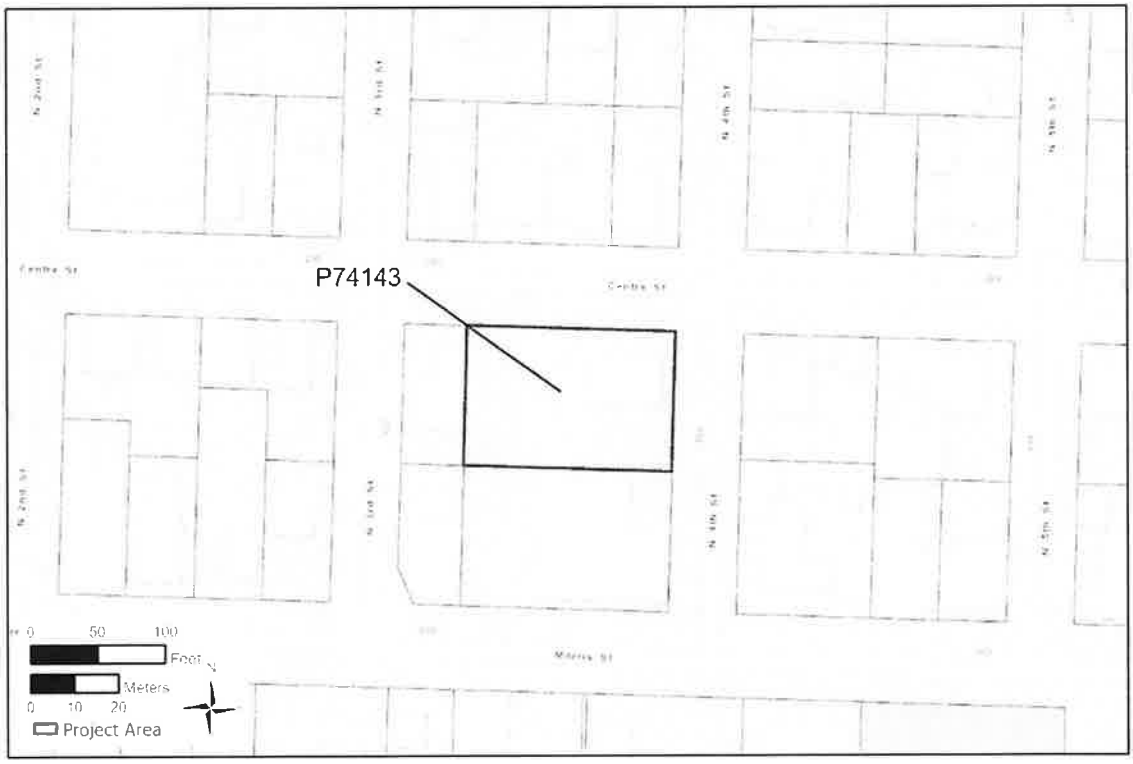

Figure 3: Skagit County Assessor's map showing the Project area.

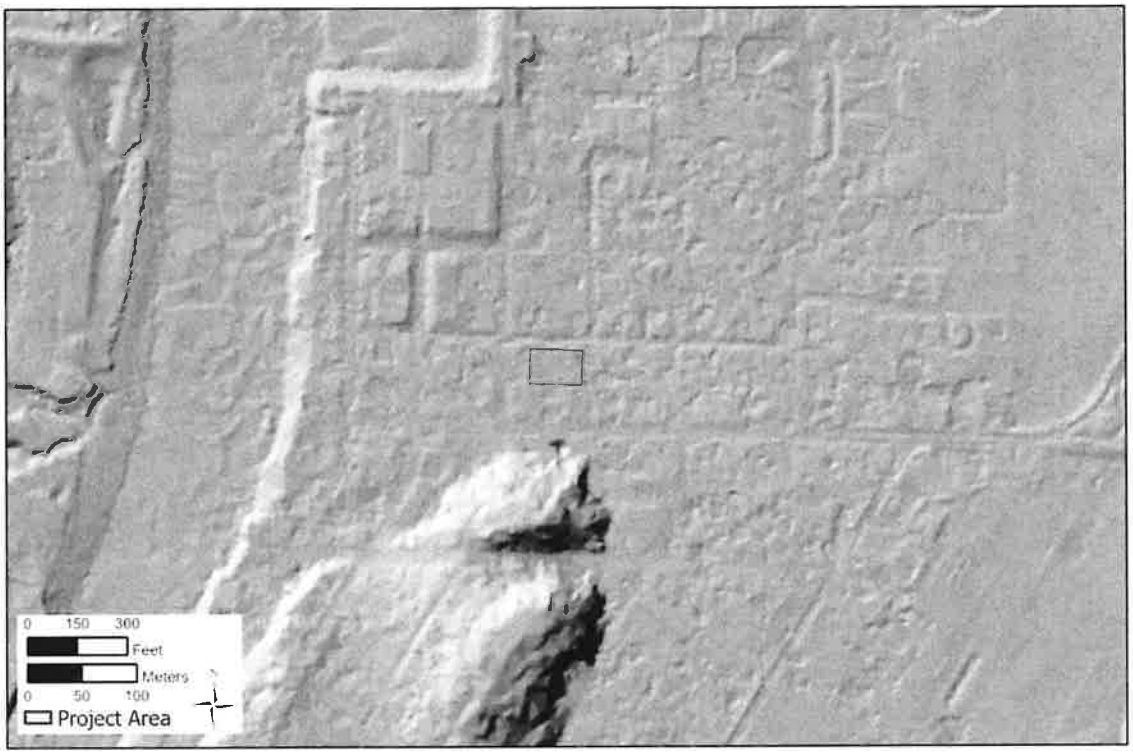

Figure 4: Lidar map with Project area (courtesy of Puget Sound Lidar Consortium).

Figure 5: Aerial photograph with Project area.

2.0 REGULATORY FRAMEWORK

The State Environmental Policy Act (SEPA) requires that all major actions sponsored, funded, permitted, or approved by state and/or local agencies undergo planning to ensure environmental considerations such as impacts on historic and cultural resources are given due weight in decision-making. State implementing regulations are in WAC 197- 11 and WAC 468-12 (WSDOT). For details on SEPA procedures see Chapter 400.

In Washington State, archaeological sites are protected by several state laws, including the Revised Code of Washington (RCW) 27.53—Archaeological Sites and Resources, and RCW 27.44—Indian Graves and Records. These laws require that consideration be given to archaeological resources during construction and development activities. RCW 27.44 also strictly mandates the protection of human skeletal remains and imposes a duty to notify law enforcement in the case of inadvertent discovery.

The town of La Conner is the lead agency for the Project, and is responsible for consultation and distribution of this report to the appropriate parties.

3.0 TRIBAL CONSULTATION

Agencies for the government recognize the long and unique relationship that the federal government has had with Indian tribes. These responsibilities have grown from the historic relationship between the Federal government and the Indian tribes including treaties, public laws, policies, statutes, and executive orders. Paramount among these relationships are the treaties in which tribes have ceded portions of aboriginal lands to the U.S. Government in return for promises to protect tribal rights as self-governing communities within reservation lands as well as certain rights to use resources from non-reservation lands.

The Swinomish Indian Tribal Community consider the Project area within their traditional use area. The Tribes will require detailed development descriptions to adequately review the project. As lead agency, the Town of La Conner is responsible for carrying out consultation regarding this project including providing our report to the affected Tribes.

Tribal representatives are the only people qualified to determine if Traditional Cultural Properties exist within the Project area, whether they will be affected by the undertaking and how any suggested management strategies might work. In discussions between Kelly Bush and Tribal representatives, it is clear that the Tribes consider this area to be culturally and historically significant, and are concerned about the effects of development.

4.0 BACKGROUND

Any archaeological undertaking requires knowledge of the physical surroundings (and their evolution) and the duration and kind of human activity in any given area. From this knowledge, archaeologists can develop the current best method to carry out field investigations. For example, environmental factors play an important role in the location and preservation of archaeological sites: Sediments and soils are of interest to cultural resource managers because they can be used for reconstructing past landscapes and landscape evolution, in estimating the age of surfaces and depositional episodes, and providing physical and chemical indicators of human occupation (Holliday 1992).

4.1 Physical Environment

The Project area is ~800 feet away from the east bank of the Swinomish Channel in Skagit County, Washington, between approximately 7 feet above sea level. The Project area is in the commercial district of La Conner, near the historic district. The Swinomish Channel was created by dredging natural

sloughs and wetlands where Skagit River delta meets the eastern flanks of Fidalgo Island; the channel forms one of three entrances to Puget Sound from the Strait of Juan de Fuca.

Geology and Soils

The geology of a region is important to archaeological investigations because it lays the foundation for landform and soil development—movement of water and sediment across the surface is determined by it, and in turn, human land use. In addition, slope, available water, and the success of vegetation are all influenced by what is in and under the soil. Thus, in the Project vicinity and the surrounding landscape, geomorphology (especially knowledge of surface sediments) aids archaeologists in assessing likely past land use and the probability of encountering buried archaeological traces.

Geology and Geomorphology of the Puget Lowland

For most of the last 2.6 million years—the Pleistocene Epoch—the Earth underwent drastic shifts in global temperature caused by periodic variations in the Earth's orbital eccentricity, axial tilt and precession. The result has been 11 ice ages, during which almost 30 percent of the world's land surface was covered by sheets of ice as much as 3 kilometers thick (Porter and Swanson 1998). Archaeological evidence supports an inference that the first humans entered the Americas as the most recent deglaciation progressed, and that by about 10,500 years ago, humans had populated North and South America from the Arctic Ocean to Tierra del Fuego.

As the last cold stage intensified, high-altitude valley glaciers grew in depth and extent, and through a process of coalescence formed the Cordilleran Ice Sheet, centered over the Pacific Northwest's mountain ranges: Coast Mountains, Cascade Range, Olympic Mountains, Columbia Mountains and Rocky Mountains. Further east in North America, ice simply accumulated in place, creating the Laurentide ice sheet, centered over Hudson Bay. During the cold periods (glacials or glaciations) so much of the world's water was stored as ice that global sea level dropped by as much as 150 meters (almost 500 feet). At the same time, beneath the ice Earth's crust was depressed by the enormous weight. Thus, during the last glaciation, much of what is now the coastline was below present-day sea level. The most recent glacial period—the Fraser Glaciation—began about 25,000 years ago and ended by about 10,000. In that time the ice advanced and retreated twice in what is now the area of Puget Sound, first during the Everson Creek Stade and most recently in the Vashon Stade (Easterbrook 1986). At the height of the Vashon Stade—about 17,500 years ago—the Project area was under as much as 2 km of glacial ice (Porter and Swanson 1998:206). By about 16,500 years ago the ice was retreating—exposing the Puget Lowland and Cascade Range, and glacial meltwater carried rivers of sediment onto the lowlands, mantling the area with deep deposits that subsequent stream activity covered with alluvium in river valleys and built out deltas in Puget Sound.

As the ice sheets finally retreated the land rebounded and sea level rose. The precise timing of sea-level stabilization (eustacy) and the rate of post-glacial rebound (isostasy) varied from place to place due to a complex interplay between the underlying geology and the surficial geological processes that predominated at any given location. In the Pacific Northwest, most of the coastline has been within a few meters of present-day sea level for about the last 6,000 years (Anundsen et al. 1994), while in the northernmost parts of the Northern Hemisphere the land is still rebounding (Thorson 1980, 1989). Yet, in the Hakai Passage region of the central British Columbia coast, due to the particulars of geology and movement of the receding ice sheet, sea level has been relatively stable for most of the past 15,000 years (McLaren et al. 2014).

On the Salish Sea the picture is equally complex. Due to the gradual south-to-north progression of deglaciation and the relatively rapid rise of sea level in the early postglacial period, sea level in the southern Puget Sound was about 40 meters below its present elevation by 8,000 years ago (Thorson 1989). By contrast, in the northern Puget Sound at the same time, sea level was only about 10 m below its present elevation (Clague 1983; Easterbrook 1963; Kelsey et al. 2004; Thorson 1989).

Across the globe, sea level has been rising gradually since about 8,000 years ago. By about 5,000 years ago, sea level across Puget Sound was about 2 to 3 m below its present level; it reached its present-day elevation only in the last 1,500 years or so (Kelsey et al. 2004; Sherrod et al. 2000). For all these reasons, even though people have been in the region for 14,000 or more years, evidence for human occupation near the present Puget Sound coastline dates to the time since sea level stabilized at or near its present elevation. In general, evidence of earlier coastal occupation has been inundated by the encroaching sea.

Surface Geology

The Dragovich et al. (2000) map of surface geology shows the project lies on Nearshore deposits (Holocene), represented as (Qn).

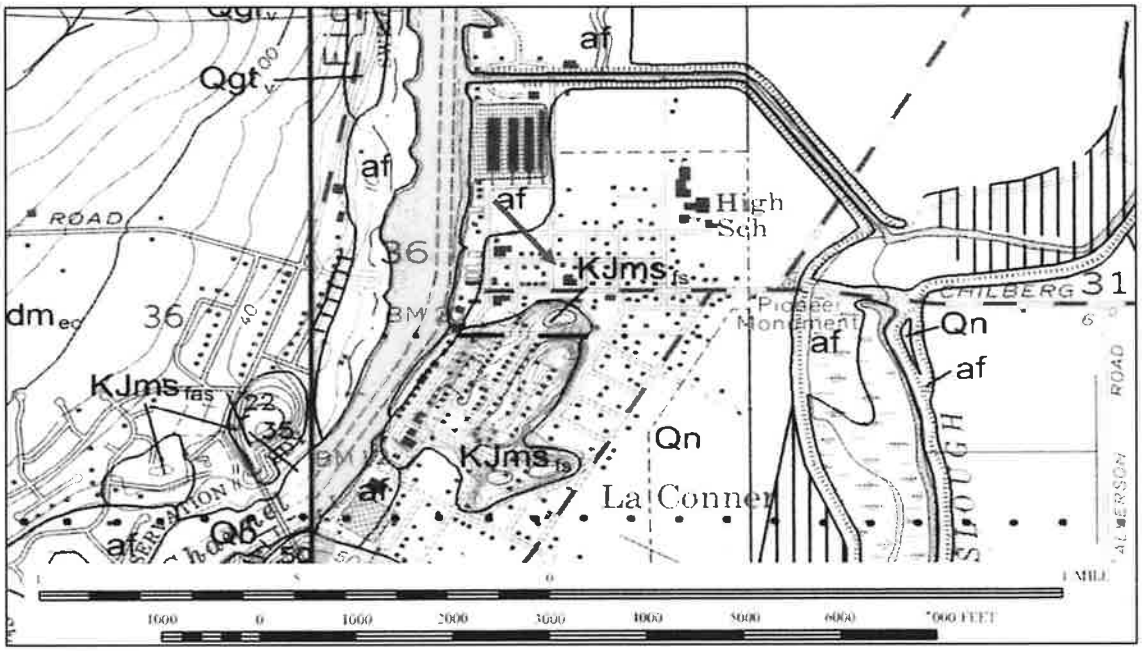

Figure 6: Map of surface geology with Project area indicated by red arrow (after Dragovich et al. 2000).

Soils

Geologists define a soil as the effect of weathering on naturally or culturally deposited sediments, which creates discernible 'horizons' within a vertical soil profile. A soil typically comprises an A horizon that contains decomposed organic material mixed with the upper portion of the so-called parent material—usually naturally occurring deposits that are exposed to weathering. The A horizon lies above one or more horizons that develop as a result of water percolating downward, carrying chemicals leached from the A and lower horizons. Soils vary from place to place across the landscape, in keeping with the type of sediments that form the parent material and the local environmental conditions. The horizons of different soil types display color variations according to the local soil chemistry. Color, coupled with the nature of the parent material are what enable soil scientists and archaeologists to distinguish one soil type from another, and, most importantly, to tell a naturally developed soil from a stratigraphic profile that results from cultural processes. A soil complex consists of areas of two or more soils, so intricately mixed or so small in size that they cannot be shown separately on the soil map. Each area of a complex contains some of each of the two or more dominant soils, and the pattern and relative proportions are about the same in all areas.

There is one soil type within the Project area: Skagit Silt Loam.

Skagit Series

Skagit silt loam is found in floodplains and river deltas, it is alluvium mixed with volcanic ash. It is poorly drained, the depth to the water tables ranges from 6 to 24 inches. On the surface it does not pond or flood. A typical profile includes: 0 to 12 inches silt loam, 12 to 50 inches silt loam, 50 to 60 inches very fine sandy loam [Soil Survey Staff 2021].

Apl--0 to 6 inches; very dark grayish brown (10YR 3/2) silt loam, light brownish gray (10YR 6/2) dry; weak very fine and fine granular structure; slightly hard, very friable, slightly sticky and slightly plastic; few medium, and common very fine and fine roots; common very fine discontinuous irregular pores; slightly acid (pH 6.4); abrupt smooth boundary.

Ap2--6 to 12 inches; dark brown (10YR 3/3) silt loam, pale brown (10YR 6/3) dry; few fine gray (5Y 5/1) redox depletions; weak medium and coarse subangular blocky structure; slightly hard, very friable, slightly sticky and slightly plastic; common very fine and fine roots; common very fine discontinuous irregular pores; slightly acid (pH 6.4); abrupt smooth boundary. (Combined thickness of Ap horizons is 9 to 14 inches)

Bg1--12 to 20 inches; gray (5Y 6/1) silt loam, light gray (5Y 7/1) dry; common fine distinct brownish yellow (10YR 6/6) redox concentrtions; weak very coarse prismatic structure; slightly hard, friable, moderately sticky and moderately plastic; common very fine roots; many very fine, fine discontinuous irregular and common fine and medium vertical tubular pores; slightly acid (pH 6.2); gradual smooth boundary. (4 to 10 inches thick).

Bg2--20 to 26 inches; gray (5Y 5/1) silty clay loam, white (5Y 8/1) dry; many fine and medium yellowish brown (10YR 5/6) and light olive brown (2.5Y 5/6) redox concentrations; weak very coarse prismatic structure parting to weak coarse subangular blocky; slightly hard, friable, moderately sticky and moderately plastic; few very fine roots; common fine vertical tubular pores and common very fine discontinuous irregular pores; common fine dark brown (10YR 3/3) organic stains and very fine organic remains throughout horizon; slightly acid (pH 6.2); clear smooth boundary. (3 to 8 inches thick)

Cg1--26 to 31 inches; gray (5Y 6/1) silt loam, white (5Y 8/1) dry; many medium prominent brownish yellow (10YR 6/6) and yellowish brown (10YR 5/8) and common medium and large prominent pinkish white (7.5YR 8/2) and pink (7.5YR 8/4) redox concentrations; massive; slightly hard, friable, moderately sticky and moderately plastic; few very fine roots; common very fine discontinuous irregular pores and few fine vertical pores; moderately acid (pH 6.0); clear smooth boundary. (4 to 10 inches thick)

Cg2--31 to 50 inches; gray (5Y 5/1, 6/1) silt loam, light gray (5Y 7/1) dry; many medium distinct yellowish brown (10YR 5/8) redox concentrations; massive; slightly hard, friable, moderately sticky and moderately plastic; few very fine roots; common very fine and few fine and medium tubular concretions; common medium very dark grayish brown (2.5Y 3/2) organic stains and common fine wood and charcoal fragments. slightly acid (pH 6.2). (8 to 20 inches thick)

Cg3--50 to 61 inches; dark gray (5Y 4/1) very fine sandy loam, gray (5Y 6/1) dry; common medium distinct yellowish brown (10YR 5/6) redox concentrations; massive; slightly hard, friable, slightly sticky and nonplastic; neutral (pH 6.6) [National Cooperative Soil Survey 2005].

Climate and vegetation

Prior to the influx of European immigrants, the Skagit River Valley and surrounding hills likely supported a mixed prairie/forest vegetation of Western Washington's climax hemlock (*Tsuga heterophylla*) and cedar (*Thuja plicata*) forests (Franklin and Dyrness 1988; Heusser 1983; Pojar and Mackinnon 1994; Turner 1995).

Warm, dry summers and mild, wet winters prevail in this biogeoclimatic zone. The Skagit River valley likely supported a wide variety of large and small mammals, birds, reptiles, and amphibians common to river deltas and foothill transition zones. Bear, cougar, deer and elk are the indigenous large mammals, with small mammals including otter, beaver, fox, porcupine, marten, snowshoe hare, bobcat, chipmunk and squirrel. Birds found in the Project area consist of a wide variety of migratory and permanent waterfowl, shorebirds, raptors and songbirds. All five salmon species, as well as trout, Dolly Varden, whitefish, sucker, lamprey and sturgeon live in the nearby Skagit River.

Prior to European immigration in the Project area vicinity, land mammals and plant resources would have been abundant during all seasons. Prior to extensive land reclamation through diking, the sloughs and wetlands from Swinomish Channel to the foothills would have been navigable and would have been the source for a huge variety of resources, and the adjacent landforms used for resource processing, and, in suitable locations, village sites.

4.2 Cultural Environment

The Project area lies in a region that Native Americans had inhabited for at least 14,000 years by the time of contact with Europeans, when Salishan-speaking people occupied vast tracts in the Columbia and Fraser River basins, the inland waters of the Salish Sea, the Puget Lowland, the Cascade Range, and parts of the Pacific Coast between the Columbia River and the Olympic Peninsula. First contact with European explorers took place in the late sixteenth century, with Euro-American settlement beginning in the early nineteenth century and increasing after the Donation Land Claim Act of 1850. Here we present a synopsis of the archaeological cultures, traditional Salish lifeways, and pertinent details of the time since Euro-American occupation.

Archaeological cultures

Archaeological evidence of human presence in the Pacific Northwest is at least 14,000 years old, evidenced by finds of impressions of human feet discovered preserved in paleosol beach sand that date to 13,200 years ago (McLaren et al 2018) and Clovis and other early postglacial cultural traditions (Ames and Maschner 1999; Kopperl 2016; Kopperl et al. 2015). Although people have been in the region all along, many archaeological sites on the relatively narrow strip of near-shore landscape are dated at between 5,000 and 1,500 years ago due to sea-level changes that resulted from a complex interplay of climatic and geological processes whose magnitude and influence varied with location.

For example, large-magnitude changes in sea level can be due to the volume of water contained in Earth's glaciers and polar ice caps, but smaller (but nonetheless significant) changes can be caused by thermal expansion and contraction. At the same time, the earth's crust is dynamic. So, for example, the marine shoreline was significantly affected by depression and rebound in response to the weight of glaciers that formed during the last Ice Age. Smaller-magnitude changes occur due to the evolving

global ocean basin morphology (and thus capacity) due to plate tectonics and coastal buildup and erosion, such as delta formation and growth.

Despite having knowledge of these processes, and a broad understanding of how they combine in sometimes predictable ways to determine the marine–terrestrial interface at any given time, the variability inherent in each process means that each locality has its own unique history of sea-level change. Perhaps none is more illustrative of this than the Hakai Passage region of the central British Columbia coast, where sea level has been relatively stable for most of the past 15,000 years (McLaren et al. 2014).

As sea level rose in the early and middle Holocene, river valleys in the Puget Lowlands and elsewhere gradually filled up with sediment, burying any early archaeological sites in the near-stream areas. Thus, most evidence for early human occupation in Western Washington is found at higher elevations, on landforms that retain sediments from those earlier times, and sometimes deeply buried in river valleys.

In those upland areas, where sea level change has had no effect on archaeological visibility, evidence from the early Holocene is widespread, but well-dated contexts are extremely rare—most archaeological assemblages are 'dated' by their formal similarity to those recovered from dated contexts. Here we mention only the few well-dated archaeological occurrences.

The earliest period in Western Washington is represented by the Manis Mastodon Site (45CA218), near Sequim on the Olympic Peninsula and the Lower Bear Creek Site (45KI839), near the shore of Lake Sammamish. The Manis Site comprises a single disarticulated mastodon skeleton dated to about 13,800 cal BP (Waters et al. 2011), claimed to be associated with human activity based on a small bone splinter embedded in the head of a rib and two pieces of modified ivory. The Lower Bear Creek Site yielded artifacts belonging to the Western Stemmed Tradition that date to between 12,500 and 10,000 cal BP (Kopperl 2016).

In the Puget Sound regional cultural chronology, the Olcott Phase (ca. 10,000 to 7,550 years ago) succeeds the Fluted Point and Stemmed traditions. Olcott assemblages are remarkably similar to others attributed to the Old Cordilleran Tradition, well known from other parts of the Northwest Coast (Chatters et al. 2011). Typical Olcott artifacts include "Cascade" leaf-shaped bifaces, which bear distinctive edge grinding on the stem, or hafting portion, and often-heavily patinated expedient stone artifacts of medium- to coarse-grained raw material, and lacking in fine-grained silicates. One can imagine that sites with such artifacts are the result of people arriving on this landscape for the first time, without intimate knowledge of sources of fine-grained tool stone such as chert and obsidian.

Again, although there are numerous sites ascribed to the Olcott Phase, securely dated components are rare, as evidenced by the few mentioned here. Thermoluminescence (TL) dating of fire-modified rock (FMR) from the Woodhaven Site (45SN417), near Granite Falls, produced median dates of 9,316 and 7,886 years ago (Kiers 2014). Two other Olcott Phase sites near Granite Falls, 45SN28 and 45SN303, yielded TL dates on FMR in the same age range, between 7,340 and 9,650 years ago (Chatters et al. 2011). In the North Cascades National Park near Marblemount and Newhalem in the Skagit River basin, the Cascades Pass site yielded artifacts and a cooking feature beneath Mazama volcanic ash, estimated to be 9,600 years old (Mierendorf et al. 2018:99). The Beech Creek Site (45LE415) in the Gifford Pinchot National Forest of southwestern Washington represents another early Holocene archaeological culture, the Stemmed Point Tradition, at 9,200 years old (Mack et al. 2010).

Between about 7,550 and 4,000 years ago—often termed the middle Holocene—well-dated archaeological sites are more numerous, in part due to the gradual stabilization of sea level near present elevations. The archaeological cultures are called by many names, but the Marymoor Phase and Charles

Culture (or Mayne Phase in the San Juan/Gulf Islands) seem most common in the region. Many include microblade technology. Recent radiocarbon dates from calcined bone at the Marymoor Site (45KI9) range between approximately 5300 to 7000 BP (Chatters et al. 2017; Greengo and Houston 1970). Other sites in the region dated to the middle Holocene include Cattle Point (45SJ9) on San Juan Island (King 1950), the Glenrose Cannery Site (DgRr-22) near Vancouver, BC. (Matson 1976), the Milliken Site (DjRi-3) near Yale, B.C. (Borden 1960), and Pender Island (DeRt-1 and -2) in the Gulf Islands, the northern extension of the San Juan Islands (Carlson and Hobler 1993), the Marymoor Site (45KI9) in Redmond (Greengo and Houston 1970) and the Cascade Pass (45CH221) (Mierendorf et al. 2018). Some of these are the earliest coastal shell midden sites. The oldest dated shell midden component in the Puget Sound region is from the Dupont Site, 45PI72, which yielded a date of 5260 ±70 radiocarbon years before present (BP) (Wessen 1989).

Beginning roughly 5,000 years ago western red cedar became more prevalent in the coastal forests and archaeological evidence reveals the intensification of its use by the people living on the Salish Sea and elsewhere in Western Washington. Specifically, in the Locarno Beach Phase (3,300–3,500 to 2,500 years ago) and the succeeding Marpole Phase, the woodworking triad of the antler wedge, polished nephrite adze bit and hand maul formed an increasingly prominent part of coastal shell middens (Hebda and Mathewes 1984). In addition, evidence for large post and plank houses and food storage comes to the fore (Matson 2010). Artifact assemblages from this time also illustrate increasing social complexity in the form of personal adornment—e.g., finely made nephrite and jadeite labrets—refinements in procurement technology—e.g., ground slate knives, toggling harpoons and fishing paraphernalia—and ascribed status in the form of status symbols interred with infants and very young children, and cranial deformation. These archaeological manifestations comprise the climax Northwest Coast cultural pattern that was encountered when Europeans first visited the region.

Among the best known late precontact archaeological sites in the region are three National Register-eligible sites on the Olympic Peninsula, Ozette (45CA24) (2,500 to 500 years ago) (e.g., Daugherty and Fryxell 1967), Hoko River (45CA213) (3,000 to 1,700 years ago) (Croes 1977, 1995), and Tse-whit-zen (*c̓ix̓ʷicən*) Village (45CA523) (2,700 to 300 years ago) (Lewarch et al. 2005; White 2013). At Hoko River preserved botanical material was recovered in addition to the other artifacts common in most Northwest Coast middens, thus revealing a breadth of material culture similar to that known ethnographically—e.g., bentwood and composite fishhooks, atlatls, bone and wood projectile points, basketry including hats and mats—underscoring the material and social complexity of the regional cultures that existed in the late precontact period. At Ozette, a portion of a late precontact village of the ocean-oriented, whaling west coast people was preserved by a mudslide that preserved the full range of perishable and nonperishable utilitarian and ceremonial artifacts, including whole decorated plank houses. 55,000 artifacts were recovered in the multiyear excavations, most of which can be viewed at the Makah Cultural and Research Center in Neah Bay, Washington. At least 64,700 artifacts were recovered during mitigative data recovery excavations at Tse-whit-zen, in what is now Port Angeles, including plank house structural remains—posts and post molds—hearths, processing areas, bone, antler and stone tools, and numerous Ancestral human interments (Lewarch et al. 2005; White 2013).

Finally, the complex interplay of postglacial geological processes meant that salmon streams were constantly disrupted by cycles of erosion and deposition, which precluded establishment of nearshore marine resources and climax salmon runs between the time of deglaciation and that of sea-level stabilization, which began around 5,000 years ago and ended approximately 1,500 years ago (Fladmark 1975). Thus, prior to about 5,000 years ago, without the predictable salmon runs, the entire region may have been populated by mobile foragers (Grier et al. 2009; Moss et al. 2007). Since that time, the rich resources available in the maritime and riverine environments allowed for a more stable existence, increasingly dense populations and complex cultures that existed at the time of European contact (Butler and Campbell 2004; Taylor et al. 2011).

Specific archaeological findings for the Project area and surroundings are discussed in the next section.

Salish Ethnography and Ethnohistory

A detailed description of the North Puget Sound's traditional Salish cultures is beyond the scope of this report. Instead, we present a broad overview of their traditional lifeways, including what is known of the precontact cultures, using knowledge gained from ethnography, ethnohistory, and the historic record. For in-depth descriptions of traditional Coast Salish culture, readers are directed to the following references: Adamson (1969), Allen (1976), Amoss (1977a, 1977b, 1978, 1981), Ballard (1929), Barnett (1938, 1955), Belcher (1986), Bennett (1972), Bierwert (1990, 1993, 1999), Boxberger (1986), Boyd (1994, 1999), Collins (1950, 1952, 1974a, 1974b [1946], 1974c, 1980), Curtis (1913), Dewhirst (1976), Eells and Castile (1985), Elmendorf (1971, 1974, 1993), Guilmet et al. (1991), Gunther (1928, 1945), Haeberlin (1924), Haeberlin and Gunther (1930), Harmon (1998), Harris (1994), Howay (1918), Jorgensen (1969), Kew (1972, 1990), Lane and Lane (1977), Mansfield (1993), B. Miller (1993, 1995, 1997, 1998, 2001), Miller and Boxberger (1994), Mooney (1976), Moss (1986), Riley (1974 [1953]), Roberts (1975), Sampson (1972), M. Smith (1941, 1956), Snyder (1954, 1964, 1980, 1981), Spier (1935, 1936), Stewart (1973, 1977, 1979, 1984, 1996), Suttles (1957, 1958, 1960, 1974 [1951], 1987, 1990a, b), Suttles and Lane (1990), Taylor (1960, 1984), Tollefson (1992), United States (1859), United States Court of Claims (1933), Waterman (1920) and Waterman et al. (2001).

The northern Puget Sound shoreline has been home to people for millennia. Ethnographic accounts, the historic record and the oral histories of the people who lived there have all provided a rich story of the lives and deaths of the area's original inhabitants.

Coast Salish social life

Social life began in the longhouse, a large, red cedar, post and beam structure clad in broad planks, in which up to twenty closely related families dwelt and cooperated economically. Frequently, longhouses were 100- to 200-foot-long structures, with gable or shed roofs. One or more longhouses comprised a village, usually situated advantageously with respect to the area's resources—often at the river mouth or on the main stem of the river at the mouth of a tributary stream. Each longhouse was led by the head of one of its resident, closely related, families.

Within each village one of the longhouses would have had more social influence than the others. Villages, too, were often ranked, and quite often the larger villages wielded more influence. Most decisions that affected the village were undertaken within a small group of those representing individual longhouses; those decisions affecting the tribe as a whole would be made amongst the leaders of individual villages and their constituents. Within and between villages, power and prestige were asserted and maintained by the Potlatch, a ceremonial feast held in celebration of important occasions, in which gifts were given by those who organized the celebration. In so doing, social and economic debts were created, reinforcing the social relationship between the giver and the recipient.

Winter village communities in the Skagit River region were considered independent social units and did not operate as part of an aggregate. Roberts (1975) records six winter village communities near the Project area; they are numbered 6–10 and 29 on Figure 7 (Roberts 1975:48).

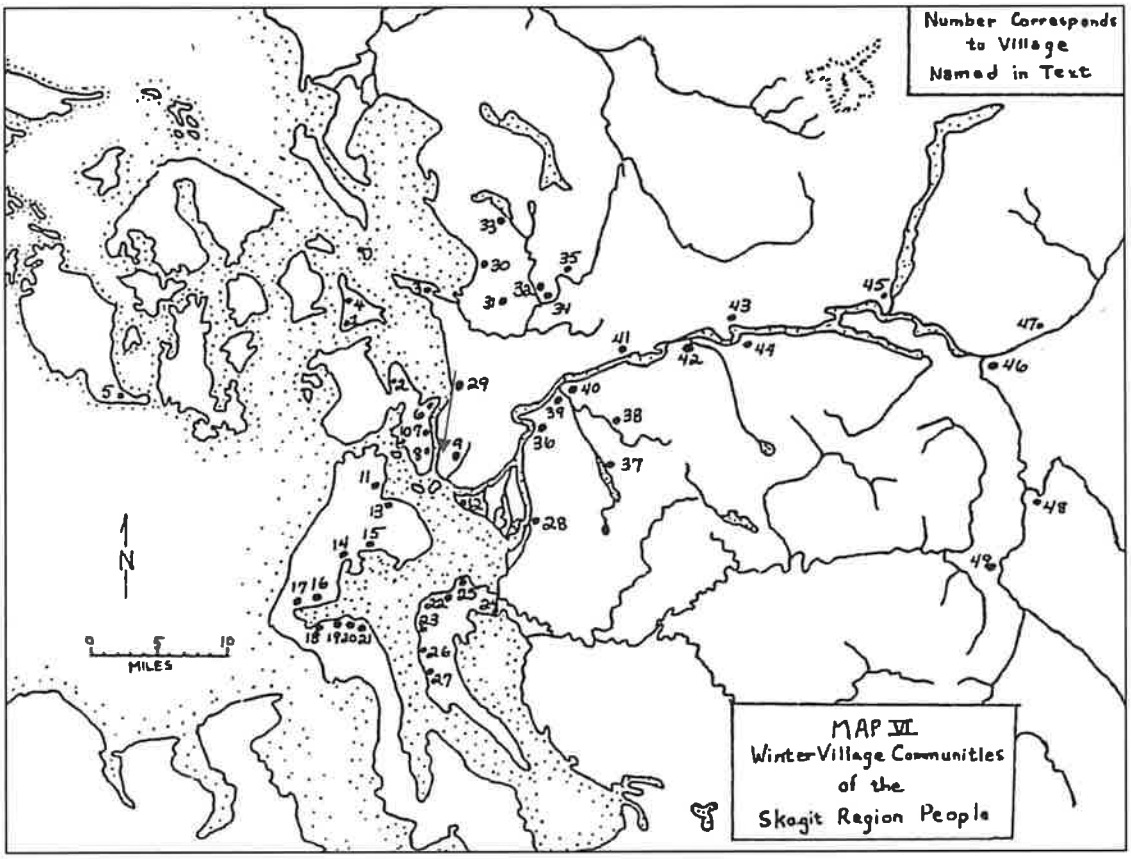

Figure 7: Sites of winter villages in the lower Skagit River basin, Project area location shown with a red arrow (after Roberts 1975:48).

Village community named *qaliqɘ* (6 on Figure 7) was on the north side of Swinomish Slough. According to Raymond Paul it was not a true village, but the site of a gillnet. Village 7 on Figure 7, *cux^{ω}təddči?*, was a large smokehouse built in 1912 or 1913. Village 8 was called *x^{ω}ix^{ω}c*, and was at the location of the present-day SITC village, across Swinomish Channel from the town of La Conner. A large longhouse once stood there; it burned down in 1900. Village 9's name is unknown; according to Sampson (1972) it was a larger, fortified village with a ditch and ironwood stakes. The people of that village were impacted by smallpox (Roberts 1975). Village 10 was called *sdi?ʔs*, which is the traditional name for Snee Osh Beach, and was a temporary village. Village 29 was known as *bəsłá?us* or *bəsłá?ła?us*, where Pateus once lived; he was a signatory to the Point Elliot Treaty. His descendants still lived at this location in the 1970s (Roberts 1975). The Project area is closest to Village 9, as indicated on Figure 7.

Economy

Coast Salish economies are often characterized by their relationship to the sea and the abundant and predictable resources it offers in addition to the plentiful salmon. Many Coast Salish resources were seasonal. This applied to salmon as much as to the berries and bulbs that formed an important part of the diet. For this reason, economic life most of the year meant leaving the permanent winter village and the longhouse and setting up seasonal camps where local resources were exploited. This often entailed constructing temporary shelters of wood and waterproof mats similar to those shown in Figure 8. Mat houses like this one illustrated would have been a common structure on the prairies and riverbanks inland.

Figure 8: Example of a seasonal house, "Mat House—Skokomish" (1912) by Curtis (Northwestern University Library 2003).

Terrestrial resources were acquired by collecting and hunting. Using digging sticks, they collected bulbs of camas, wild potato, bracken and wood fern, cattail, wild carrot and others. Some plant products were preserved and stored for use during the winter. Fruits gathered were salmonberry, huckleberry, wild blackberry, raspberry, salal, serviceberry, and wild strawberry, as well as acorn and hazelnut (Haeberlin and Gunther 1930:20–21). They hunted elk and deer, beaver, bobcat, bear, marmot, cougar, as well as ducks and grouse. Seal and other sea mammals were hunted from canoes. As with the important salmon, all meat beyond immediate need was cured and stored for winter consumption. Trade back and forth for shellfish and other seafood for camas or dried meat was common (Haeberlin and Gunther 1930:20).

Material culture

In addition to the archaeological collections and oral histories much of what we know of traditional Coast Salish material culture derives from ethnographic collections residing in museums around the world, from the observations of ethnographers and historians, and photographs taken in the nineteenth and early twentieth centuries (e.g., Curtis 1913).

Coast Salish groups relied heavily on plants to create functional, decorative and ceremonial objects. For example, the red cedar tree provided wood for longhouses, canoes and storage containers, as well as bark that when shredded could be woven to make clothing, capes and head coverings. Cedar and spruce root were used along with other fiber to make baskets similar to those shown in Figure 9 for use when foraging or cooking, some so tightly woven that they were waterproof. Local and exotic stone was chipped or ground to fashion knives, spear, dart and arrow tips, mauls, wedges, adzes and chisels for woodworking, and ear and lip ornaments. Fishing barbs, combs, pins and many other items were fashioned from animal bone, antler, teeth and shell.

Figure 9: Examples of the kind of baskets made by Coast Salish people, "Puget Sound Baskets" (1912) by Edward S. Curtis (Northwestern University Library 2003).

Dog wool was spun and woven on a loom to produce blankets like the one shown in Figure 10. Although the loom is from Vancouver Island, such looms would have been common in the Project area. Some clothing was made from bear and buckskin. Among the many uses for marine shell, clam shell disc beads—"shell money"—were used for trade (Haeberlin and Gunther 1930:29). From an archaeological perspective only, special depositional circumstances could be expected to preserve most of these organic artifacts.

Summary

This overview has barely sketched traditional lifeways. The Salish People thrived for millennia and developed a rich and complex culture within an environment that supported a large population prior to European contact and the devastation of disease and political oppression. Despite these hardships the peoples of the region have resiliency and continue to fight for renewed political and economic power, at the same time working to preserve and maintain traditional cultural knowledge and beliefs.

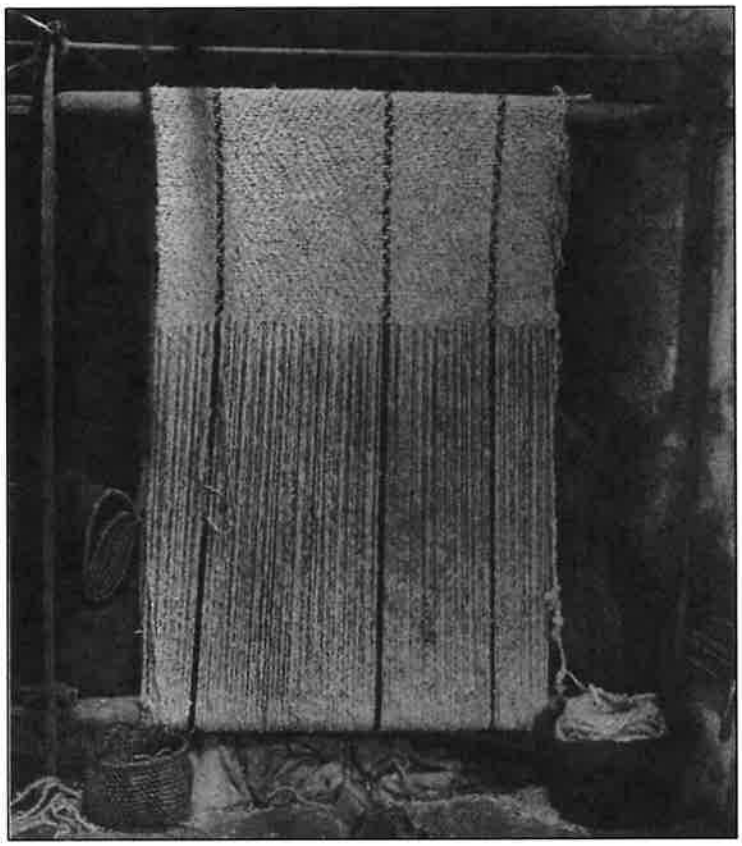

Figure 10: Example of the kind of weaving done by Coast Salish people, "Goat-hair Blanket—Cowichan" (1912) by Curtis (Northwestern University Library 2003).

Exploration and Immigration

The first documented exploration of the Pacific Northwest was a Spanish expedition in 1592, led by Greek-born Apostolus Valerianos, more commonly known as Juan de Fuca, after whom the entrance to the Salish Sea is named. Between 47° and 48° north latitude—after entering a "broad Inlet of the Sea" de Fuca traveled for "twentie dayes … passed divers Ilands … went on Land in diver's places, and … saw some people on Land, clad in Beasts skins" (Purchas 1906 [1625]:416).

Some of the earliest English-language records of this region come from George Vancouver's exploration of the Salish Sea. On June 4, 1792, he went ashore in the vicinity of Tulalip, near today's Everett, Washington, and claimed for King George III the coast south to 39° 20' N, which had been his first landfall. Vancouver was convinced of the historical justification of his claim and his maps all show British Territory from about 39° north latitude northward (Hayes 1999:85). The southern portion of the Salish Sea is named after Vancouver's lieutenant, Peter Puget. Fidalgo Island is named after the Spanish explorer Salvador Fidalgo y Lopegarcía, who investigated the Northwest Coast and the Strait of Juan de Fuca in the early 1790s (Phillips 1971:49).

The Hudson's Bay Company

The first Europeans to stay for any length of time in the Puget Sound area were traders, trappers and explorers associated with the Hudson's Bay Company (HBC). From the 1820s through to the 1860s, HBC employees regularly traveled and traded around the Puget Sound (Harmon 1998). Tribes around Puget Sound took benefit from trading and bartering with HBC, and many were hired as guides. Fort

Nisqually was established in 1833 at the southern end of Puget Sound, the first European settlement on Puget Sound (Bagley 1915). The Snohomish traded with HBC at Fort Nisqually (Ruby and Brown 1986:213). Using the Naches, Snoqualmie, and Yakima passes through the Cascades, even the Yakima people traded with HBC at Fort Nisqually and Fort Langley, to the north. The influence of HBC in the Puget Sound was felt by native people and immigrants alike (Suttles and Lane 1990).

The Donation Land Claim Act of 1850

The pace of immigrant settlement was encouraged by the US 31st Congress, with the 1850 passage of Statute 496, an unnamed Act known by various names, most commonly as the Donation Land Claim Act, which legitimized a practice originally set in motion by the territorial Provisional Government in 1843 (Robbins 2018). The Act was

> to create the Office of Surveyor–General of the Public Lands in [the] Oregon [Territory], and to provide for the Survey, and to make Donations to Settlers of the said Public Lands. … granted to every white settler or occupant of the public lands, American half-breed Indians included ... three hundred and twenty acres of land, if a single man, and if a married man ... the quantity of one section, or six hundred and forty acres, one half to himself and the other half to his wife, to be held by her in her own right ... [US Statute 496, September 27, 1850]

The law explicitly excluded African Americans and Hawaiians. Prior to its enactment Territorial Delegate Samuel Thurston had told Congress that extinguishing Indian title was the "first prerequisite step" to settling Oregon's land question, so Congress had earlier authorized commissioners to negotiate treaties with that would, among other things, remove Native Americans from their land (Robbins 2018). What followed were the 1854 Treaty of Medicine Creek, the 1855 Treaties of Point Elliott, Point No Point, Neah Bay, Yakama, and Walla Walla, and the Quinault Treaty of 1856, by which the Native American tribes ceded their lands in return for continued resource procurement rights, 'reservations' (for some, but not all of the tribes), and a one-time payment. Once the treaties were in place, settlement and commercial exploitation of previously tribal lands proceeded almost unfettered.

Industry and infrastructure

Several large-scale commercial undertakings underpinned and dominated economic development and fueled settlement in the region during the nineteenth and early twentieth centuries: construction of transcontinental railroads, logging and sawmilling, mining, and hydroelectric power projects. The Northern Pacific Railway was the first transcontinental route to Puget Sound, completed in 1883 with its terminus at Tacoma. 1893 saw completion of the Great Northern Railway, which terminated in Seattle and was the only privately funded such railway in US history. These railways and their local spurs promoted economic growth and prompted the founding and development of small, coastal sawmill towns throughout the region. Timber harvested locally, or rafted by sea and river, was milled and loaded on trains for transport to the east.

Early Immigrant Skagit County and the Town of La Conner

Around the same time that treaties concentrated tribal members on reservations like the Swinomish Indian Reservation, power structures fueled by immigrants were organizing, and in 1853 the Washington Territory was officially created. At this time, Skagit County, as well as Snohomish, Island, Whatcom and San Juan counties, were all part of Island County. A year later Whatcom and Skagit County separated from Island as one entity. It was not until 1883 that Skagit broke off to become its own county (Oakley 2004). Numerous historic references are available for the Skagit Valley (e.g., Barrett et al. 1983; Jeffcott 1949; Jenkins 1984; Jordan 1974; Majors 1984; Meany 1957; Meeker 1905; Roberts 1975; Sampson 1972; Strickland 1984, 1990; Willis 1973,1975).

Large-scale immigration to Skagit County did not begin until the early 1860s, when Michael Sullivan and Samuel Calhoun began diking on the navigable marshland that became Swinomish Flats. This area was navigated by canoes and was a vast hunting area for the Swinomish People until immigrants modified the land for agriculture. "At first ridiculed, they proved that with diking, agriculture was possible on what was thought to be useless wetland" (Oakley 2004). Diking caught on in Skagit County and would become pivotal in the county's growth.

Throughout the nineteenth century, Skagit County continued to grow, due in large part to agriculture, which became its main industry. Oats and peas were dominant crops initially, but they would later lose prominence to seed growing. "At one-point Skagit County grew 95 percent of the cabbage seed produced in the United States" (Oakley 2004).

In addition to agriculture, the dairy industry was also a significant contributor to the growth of early Skagit County.

> At the turn of the century there were as many as 900 dairies in the county. These farms were small family operations where every cow had a name and mixed ancestry [Oakley 2004].

In 1867 Alonzo Low established a small trading post on land that would become known as the town of La Conner. The trading post was an unsuccessful venture, and in 1866 Thomas Hayes bought out Low and started a post office in the area. In 1869 the land was purchased by John S. Conner from Olympia. The town of La Conner was platted in 1872 by John S. Conner and given its name by adding the first initials of his wife's Christian and middle names, Louisa Ann to the family surname. She was the area's first non-indigenous woman (Hood 2004, Willis 1973:51).

> La Conner was an island when the tide was high. The little town was rising on a rocky ridge beside the Swinomish Slough. To the east, southeast, and north stretched miles of marsh land laced with sloughs, which Calhoun, Sullivan and the men who followed them were just begging to reclaim from the sea and the tides by dikes. In front of it to the west lay Swinomish Slough, a channel navigable by shallow draft steamers at high tide. It offered a route between Whatcom on the north and Utsalady and Seattle on the south, a waterway which was safer from storms and dangerous tidal currents than the route west of Fidalgo Island [Willis 1973:51].

La Conner found success as a harbor town, welcoming steam ships and freighters that traveled the coast. The Swinomish Flats to the north and west of the town provided opportunity for agricultural income to area residents (Figure 11). By the late 1800s La Conner was a burgeoning community, home to a drug store, a furniture store, a mercantile, hotels, a seed company, saloons, boat building companies and more. A newspaper, *Puget Sound Mail*, was also established in La Conner and would continue be published weekly until the 1980s (Hood 2004; Willis 1973:52–53). George Calhoun, brother of Sam Calhoun, built a large house on Second and Douglas Street during these early years of the town. George Calhoun served as mayor of La Conner in 1884 and his brother, Sam, served the next term (Bourasaw 2004).

Figure 11: Shocked Oats on the Swinomish Flats in 1909 (Willis 1973:123).

When Skagit County was established in 1883, La Conner, as the largest city in the newly formed county, was chosen as the County Seat (Figure 12). The first Skagit County Auditor, H. P. Downs, made his office in the La Conner Civic Garden Club building on Second Street. The county's official records were kept in a soapbox nailed to the wall of the building. La Conner lost its position as County Seat to Mount Vernon in 1884. The La Conner Civic Garden Club building, constructed in 1875, is still in use today as a community building. Over the years the building has been used as a grange hall, a schoolhouse, a federal court, a district court and a church (Hood 2004).

> It had been generally assumed in La Conner and Anacortes that the former would be the permanent choice. As one elderly lady, born and brought up in the county, put it a few years ago. "La Conner was the stylish town." There was some surprise when Mount Vernon put forth its claims...The Puget Sound Mail of La Conner and the Northwest Enterprise of Anacortes vigorously supported La Conner's claim which was based on its position as an established port with a population larger than any other place in the county, and more amenities of life than any other [Willis 1973:106].

George Gaches built the Gaches Mansion, on South Second Street, in the 1891. George and his brother James had come to La Conner in 1873 and had helped to establish the town. George built the house in the style of a proper English mansion for his wife, Louisa, who was homesick for England. The Gaches moved to Seattle in 1900, and the mansion became a hospital run by Dr. G. E. Howe. The Vaughan family purchased the mansion from the doctor and the mansion was once more a residence. From the 1930s to the 1970s the mansion was used as a rooming house. Then in 1973 the mansion was damaged by a fire. The citizens of La Conner restored the mansion, and it is now home to the La Conner Quilt Museum. It previously housed the Museum of Northwest Art (Figure 13) (Reece 1985:118).

In 1892 the United Stated Army Corps of Engineers (USACE) began diking and dredging the Swinomish Channel, known at the time as Swinomish Slough. The Swinomish Slough was a system of tidal sloughs, extensive salt marshes, and mud flats. The goal of the USACE diking and dredging project was to make the waterway an Inland Passage connection Skagit and Padilla Bays for use by commercial and recreational watercraft. The project was completed in 1937 (Hood 2004).

Figure 12: The La Conner waterfront sometime between 1880 and 1885 (Willis 1973:105).

The late 1800s and early 1900s were a time of rapid change for Skagit County. The railroads arrived, the road systems were improved, a bridge was built over the Skagit River between Burlington and Mount Vernon, and horse transportation gave way to rail and cars (Willis 1975: VIII). It was also during this time that La Conner's dominance as a city began to fade.

> La Conner's period of greatness coincided with the time when water transportation was supreme, and it was an outlet for the produce of the Skagit flats and the market center where goods from the rest of the world could be obtained. The railroads and the improving roads undercut its dominant position but left it a charming town, rich in tradition and jealously conserving its own school system against the tide of consolidation [Willis 1975:54].

The Town of La Conner today has become a tourist attraction, thanks in part to the annual Skagit Valley Tulip Festival, which celebrates the unique tulip crops produced on the Swinomish Flats, and a haven for artists such as Tom Robbins, and the painter, Morris Graves. The town is home to several museums, including the Skagit County Historical Museum, the La Conner Quilt Museum and the Museum of Northwest Art. True to the town's roots as a port, a large marina has been maintained on the north side of town (Hood 2004).

Figure 13: Gaches Mansion (La Conner Quilt and Textile Museum) in 2011.

BLM Land Records Research

The Project area lies in the southwest section of Township 34 N, Range 02 E, Section 36 (Figure 14), which was part of a much larger land lot originally purchased by John P. Kirby in 1873 (Table 1-Table 2).

Table 1: Census Data

Name	Kirby, John P.
Est. Birth	1830
Birthplace	Ireland
Race	White
Gender	Male
Occupation	Laborer
Spouse	Single
Residence	Tacoma, Pierce, Washington, US
Census	Washington, U.S., State and Territorial Censuses, 1857-1892
Citation	Ancestry.com 2022

Table 2: Land Records Research Info.

Accession	Location	Purchaser/Claimee	Date Acquired	Total Acreage	Cash/Homestead	Citation
WAOAA 080127	Lot/Trct 2	Kirby, John P.	11/01/1873	171.15	Sale-Cash Entry	BLM GLO 2022

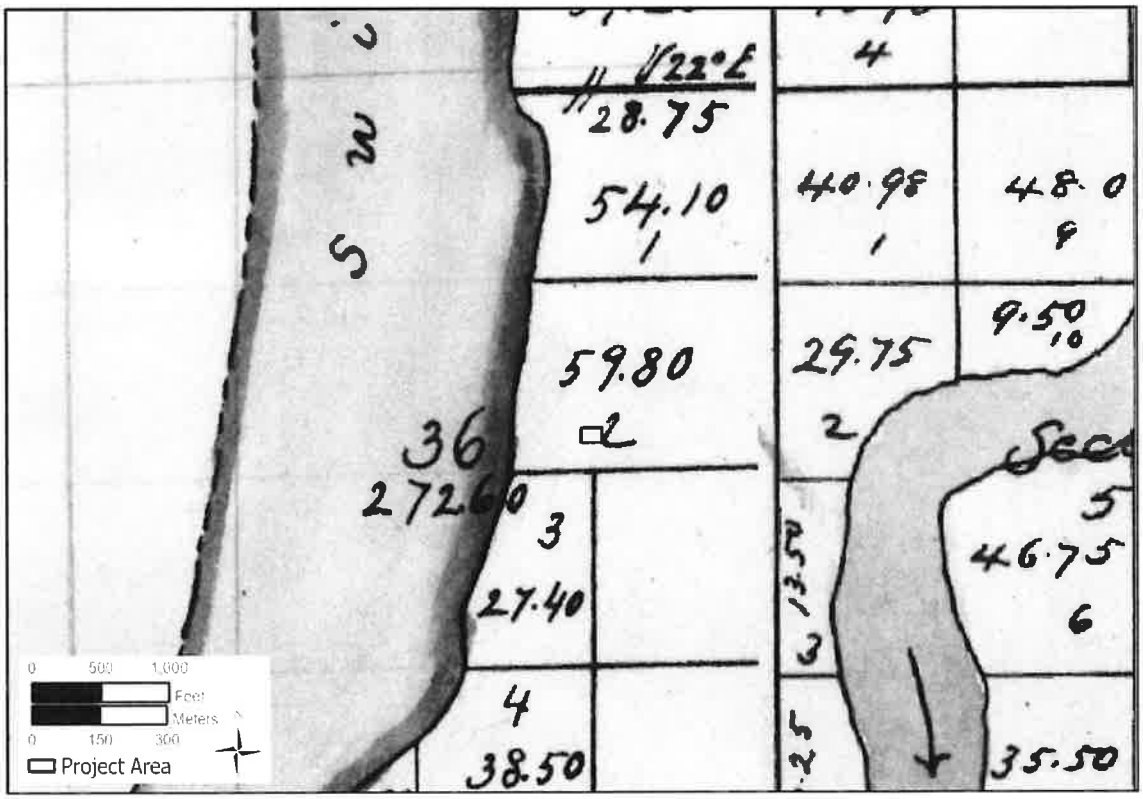

Figure 14: 1871-1872 GLO map.

4.3 Previous Archaeology

The earliest archaeological studies of the northern Puget Sound and eastern Puget Lowland are H.I. Smith's (1900, 1907). In addition to those cited in the next two sections, more recent archaeological overviews can be found in Ames (1995, 2003, 2005a, 2005b), Ames and Maschner (1999), Avey (1991), Blukis Onat et al. (1980), Borden (1950, 1951, 1962, 1968, 1975), Boyd (1998, 1999), Bryan (1963), Burley (1980), Butler (1961), Butler and Campbell (2004), Campbell (1991), Carlson (1960), Carlson and Dalla Bona (1996), Carlson and Hobler (1993), Duncan (1977), Erlandson et al. (1998), Fladmark (1975, 1982), Greengo (1983), Hale (1991), Hearne and Hollenbeck (1996), Hollenbeck (1987), Kidd (1964), Matson and Coupland (1995), Matson et al. (2003), Mattson (1971, 1989), Mitchell (1971, 1990), Smith and Fowkes (1901), Stein (1984, 2000) and Wessen (1988a).

Previously Recorded Archaeological Sites

Records of seven archaeological sites within about one mile of the Project area are on file at the Washington State Department of Archaeology and Historic Preservation (DAHP). A short description of the sites is provided below, and summarized in Table 3.

45SK031—Swinomish Channel Midden is a large shell midden. Smart (2010b) recorded disturbed shell midden on and below a terrace adjacent to the Swinomish Channel in an area 200 meters by 80 meters. The midden consists of many shell species, mammalian and avian bone fragments, and fire cracked rock in grayish brown to black silt. Smart (2010b) noted midden density and compaction increase with depth and in some portions of the site midden is evident on the ground surface. In the southern part of the site historic trash was found in a layer of disturbed midden roughly three meters below the ground surface (Smart 2010b).

45SK428—Morris Street Bridge is what remains of a historic bridge that extends 355 feet west from the western bank of the Swinomish Channel to First Street approximately one-quarter mile west of the project area. Smart (2010a) recorded two crossbeams and two rows of pilings that are best viewed at low tide. The bridge's ramp is comprised of fill deposits partially covered in asphalt. Morris Street Bridge was built in 1915 and used until 1957 when the Rainbow Bridge was built roughly .4 miles southwest (Smart 2010a).

45SK448—Historic Water Structure consists of the remains of paired wooden pilings, the robust lumber crossbeams the pilings supported, a cast-iron stove, and iron-oxide stain measuring 25 feet in diameter with non-diagnostic ceramic and glass fragments. Carrilho and Shong (2011) noted that the 40 feet long by 15 feet wide wooden structure may represent a platform used in houseboat construction or a mooring platform. The structure was destroyed during tide channel excavation for a habitat restoration project and no longer exists (Carrilho and Shong 2011).

45SK101— Precontact Fishing Station is aligned wooden poles and associated mesh 2 meters below the ground surface. Previous sewer installation disturbed part of the weir (Salo 1976).

45SK147—Precontact Fishing Station is comprised of two posts each 20 cm in diameter and each roughly three meters long in addition to several cedar slats. Blukis Onat (1981) described the site location as between two rocky promontories and recorded the site when the materials were removed by a backhoe during a sewer excavation in 1975.

45SK030—Precontact Midden is a shell midden bisected by a stream running into the Swinomish Channel directly north of the Rainbow Bridge. Conca (1985) recorded cultural material, including charcoal, fire cracked rock, and several species of shellfish including Pacific Oyster, to a depth of 40 cm.

45SK029—Precontact Midden Bryan (1953) described the midden as a mound rising to approximately 6 feet above the beach surface. Under a six inch deep duff layer was a six inch deep later of earth and shell with the majority of the mound comprised of a compact later of burned shell and ash (Bryan 1953).

Table 3: Previously recorded archaeological sites within one mile of the Project area.

Site #	Type	Distance (Miles)	Citations	NRHP Eligibility
45SK31	Precontact Village	~0.25	Smart 2010b	Not Eligible
45SK428	Historic Bridge	~0.25	Smart 2010b	Potentially Eligible
45SK448	Historic Water Structure	~0.25	Carrilho and Shong 2011	Potentially Eligible
45SK101	Precontact Fishing Station	~0.30	Salo 1976	Survey/Inventory
45SK147	Precontact Fishing Station	~0.50	Blukis Onat 1981	Survey/Inventory
45SK30	Precontact Shell Midden	~0.65	Conca 1985	Survey/Inventory
45SK29	Precontact Shell Midden	~1.00	Bryan 1953	Survey/Inventory

Previous Cultural Resource Reports

There are nineteen reports on file with DAHP and ERCI from previous cultural resource surveys within one mile of the Project area; they are listed below in Table 2, along with annotations for those that included subsurface investigation such as shovel test pits (ST), machine tests (MT) or monitoring.

Table 4: Previous cultural resource reports on file with DAHP.

Author	Title	Date
Bush	*Archaeological Investigation Report: Swinomish Gymnasium Expansion Project, La Connor, Washington.* **15 STs. Protected cultural resources present.**	2004a
Bush	*Archaeological Investigation Report: Swinomish Big Sam Timber Sale, Trust Land 122-33.* **9 STs. No cultural resources.**	2004b
Bush	*Archaeological Addendum Letter: Swinomish Gymnasium Expansion Project, La Connor, Washington.* **Monitoring. No cultural resources.**	2004c
Bush	*Letter to Brandon Haugness RE: Monitoring Excavation for The Swinomish Indian Tribal Community Gas Pipeline Installation* **Monitoring. No cultural resources.**	2006
Bush and Smart	*Archaeological Investigation Report: Rainbow Fill Removal/Marsh Restoration Project Site, Skagit County, Washington.* **4 MTs. No cultural resources.**	2008
Smart and Rollins	*Archaeological Investigation Report: Swadabs Marsh Habitat Restoration and Archaeological Site Protection Project, Skagit County, Washington.* **11 STs and 29 MTs. Protected cultural resources present.**	2009
Bush	*Archaeological Letter Report RE: Removal of the Old Willup Hose Most Commonly Known as Old Stubby's House, Swinomish Reservation.* **Monitoring. Protected cultural resources present.**	2010
Smart and Rowland	*Archaeological Monitoring Report: Swinomish Indian Tribal Community Tallawhalt Stormwater Outfall Modification Project.* **Monitoring. No cultural resources.**	2010

Author	Title	Date
Bush	*Letter to Ed Knight RE: Swinomish Indian Tribal Community Village Store Project, Skagit County, Washington.* **3 MTs and monitoring. No cultural resources.**	2011
Bush et al.	*Archaeological Investigation Report: South Second Street Improvements, Skagit County, Washington.* **3 STs. No cultural resources.**	2011
Smart and Rowland	*Archaeological Investigation Report: La Conner Waterfront Boardwalk, Skagit County, Washington.* **No subsurface investigations. No cultural resources.**	2011
Bush and Lewis	*Archaeological Investigation Report: La Conner School District, La Conner, Washington.* **125 STs. No cultural resources.**	2013
Iversen and Middleton	*Archaeological Assessment for the La Conner Landing Project, La Conner, Skagit County, Washington.* **2 STs. No cultural resources.**	2014
Steingraber and Iversen	*Letter to Alan Wolsegel RE: Archaeological Monitoring for the La Conner Landing Project, La Conner, Skagit County, Washington.* **Monitoring. No cultural resources.**	2015
Gargett and North	*Archaeological Investigation Report: Town of La Conner N 3rd Street Improvement Project.* **19 STs. No cultural resources.**	2016
Larsen and Gargett	*Archaeological Investigation Report: State Street (North 3rd Street to North 6th Street) Sidewalk Replacement Project, La Conner, Washington.* **7 STs. No cultural resources.**	2018
Johnson Humphries and Gargett	*Letter to Heather Rogerson RE: Archaeological Monitoring Port of Skagit La Conner Marina, Skagit County, Washington.* **Monitoring. No cultural resources.**	2019
Bush and Strehlow	*Archaeological Report for Channel Cove Housing, La Connor, Skagit County, Washington.* **8 STs. No cultural resources.**	2019
Baldwin and Hanson	*Cultural Resource Monitoring of Puget Sound Energy PET-15 O#621227 Emergency Replacement Project, Shelter Bay Drive, La Conner, Skagit County, Washington.* **Monitoring. No cultural resources.**	2021

National Register of Historic Properties

Records of three National Register properties within one mile of the Project area are on file with DAHP. A short description is provided below and summarized in Table 5.

45DT12—*La Connor Historic District* primarily encompasses commercial buildings constructed in the late 19th century. Thirty historic structures are included in the district. According to Hart (1972) a majority of the structures are wood frame buildings and there are a few brick buildings. The cluster of historic buildings in the business area of La Connor are contiguous and remain largely unchanged since their construction (Hart 1972).

45SK161—*Grange Hall,* also known as the La Connor Civic Garden Club, was built in 1875 and became the county court house in 1884 when Skagit County was created. When the county offices moved to Mount Vernon in 1885 the building became a schoolhouse and was used as a church and community center into the 1920s. The Civic Improvement Club purchased the building for $50.00 in the early 1920s and has maintained the building for community use since then (Siegfried 1970).

45SK281—*Rainbow Bridge* was designed by Harry R. Powel and Associates and is the first fixed steel through arch bridge constructed in Washington. George (2001) notes it is the longest bridge in the state and received a national award in 1958. Today the bridge is thoroughly trafficked and frequently

photographed, especially during the months of March and April when many people visit the area to view the blooming tulips and daffodils (George 2001).

Table 5: National Register Properties within one mile of the Project area.

Distance	NRHP	Name	Period of Significance
~400 feet	45DT12	La Connor Historic District	1880s-present
~0.25 miles	45SK161	Grange Hall	1875-present
~0.55 miles	45SK281	Rainbow Bridge	1957-present

Previous Cemetery Reports

The record of one cemetery within one mile of the Project area is on file with DAHP. A short description is provided below.

45SK390—*Swinomish Reservation Cemetery* is a well-maintained cemetery on the Swinomish Reservation. This earliest known burial occurred in 1877 (DAHP 2012).

Washington Heritage Register

The La Connor Historic District and Rainbow Bridge, described above, are on the Washington Heritage Register on file with DAHP in addition to being listed on the National Register of Historic Places.

Washington Heritage Barn Register

There are two State Barn Properties on file with DAHP within one mile of the Project area. A short description is provided below.

45SK423—Koudal, R.C., Barn is a wood barn with a gambrel metal roof that is still used for agriculture today. The property is 0.30 miles from the Project area and also includes a machine shed, milk house, and farm stand built in the early 20th century. The barn was built in 1929 and is in fair condition (Hedlin and Campbell 2009).

45SK361—Dunlap, Issac, Barn is a property including a historic horse barn and historic granary. It is roughly 0.70 miles from the project area. According to Jensen et al. (2007) Dunlap moved to the region in 1873 and passed this farm down to his children. The barn was built c. 1880 and is currently in poor condition. The granary was built in the 1930s to keep up with production of the farm's first major crop. The property is owned by third generation descendants of Dunlap and continues to be used for farming (Jensen et al. 2007).

Archaeological Expectations

Seven archaeological sites have been recorded within one mile of the Project area, five of which are precontact. Based on the proximity of recorded precontact and historic archaeological sites, the long record of human occupation of the Project vicinity, and its location in La Conner, there is a high probability of encountering precontact and historic cultural resources in the Project area.

5.0 METHODS

This section provides details on the archival research and fieldwork methods that Equinox Research and Consulting International Inc. (ERCI) employed in support of the Project. The research undertaken for the Project uses best-practice archaeological survey techniques to record the presence or absence of

moderate to large archaeological sites, with the expectation that we may also find isolated artifacts or features, or small artifact scatters. When sites or isolated artifacts are discovered ERCI records them on DAHP forms in accordance with the *Washington State Standards for Cultural Resources Reporting*.

5.1 Archival Research

ERCI researchers

- Reviewed site forms and reports of previous archaeology on file in the DAHP WISAARD database.
- Reviewed other archaeological reports and related documents on file at the ERCI offices in Mount Vernon, Washington
- Reviewed published information on the precontact, traditional Native American and historic land use in the Project area, and the Salish Sea—including the Northern Puget Sound
- Reviewed the Skagit County Assessor's records
- Reviewed General Land Office, Sanborn, Metzger, Kroll, aerial and other historic maps

5.2 Field Methods

On January 27, 2022, Ashley A. Yates, BA, visited the site to take photographs of the house on #06 Center Street. On February 1, 2022. Ashley A. Yates and Fiona L. Koehnen, BA, carried out a pedestrian survey and subsurface survey of the property. The subsurface survey included 11 shovel tests (ST) across the Project area including the recently disturbed area from the demolished garage building.

ST locations were determined judgmentally. STs were placed in the yard to the east of the house, in the exposed area where the garage was removed, and one ST between the house and parking lot of Sliders Café. The Project area includes the parking lot of Sliders Café, this area did not receive any shovel probes as no ground disturbance is expected to occur in this parking lot.

Whenever skeletal remains are discovered, clear digital photographs are taken and transmitted to ERCI biological anthropologist Alyson Rollins, MA, who confirms whether or not the discovery is human.

All observations are recorded on paper, and activities photographed using digital cameras. ST and other locations were obtained using a Global Positioning System (GPS) high-accuracy receiver. Sedimentary matrix and shovel test descriptions are provided in Appendix 1; Appendix 2 contains the photograph log. Field notes, digital photographs and GIS files are stored at ERCI's offices in Mount Vernon, Washington.

6.0 RESULTS AND DISCUSSION

On February 1, 2022 ERCI carried out a pedestrian and subsurface survey on a mixed sunny and cloudy day. The Project area lies in the commercial district of La Conner, 400 feet from the historic district boundary and more than 700 feet from the waterfront. The parcel (P74143), is owned by KSA Investments. The subject property is bounded by Center Street to the north, 4th Street on the east.

6.1 Pedestrian Survey

The pedestrian survey included a grassy yard, an area recently disturbed due to garage demolition, and the parking lot for Sliders Café (Figure 17). ERCI archaeologists carefully observed exposed surface sediments; there were some patches of visible sediment in the yard and south of house 306 next to Sliders Café parking lot. The parking lot was covered with angular gravels. The garage that was recently removed to the east of house 306 exposed sediments that were consistent with ST results including a

lot of surface and near surface refuse including wood, plastics, electronics, roof shingles, metal, and glass (Figure 15-Figure 21).

No protected cultural resources were found.

Figure 15: View south, north side of house 306.

Figure 16: View west, south side of house 306.

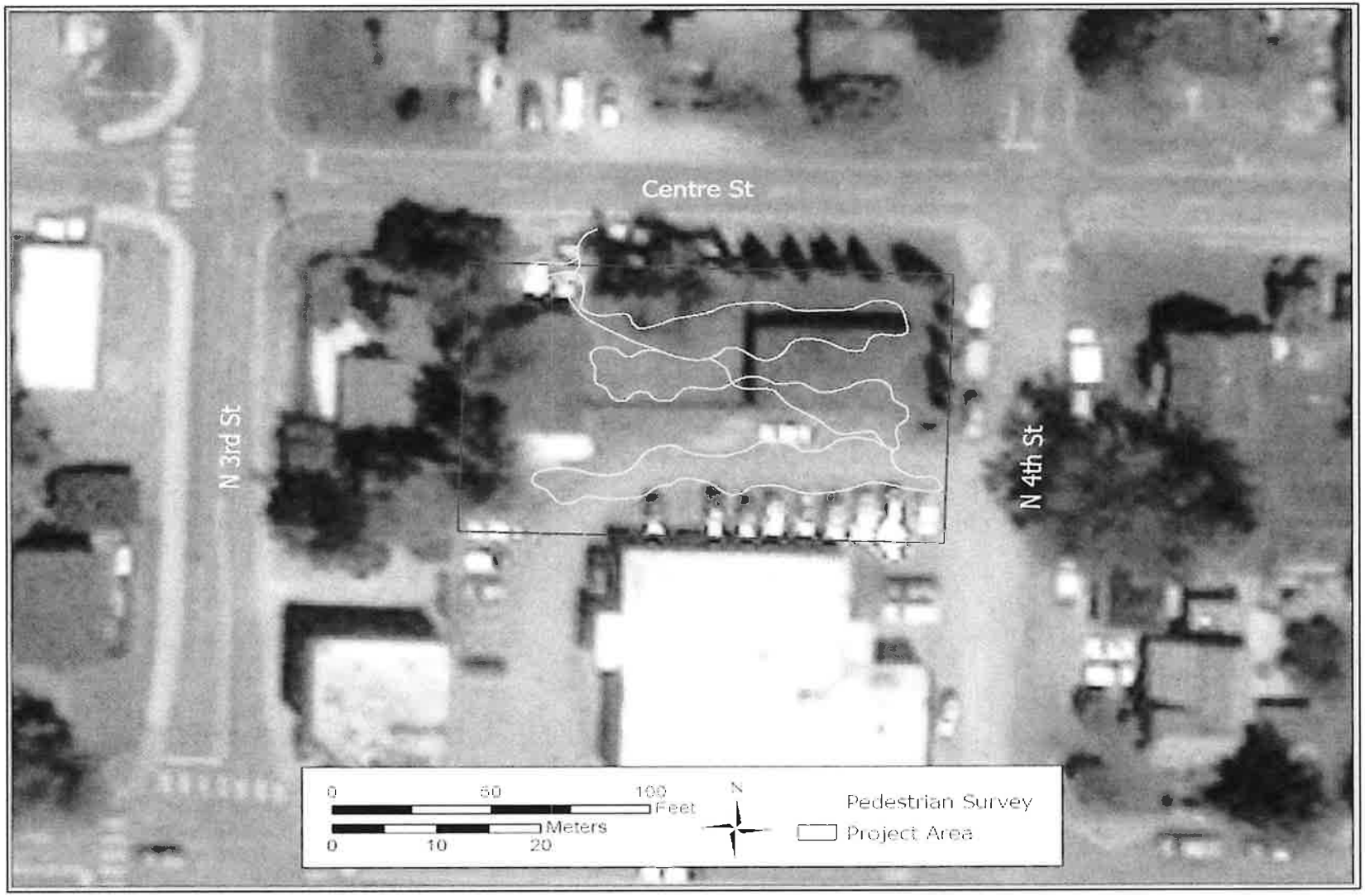

Figure 17: Pedestrian survey map.

Figure 18: View west, northwest corner of Project area and ERCI working.

Figure 19: View east, demolished garage area and surface refuse.

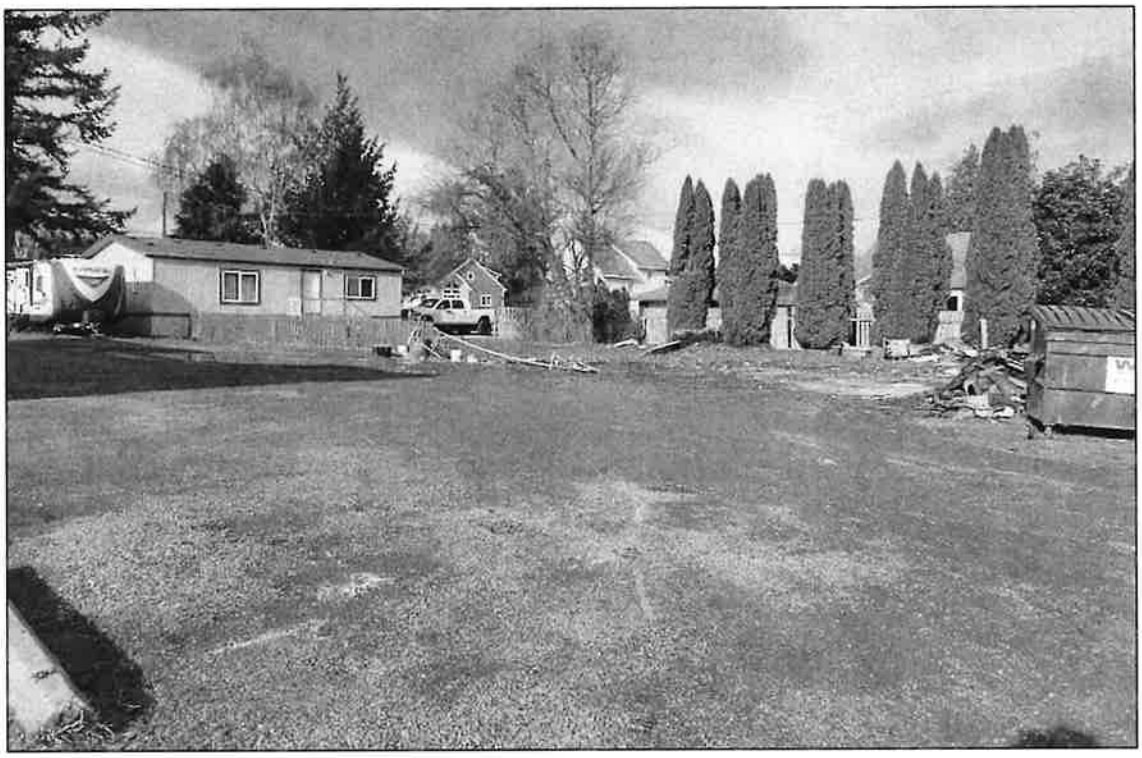

Figure 20: View northwest, over Sliders Cafe parking lot and house 306 on left of photo.

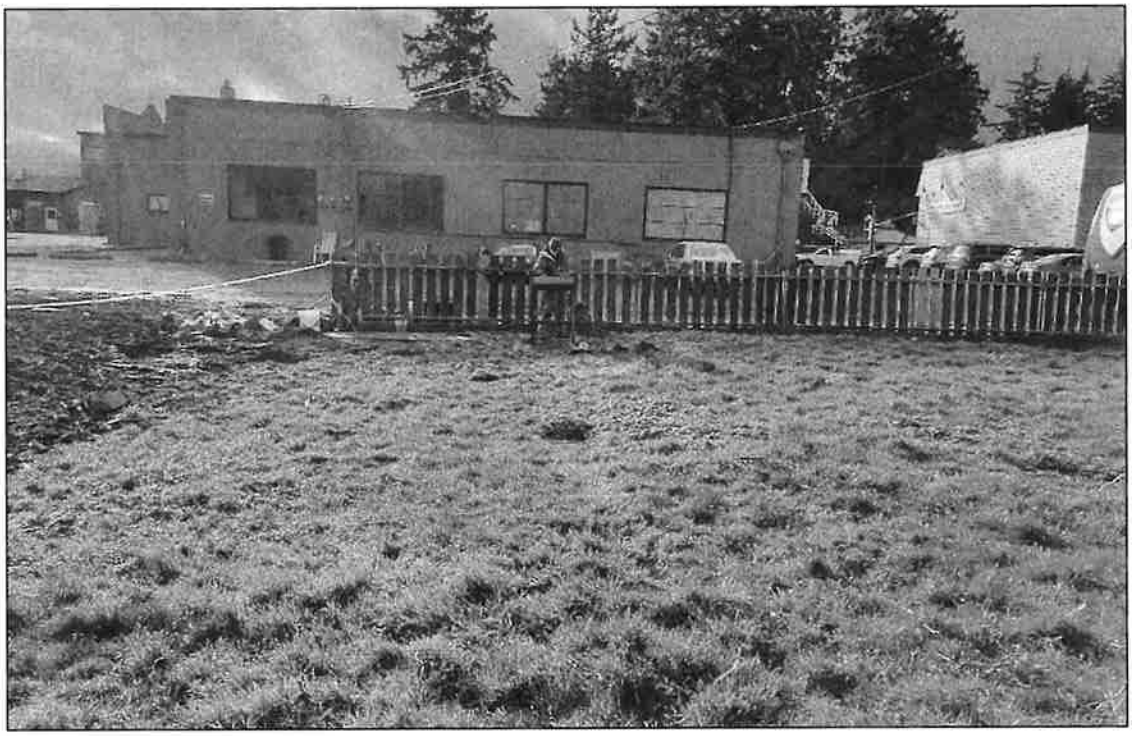

Figure 21: View south, over subject property, Sliders Cafe and parking lot in background.

6.2 Subsurface Survey

ERCI carried out a subsurface survey entailing excavation of 11 STs (Figure 22). STs were planned to be excavated to the depth of 100 cm. ST 2 was terminated due to an impassable boulder. STs 5 and 6 were terminated due to concrete slabs in the bases of the holes.

Sediments identified during survey included Matrix 1 (M1) a sandy silt local fill; M2, a silty sand imported fill; M3, a local fill consisting mainly of coarse sand; M4, an intact silty alluvium; and M5, a fine silty sand that is disturbed alluvium. Appendix 1 contains full descriptions of sedimentary matrices and sediments observed in each ST. ST profiles were not consistent, however, many STs had M4 as the basal matrix indicating that the base of most holes was an intact sediment. ST 5 was the only ST to have M5. M1 was the top most matrix encountered in the grassy areas, and M2 was the upper matrix in the footprint of the recently demolished garage. M2, M3, M2/M4 mixture and M4 variant were in between the top most matrices and basal sediment, and M4 and the M4 variant were found to be the deepest matrices in the STs. Annotated ST profiles can be seen in Figure 24-Figure 27.

During survey, refuse of indeterminate age was found in 9 of the 11 STs. ST 1 contained glass, metal, plastic, and building materials in M2, M3, and the M4 variant (Figure 28). In ST 2 there was plastic, a piece of blue tarp, and concrete in M1 and M2 (Figure 30). ST 3 contained glass, metal, ceramic, and brick fragments in the M2/M4 mixture (Figure 31). There were brick fragments, aluminum, plastic, and nails found in M1 and the M2/M4 mixture in ST 4. In ST 6 there was melted roof tile, landscape fabric, a metal bottle cap, Styrofoam, a squished aluminum can, brick fragments, a Coco–Cola bottle fragment, yellow plastic, and rusted nails in M1 and M2 (Figure 35). ST 7 contained nails, glass, and brick fragments in M2 and the M4 variant (Figure 36-Figure 37). ST 8 yielded plastic, a nail and glass fragment in M2 and the M2/M4 mixture (Figure 38).

In ST 10 a nail and plastic fragment were found in M2 and M3; also found in ST 10 was very strong smelling M4 (Figure 27).

In ST 11 a small amount of natural shell fragment was found in the mixed M2 and M4; there was nothing else found in the ST to suggest that the shell was a precontact cultural deposit. ST 11 also contained metal and glass fragments (Figure 39).

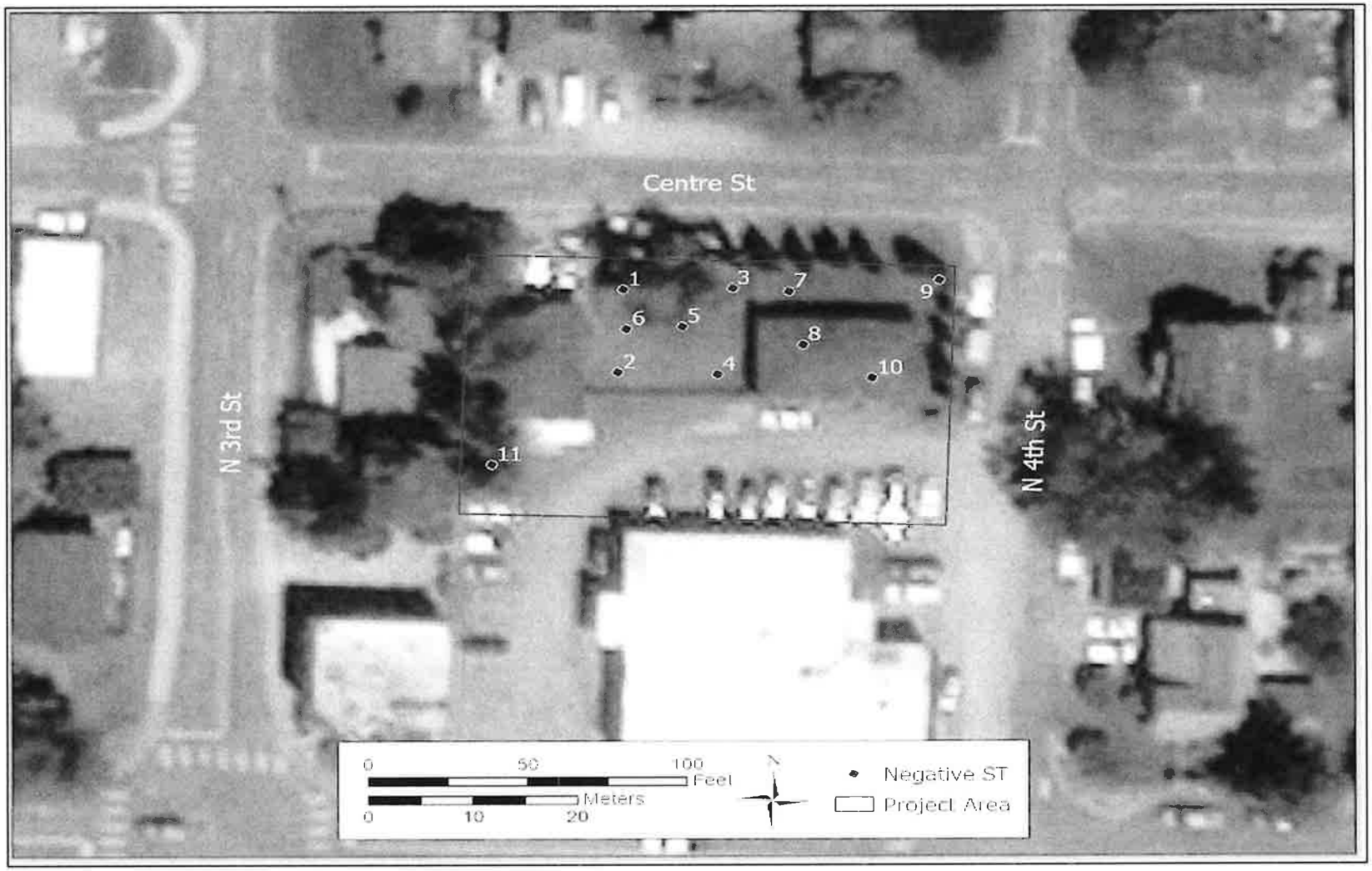

Figure 22: Map of shovel test locations.

Figure 23: View north, ERCI at ST 1.

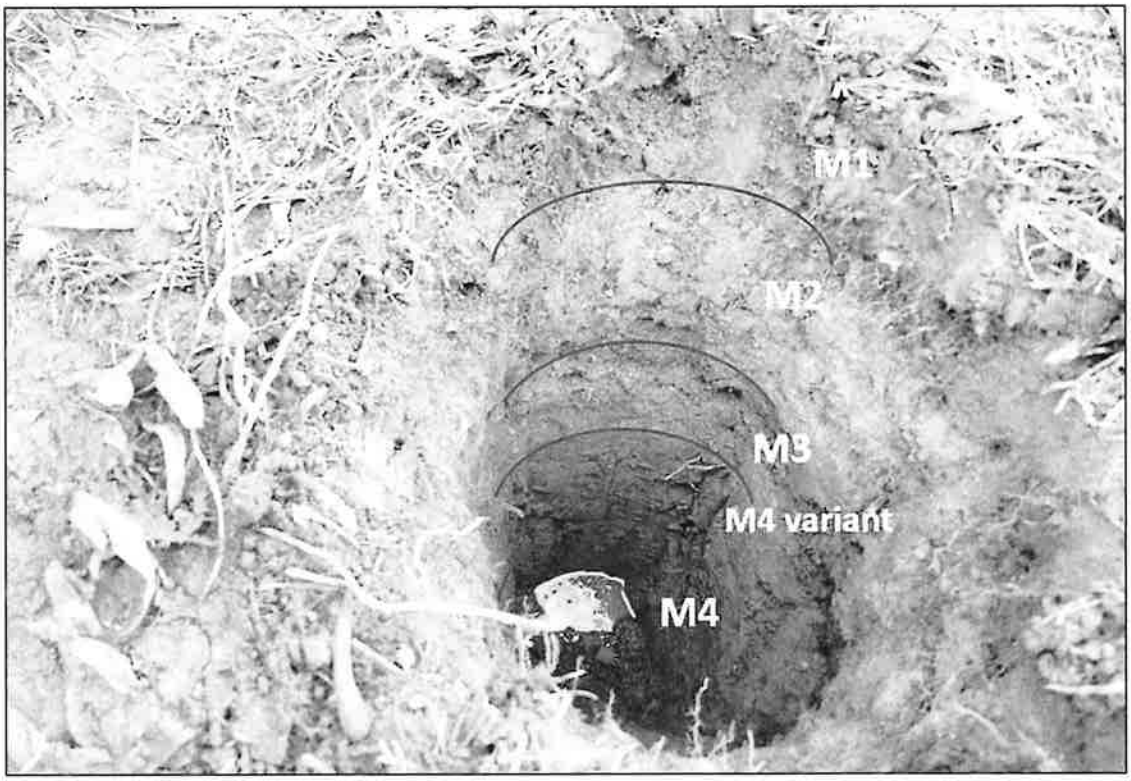

Figure 24: View east, ST 1 profile.

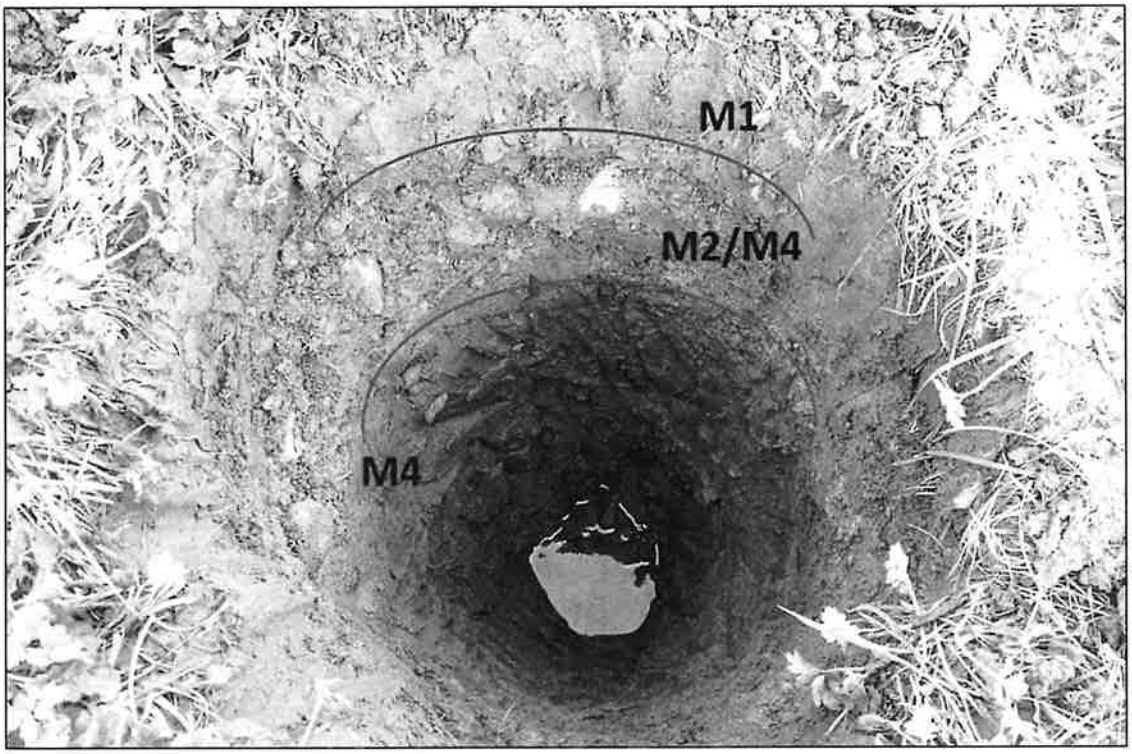

Figure 25: View east, ST 4 profile.

Figure 26: View east, M5 in ST 5.

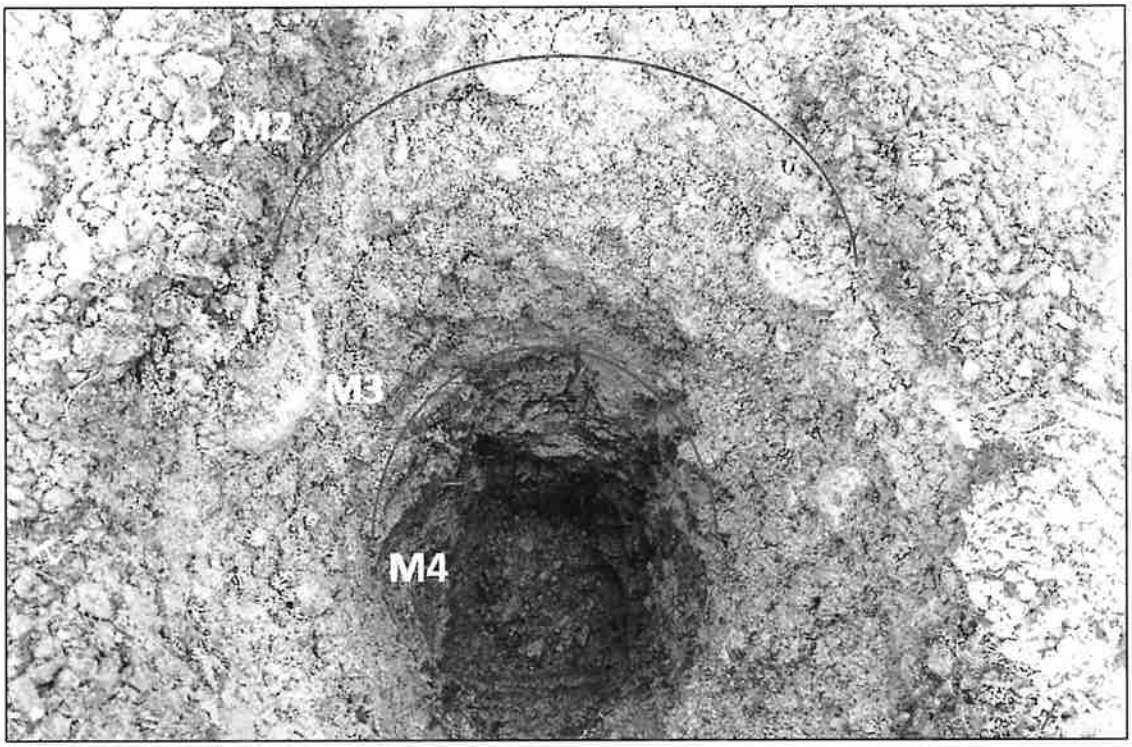

Figure 27: View north, ST 10 profile with strong smelling M4.

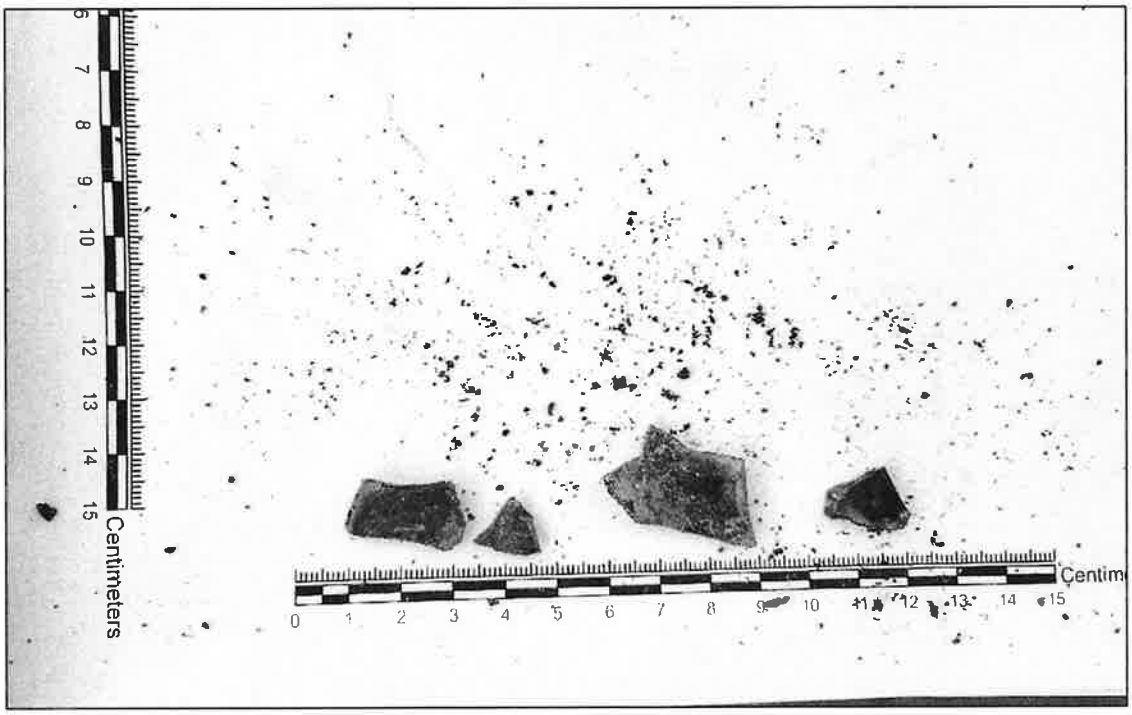

Figure 28: Glass fragments from M2 in ST 1.

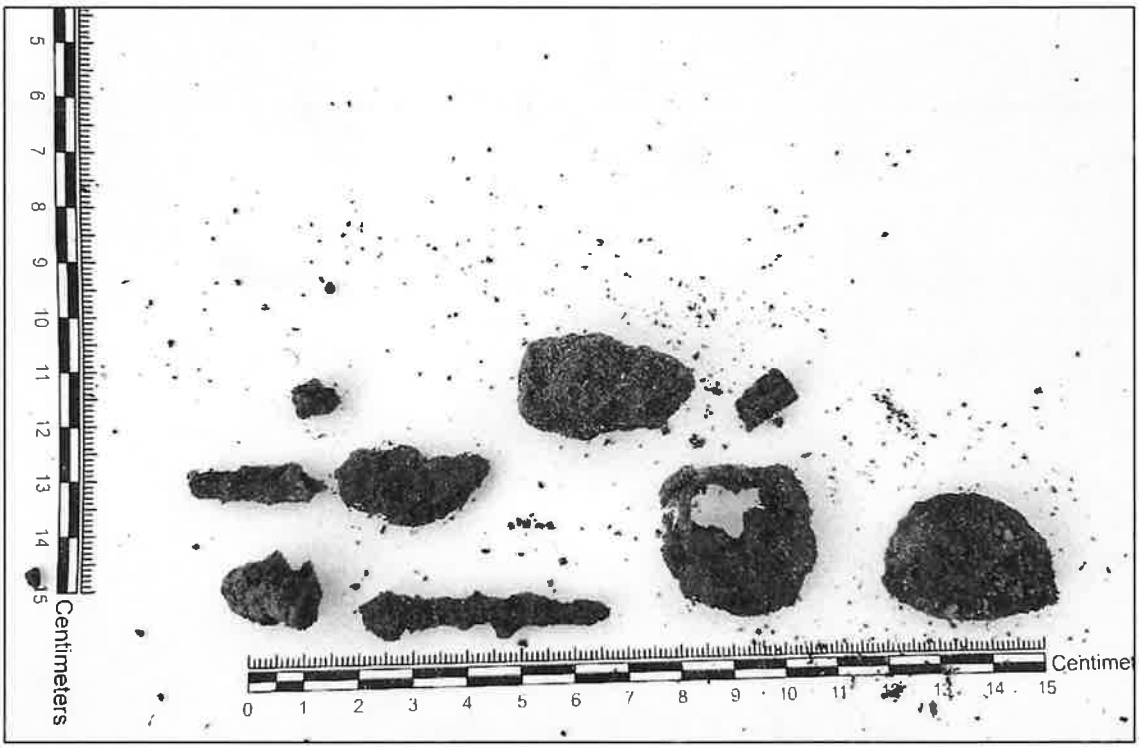

Figure 29: Metal debris from M2 and M4 variant in ST 1.

Figure 30: Plastic almond packaging from M1 in ST 2.

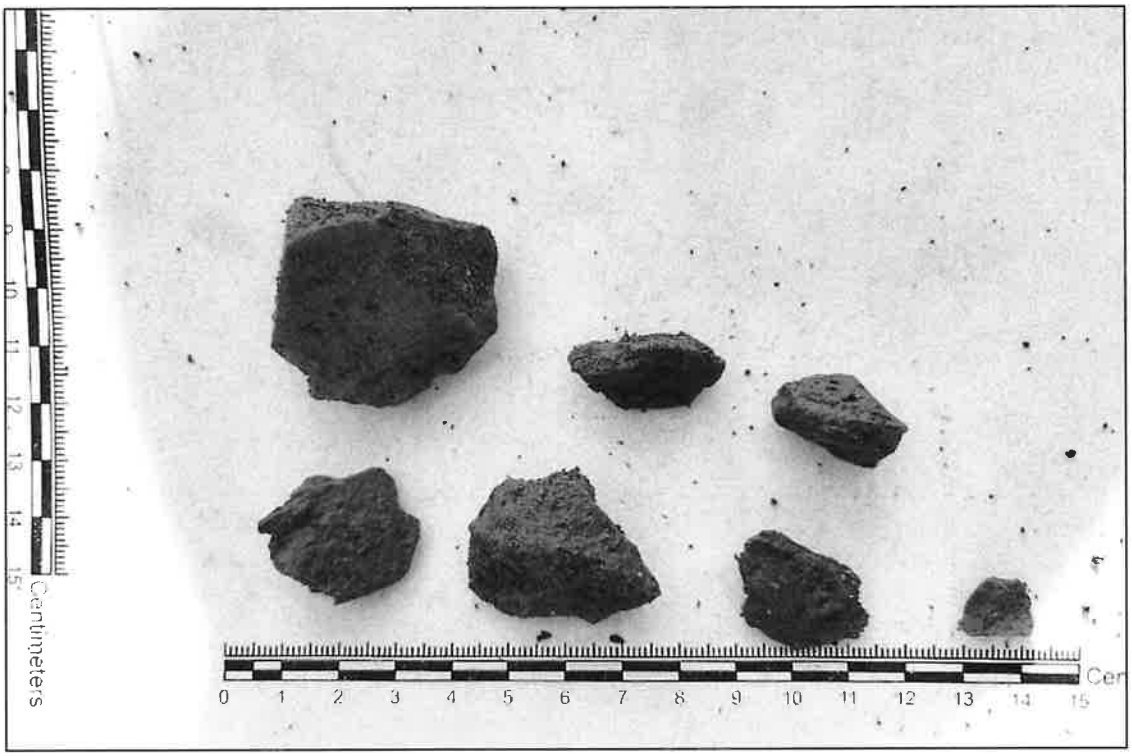

Figure 31: Brick fragments from M4 variant in ST 3.

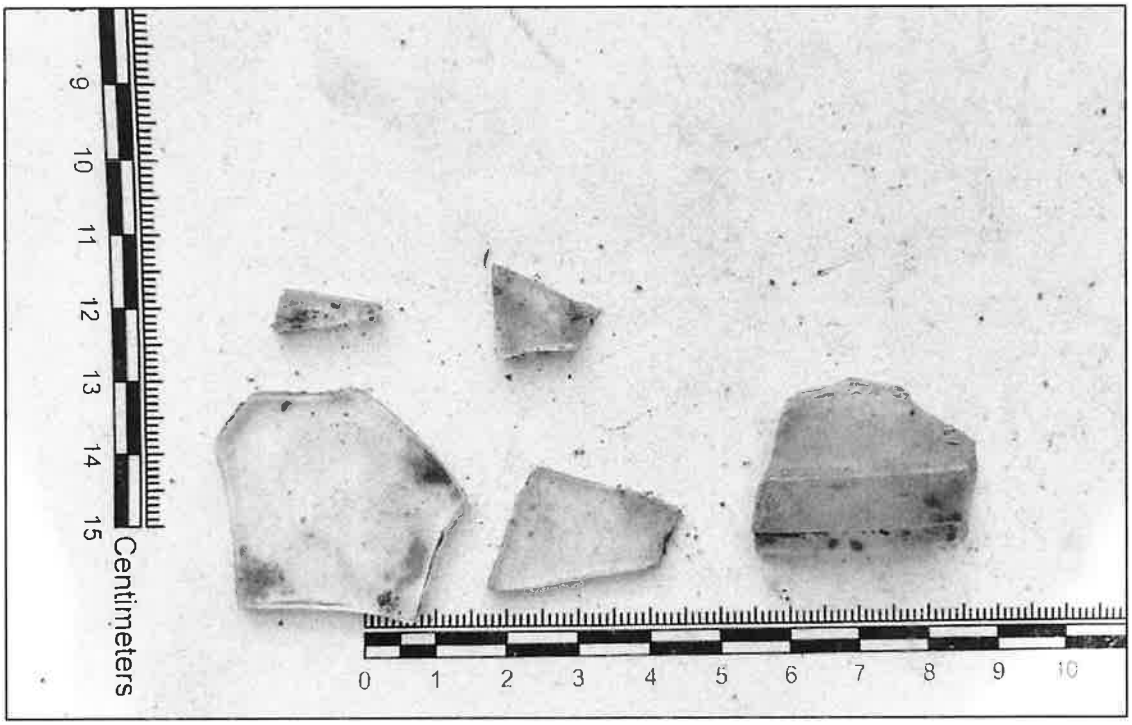

Figure 32: Glass fragments from M2/M4 mixture in ST 3.

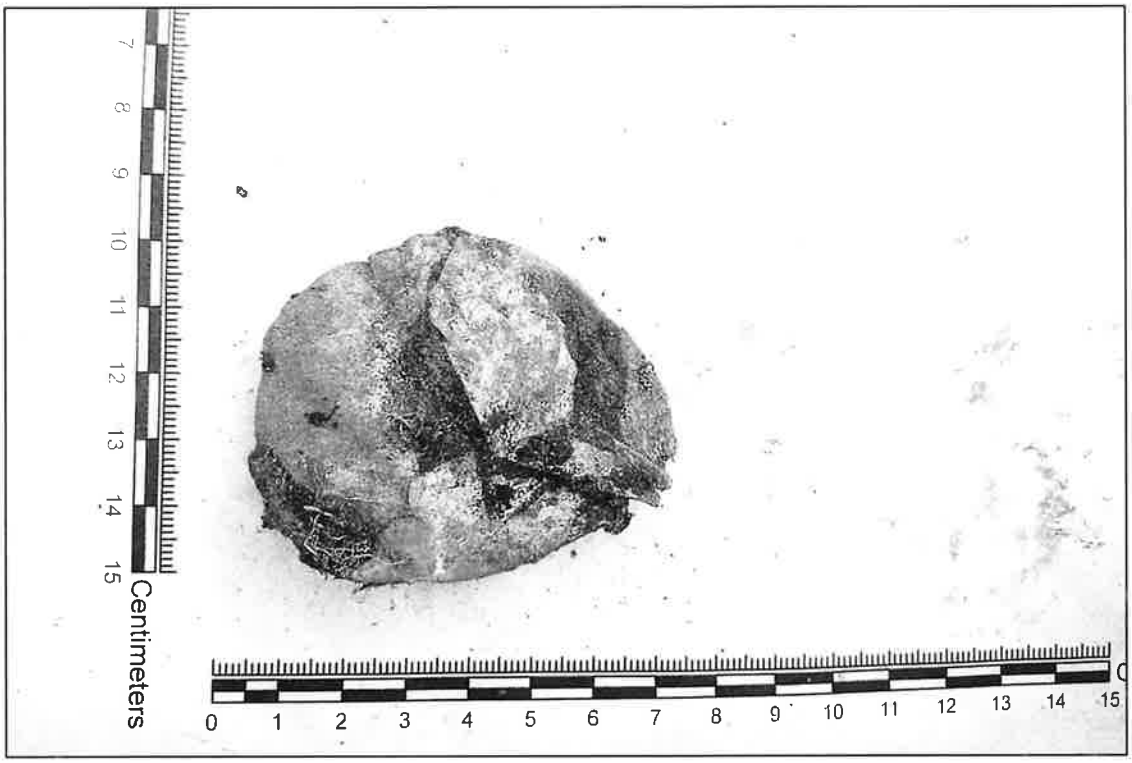

Figure 33: Aluminum can from M1 in ST 6.

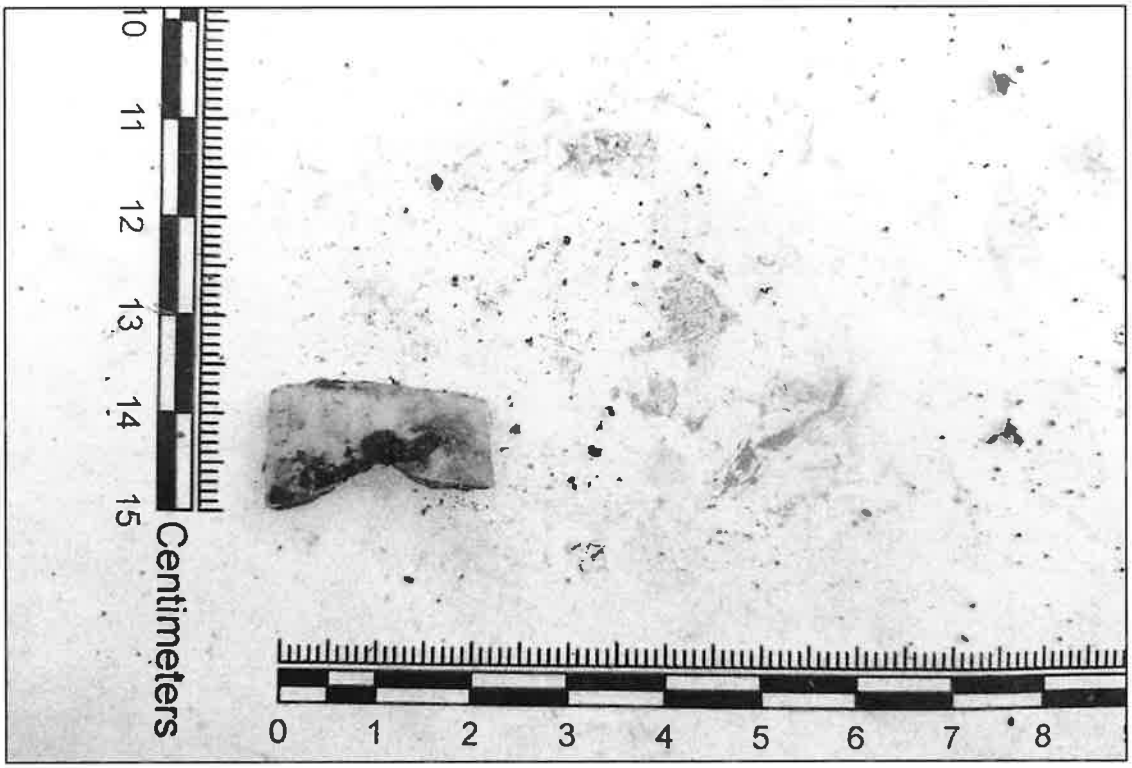

Figure 34: Yellow plastic from M2 in ST 6.

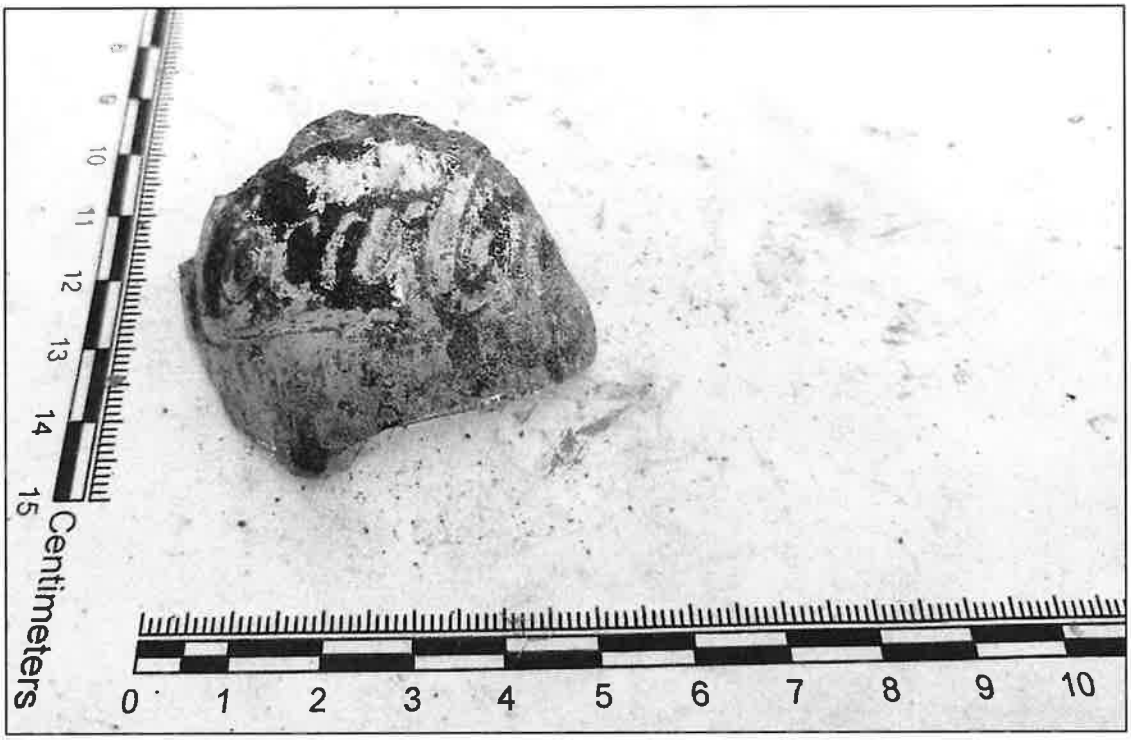

Figure 35: Coca-Cola glass bottle fragment from M2 in ST 6.

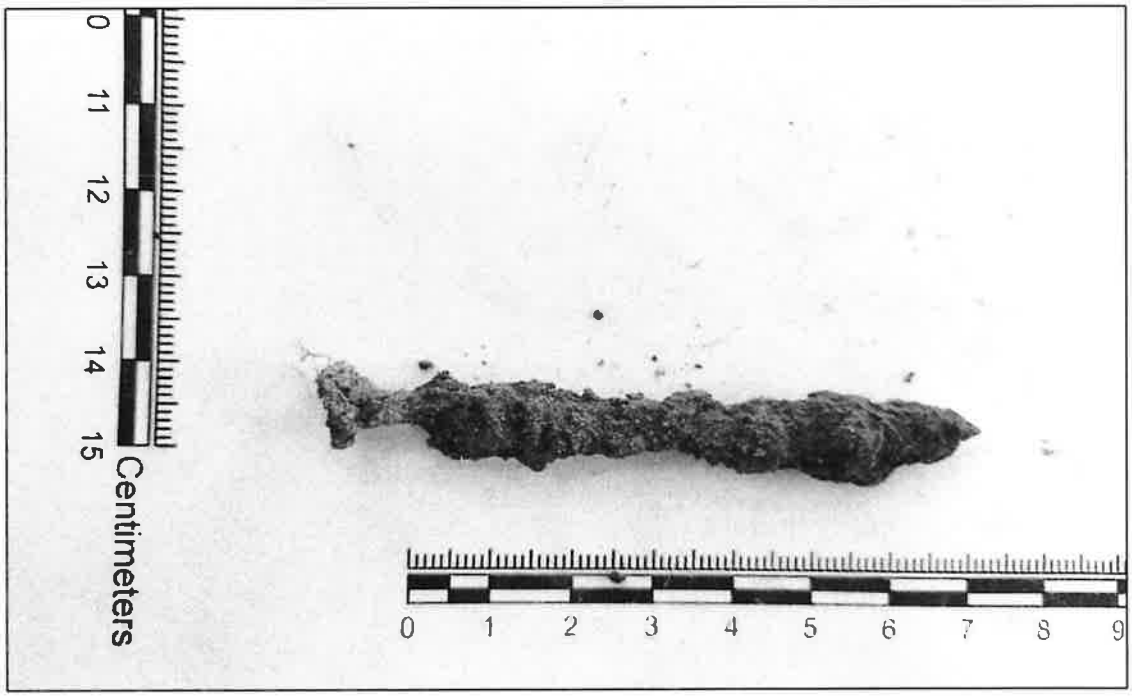

Figure 36: Nail from M2 in ST 7.

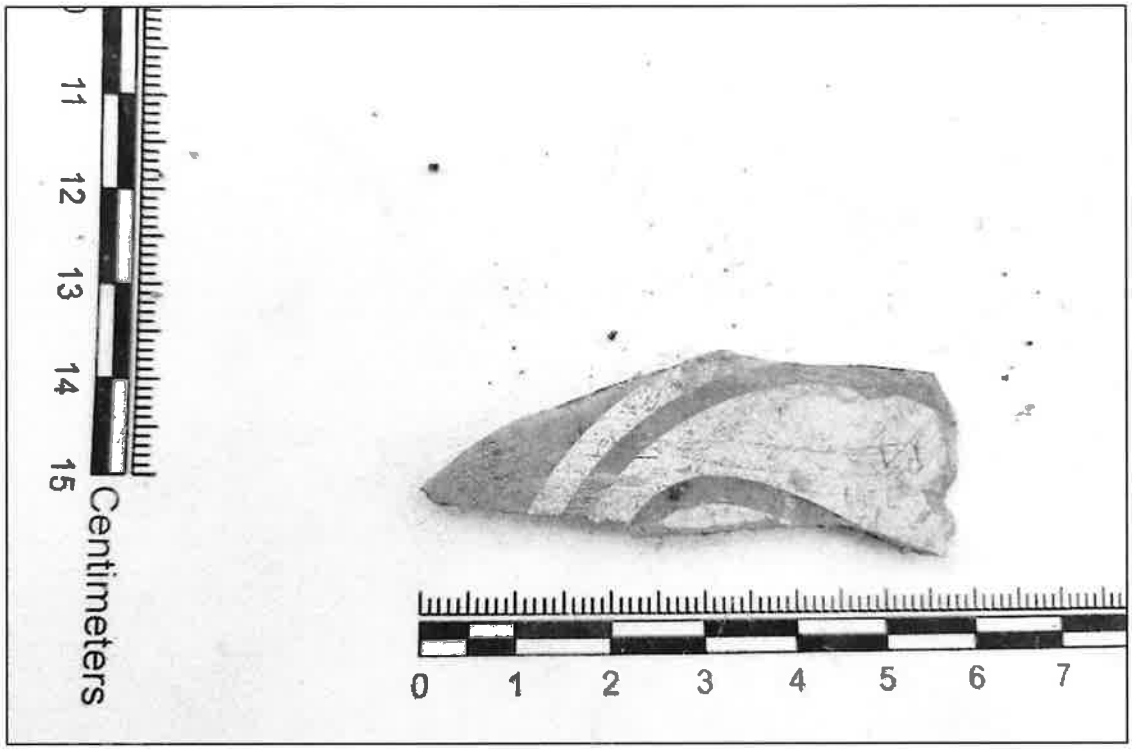

Figure 37: Glass fragment from M4 variant in ST 7.

Figure 38: Nail from M2/M4 mixture in ST 8.

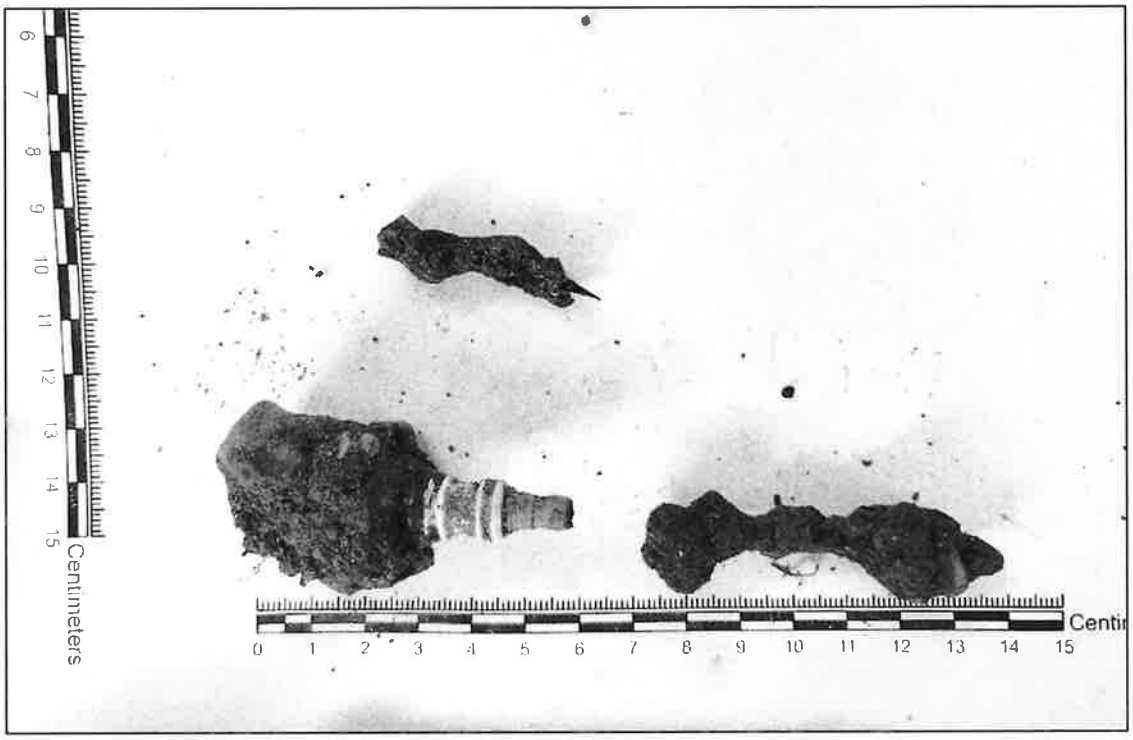

Figure 39: Metal debris from M1 in ST 11.

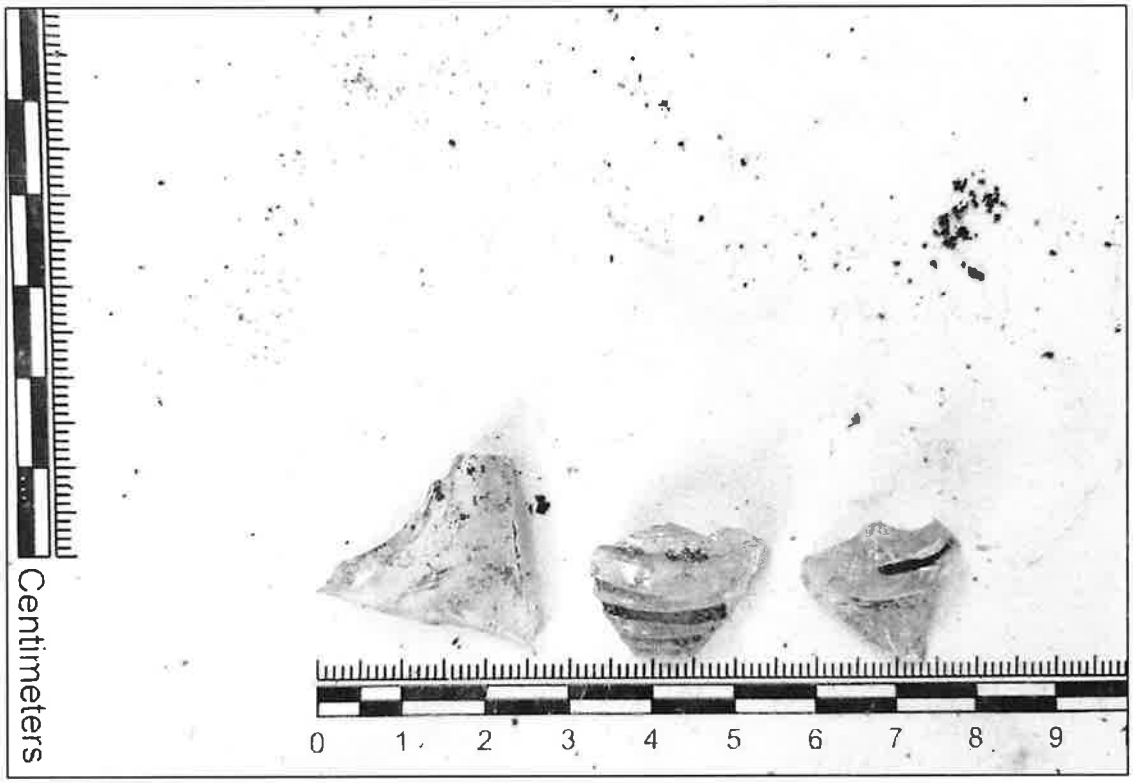

Figure 40: Colorless glass fragments from M2 in ST 11.

6.3 Discussion

ERCI's archaeological survey for KSA Investments LLC encountered no cultural resources. Such surveys are intended to yield information about moderate-to-large buried cultural deposits and are not intended to reveal the existence of isolated artifacts, small sites, or features. Despite uncovering highly fragmented shell in one ST, the shell was determined to be natural marine deposits likely from filling events and ground disturbances as modern refuse was also uncovered. The shells are not associated with any other precontact cultural indicators, such as FMR, charcoal, bone, or anthropogenically modified soil.

Seven archaeological sites have been recorded within one mile of the Project area, five of which are precontact. Based on the proximity of recorded precontact and historic archaeological sites, and the long record of human occupation of the Project vicinity there is a high probability of encountering precontact or historic cultural resources in the Project area.

The geology and soil expected are nearshore deposits and Skagit silt loam, this was consistent with our findings; there is fill on top of intact silt loam alluvium. Although no protected cultural material was discovered during this survey, there is still some risk of an unanticipated discovery due to the pre-contact and historic sites near the Project area.

7.0 MANAGEMENT RECOMMENDATIONS

No protected cultural resources were identified during our fieldwork. The management recommendations that we are now providing are based on our findings from this initial investigation. We recommend that:

1. The proposed project proceeds as planned with an Unanticipated Discoveries Protocol (UDP) training for all workers on the site by a Professional Archaeologist and copy of the UDP to be on site at all times.
2. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover protected cultural material (e.g., bones, shell, stone or antler tools), all work in the immediate vicinity should stop, the area should be secured, and any equipment moved to a safe distance away from the location. The on-site superintendent should then follow the steps specified in the UDP.
3. In the event that any ground-disturbing activities or other project activities related to this development or in any future development uncover human remains, all work in the immediate vicinity should stop, the area should be secured, and any equipment moved to a safe distance away from the location. The on-site superintendent should then follow the steps specified in the UDP.

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9.0 APPENDICES

Appendix 1: Shovel Test Descriptions, Particle Size Classes and Matrix Descriptions

Particle Size Classes

Scale	Clay	Silt	Sand	Gravel	Pebble	Cobble	Boulder
in	<.00015	.00015–.0025	.0025–.08	.08–1	1–4	4–10	>10
mm	<.004	.004–.062	.062–2	2–25.4	25.4–102	102–254	>254

Matrix Descriptions

Matrix 1: 10 YR 2/2 very dark brown 90% sandy silt, 5% subrounded gravels, <5% organics; moderate compaction, damp, clear transition, local fill, disturbed

Matrix 2: 10 YR 3/2 very dark grayish brown 70% silty sand, 15% subrounded-angular pebbles, 15% subrounded-angular gravels; moderate to dense compaction, damp, abrupt transition, imported fill, disturbed

Matrix 3: 10 YR 4/1 dark gray 80% coarse sand, 10% subrounded-angular gravels, 10% subrounded-angular pebbles; moderate compaction, damp, abrupt transition, local fill.

Matrix 4: 10 YR 4/2 dark grayish brown with oxidation streaks 100% silt; moderate compaction, damp-saturated, intact alluvium.

Variant: 10 YR 3/2 very dark grayish brown 100% silt; moderate compaction, damp, clear transition, disturbed alluvium.

Matrix 5:

10 YR 4/3 brown 95% very fine silty sand, 5% organics; moderate compaction, damp, disturbed alluvium.

Shovel Test Descriptions

ST	Depth (cm)	Dia (cm)	Matrix Description	Comments
1	100	45	**0–10:** M1 **10–30:** M2, glass, metal **30–43:** M3, building material, metal, plastic **43–78:** M4 variant, corroded metal at 50 cm dbs **78–100:** M4	Negative.
2	47	45	**0–11:** M1, plastic, clear transition **11–47:** M2, plastic throughout, blue tarp, cement in north wall 14–24 cm dbs.	Negative. Terminated due to impassable angular boulder.
3	100	50	**0–15:** M1 **15–40:** M2/M4 mixed, glass and metal throughout, plastic **40–100:** M4 variant, brick at 50 cm dbs	Negative.

ST	Depth (cm)	Dia (cm)	Matrix Description	Comments
4	100	49	**0–14:** M1, brick fragments, aluminum, clear transition **14–44:** M2/M4 mixed, plastic and nails throughout, gradual transition **44–100:** M4	Negative. Next to drain and water line, ground disturbance probably from installing those.
5	40	45	**0–40:** M5	Negative. Terminated due to a concrete slab at base of hole.
6	36	50	**0–18:** M1, ashes under grass cap, melted roof shingles, landscape fabric, metal bottle cap, Styrofoam, squished aluminum can **18–36:** M2, brick fragments, Coco–Cola bottle fragment, yellow plastic, 3 rusted nails	Negative. Terminated due to 2 concrete slabs at base of hole.
7	100	48	**0–36:** M2, glass fragments, and a nail **36–100:** M4 variant, brick at 80 cm dbs	Negative.
8	100	45	**0–14:** M2 mixed with building material, plastic, gradual transition **14–34:** M2/M4 mixed, nail, glass fragment, gradual transition **34–100:** M4	Negative.
9	100	45	**0–25:** M1 **25–43:** M2 **43–69:** M4 variant **69–100:** M4	Negative.
10	100	60	**0–6:** M2 mixed with building materials, plastic, abrupt transition **6–40:** M3, nails, abrupt transition, collapsing walls **40–100:** M4 dark gray–black, very strong smell, oxidation line surrounding hole at interface	Negative.
11	100	40	**0–15:** M1 **15–36:** M2 **36–100:** Mixed M2/M4, natural shell fragments 45–60 cm dbs in disturbed sediment	Negative.

Appendix 2: Photo Log

Number	View	Description
22.01.27AAY001	S	306 from across street
22.01.27AAY002	S	306 side of house
22.01.27AAY003	W	North side of 306
22.01.27AAY004	W	East side of 306
22.01.27AAY005	W	South side of 306 and camper
22.01.27AAY006	W	South side of 306 and camper
22.01.27AAY007	E	South side of 306
22.01.27AAY008	N	West side of 306
22.01.27AAY009	E	Neighboring property
22.01.27AAY010	S	Northwest corner of 306
22.01.27AAY011	S	North side of 306
22.01.27AAY012	SE	Side of 306 from street
22.01.27AAY013	SW	Side of 306 from street
22.01.27AAY014	SE	West side of 306
22.02.01AAY001	N	ERCI at ST 1
22.02.01AAY002	N	ST 2 with scale
22.02.01AAY003	N	ST 2 without scale
22.02.01AAY004	E	ST 2 overview
22.02.01AAY005	P	Plastic almond packaging
22.02.01AAY006	P	White and yellow plastic
22.02.01AAY007	P	Blue tarp
22.02.01AAY008	N	ST 4 with scale
22.02.01AAY009	N	ST 4 without scale
22.02.01AAY010	E	ST 4 overview
22.02.01AAY011	N	ERCI at ST 3
22.02.01AAY012	P	Aluminum ST 4
22.02.01AAY013	P	Plastic ST 4
22.02.01AAY014	P	Brick fragments ST 4
22.02.01AAY015	P	3 rusted nails ST 4
22.02.01AAY016	N	ST 6 with scale
22.02.01AAY017	N	ST 6 without scale
22.02.01AAY018	N	ST 6 overview and ERCI working
22.02.01AAY019	P	Landscape fabric
22.02.01AAY020	P	Styrofoam
22.02.01AAY021	P	White plastic
22.02.01AAY022	P	Brick fragments
22.02.01AAY023	P	Squished aluminum can
22.02.01AAY024	P	Rusted bottle cap
22.02.01AAY025	P	Yellow plastic
22.02.01AAY026	P	3 rusted nails

Number	View	Description
22.02.01AAY027	P	Coca-Cola bottle fragment
22.02.01AAY028	P	Coca-Cola bottle fragment
22.02.01AAY029	P	Coca-Cola bottle fragment
22.02.01AAY030	P	Melted roofing tiles
22.02.01AAY031	N	ST 8 with scale
22.02.01AAY032	N	ST 8 without scale
22.02.01AAY033	W	ST 8 overview
22.02.01AAY034	P	Plastic ST 8
22.02.01AAY035	P	Glass fragment ST 8
22.02.01AAY036	P	Glass fragment ST 8
22.02.01AAY037	P	Nail ST 8
22.02.01AAY038	N	ST 10 with scale
22.02.01AAY039	N	ST 10 without scale
22.02.01AAY040	S	ST 10 overview
22.02.01AAY041	P	Close up of gray-black M4 (smells bad)
22.02.01AAY042	P	Plastic ST 10
22.02.01AAY043	P	Nails ST 10
22.02.01AAY044	NE	Project area overview
22.02.01AAY045	N	Project area overview
22.02.01AAY046	E	Project area overview
22.02.01AAY047	W	Project area overview and ERCI working
22.02.01AAY048	E	Project area overview
22.02.01AAY049	E	Project area overview
22.02.01FLK001	E	ST 1 with scale
22.02.01FLK002	E	ST 1 without scale
22.02.01FLK003	S	ST 1 overview and ERCI at ST 2
22.02.01FLK004	P	ST 1 concrete
22.02.01FLK005	P	ST 1 metal
22.02.01FLK006	P	ST 1 glass
22.02.01FLK007	P	ST 1 ceramic
22.02.01FLK008	P	ST 1 plastic
22.02.01FLK009	P	ST 1 building material
22.02.01FLK010	P	ST 1 building material
22.02.01FLK011	S	ERCI at ST 4
22.02.01FLK012	S	ERCI at ST 4
22.02.01FLK013	E	ST 3 with scale
22.02.01FLK014	E	ST 3 without scale
22.02.01FLK015	S	ST 3 overview with ERCI at ST 4
22.02.01FLK016	P	ST 3 brick
22.02.01FLK017	P	ST 3 glass
22.02.01FLK018	P	ST 3 ceramic
22.02.01FLK019	P	ST 3 metal

Number	View	Description
22.02.01FLK020	NW	Overview of Project area from southeast corner
22.02.01FLK021	NW	Overview of Project area from 4th St
22.02.01FLK022	NE	Overview of Project area from southwest corner
22.02.01FLK023	SW	Overview of Project area from northeast corner
22.02.01FLK024	SW	Overview of Project area from 4th St
22.02.01FLK025	SE	Overview of Project area from northwest corner
22.02.01FLK026	SE	Overview of Project area from northwest corner
22.02.01FLK027	SE	Overview of Project area from Center St
22.02.01FLK028	E	ST 5 with scale
22.02.01FLK029	E	ST 5 without scale
22.02.01FLK030	E	ST 5 overview
22.02.01FLK031	E	ST 7 with scale
22.02.01FLK032	E	ST 7 without scale
22.02.01FLK033	S	ST 7 overview with ERCI at ST 8
22.02.01FLK034	P	Nail ST 7
22.02.01FLK035	P	Green glass ST 7
22.02.01FLK036	P	Flat glass ST 7
22.02.01FLK037	P	ST 7 glass
22.02.01FLK038	W	ST 9 with scale
22.02.01FLK039	W	ST 9 without scale
22.02.01FLK040	SW	ST 9 overview and ERCI at ST 10
22.02.01FLK041	P	Clear glass ST 9
22.02.01FLK042	P	ST 9 brown glass
22.02.01FLK043	P	ST 9 ceramic
22.02.01FLK044	P	ST 9 metal
22.02.01FLK045	S	ST 11 with scale
22.02.01FLK046	S	ST 11 without scale
22.02.01FLK047	E	ST 11 overview with ERCI
22.02.01FLK048	P	ST 11 shell fragments
22.02.01FLK049	P	ST 11 shell fragments
22.02.01FLK050	P	ST 11 metal
22.02.01FLK051	P	ST 11 clear glass
22.02.01FLK052	P	ST 11 brown glass
22.02.01FLK053	P	ST 11 white glass
22.02.01FLK054	P	ST 11 white glass

Appendix 3: Unanticipated Discovery Protocol

In the event that any ground-disturbing activities or other project activities related to this development or any future development uncover protected cultural material (see below), the following actions should be taken:

1. If the cultural material is a historic or precontact object (glass bottle, tin can, stone, bone, horn or antler tool); a historic or precontact feature (hearth, building foundation, privy), then the on-site supervisor should avoid the object, secure the location and relocate work activities to a different part of the Project area. The Project manager should then call a professional archaeologist to evaluate the discovery.
2. If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

Cultural material that may be protected by law could include but is not limited to:

- Logging, mining, railroad, or agriculture equipment older than 50 years (Figure 41)
- Historic foundations (Figure 42)
- Historic bottles, ceramics and soldered dot cans (Figure 43, Figure 44)
- Buried cobbles that may indicate a hearth feature (Figure 46)
- Non-natural sediment or stone deposits that may be related to activity areas of people
- Stone tools or stone flakes, projectile points (arrowheads), ground stone adzes or grinding stones (abraders) (Figure 47–Figure 50)
- Bone, shell, horn, or antler tools that may include scrapers, cutting tools, wood working wedges (Figure 51, Figure 52)
- Perennially damp areas may have preservation conditions that allow for remnants of wood and other plant fibers; in these locations there may be remains including fragments of basketry, weaving, wood tools, or carved pieces (Figure 53)
- Human remains

Figure 41: Example of railroad ties for UDP.

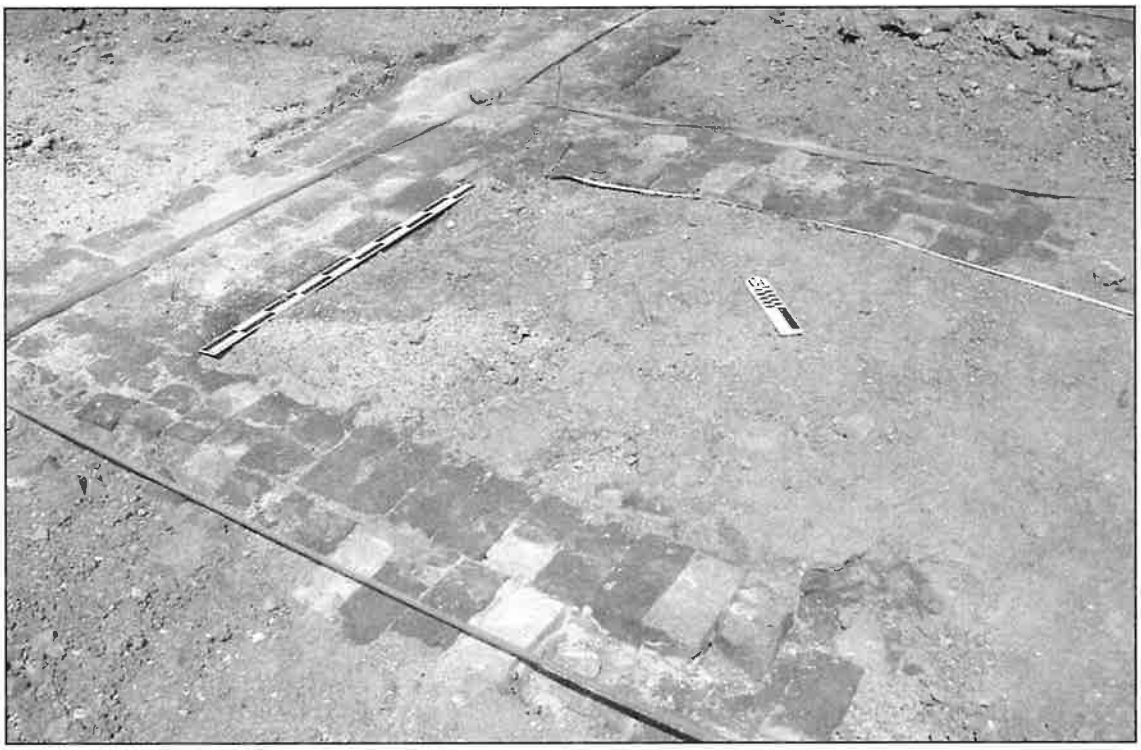

Figure 42: Example of historic foundation for UDP.

Figure 43: Example of historic glass artifacts for UDP.

Figure 44: Example of historic solder dot can for UDP

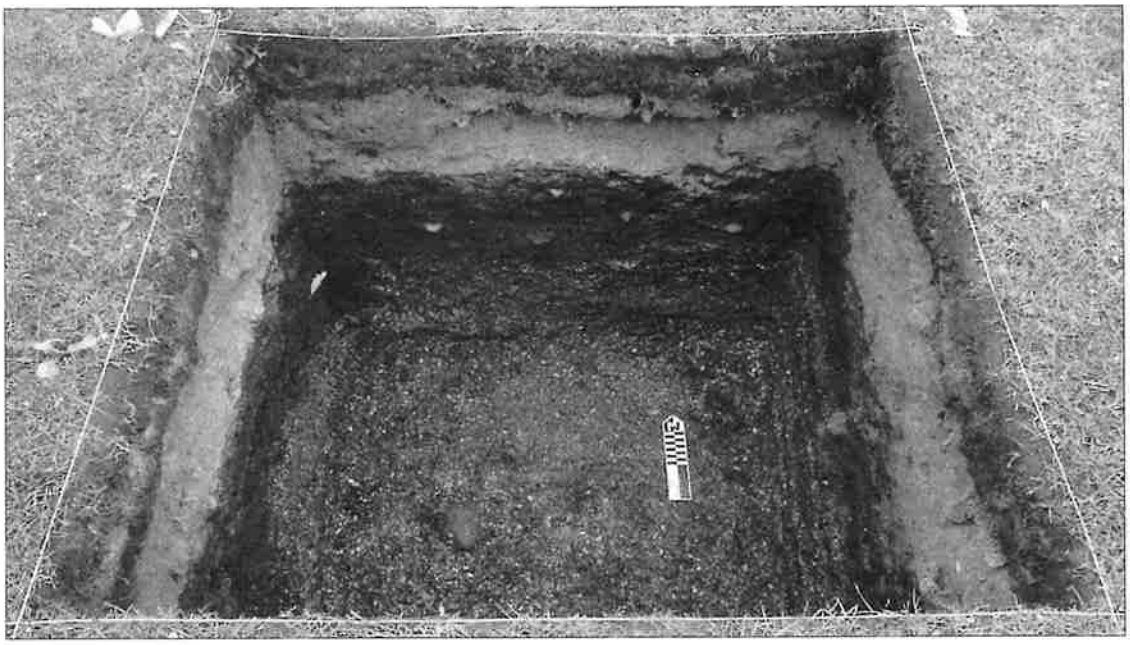

Figure 45: Example of protected shell midden for UDP.

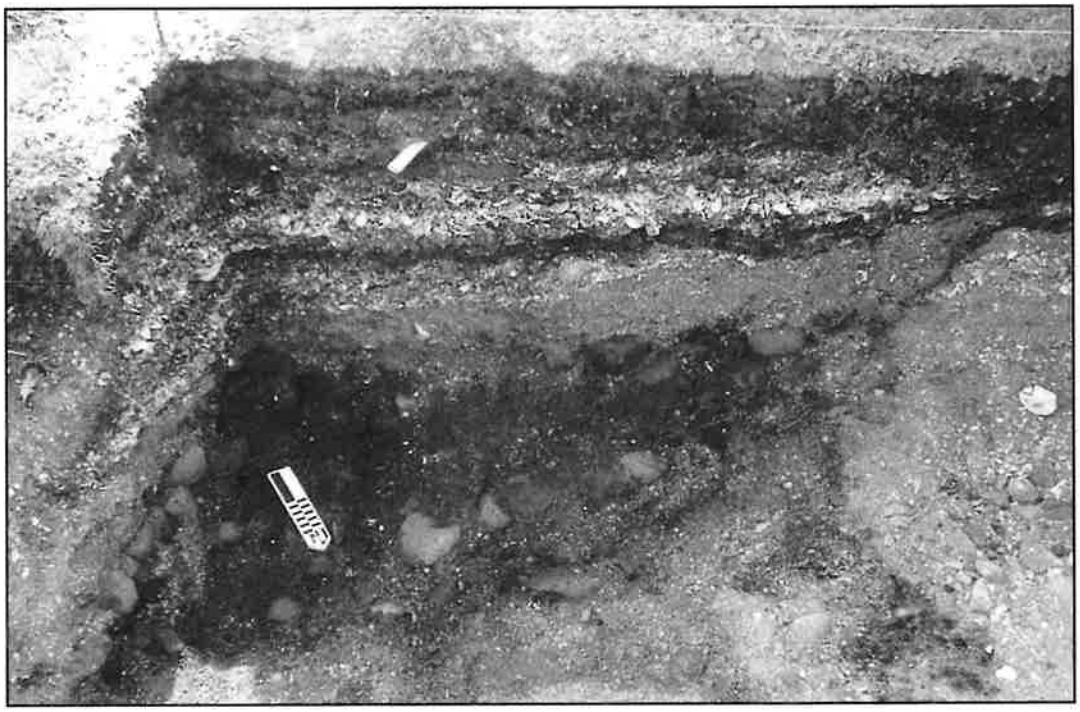

Figure 46: Example of protected rock-lined hearth feature for UDP.

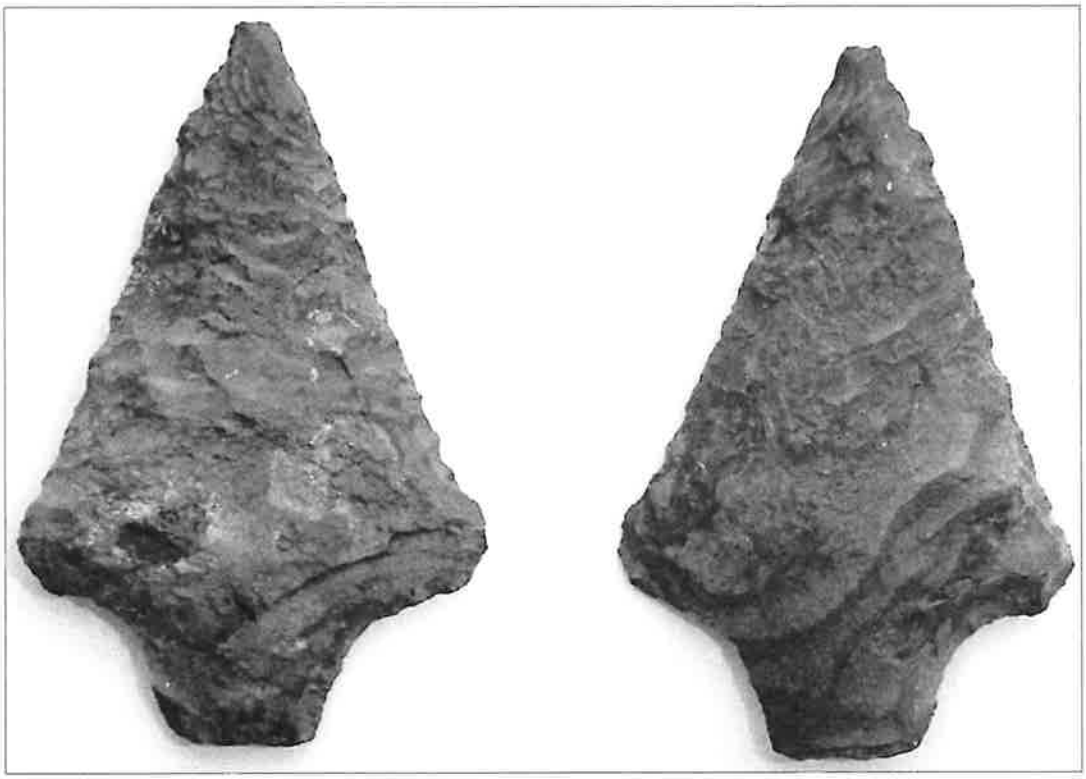

Figure 47: Example of projectile point for UDP.

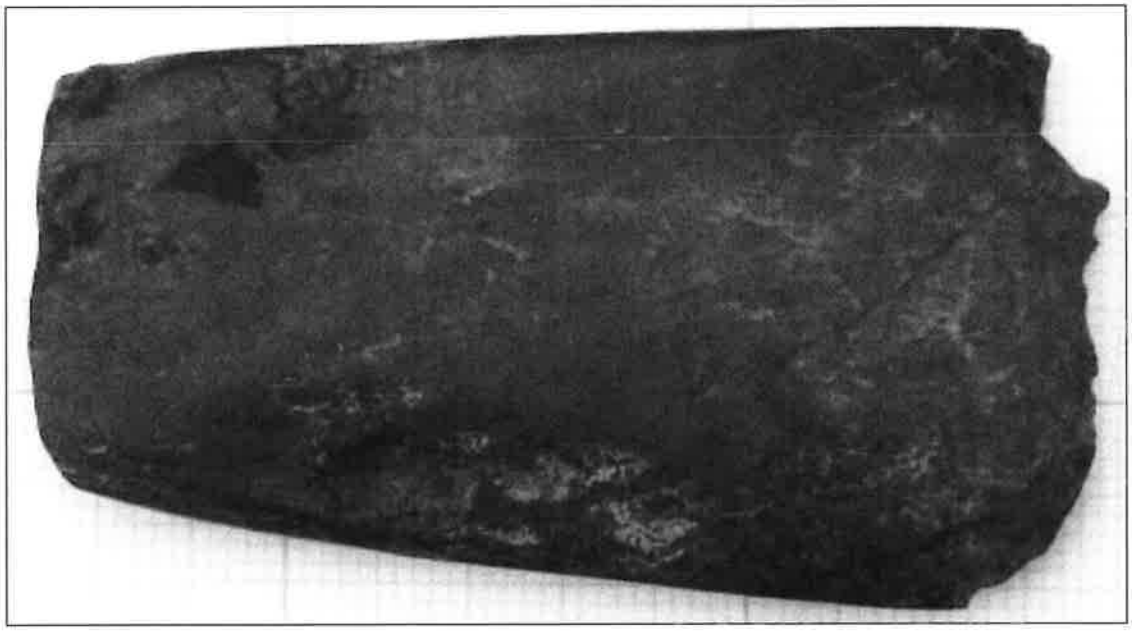

Figure 48: Example of protected adze blade for UDP.

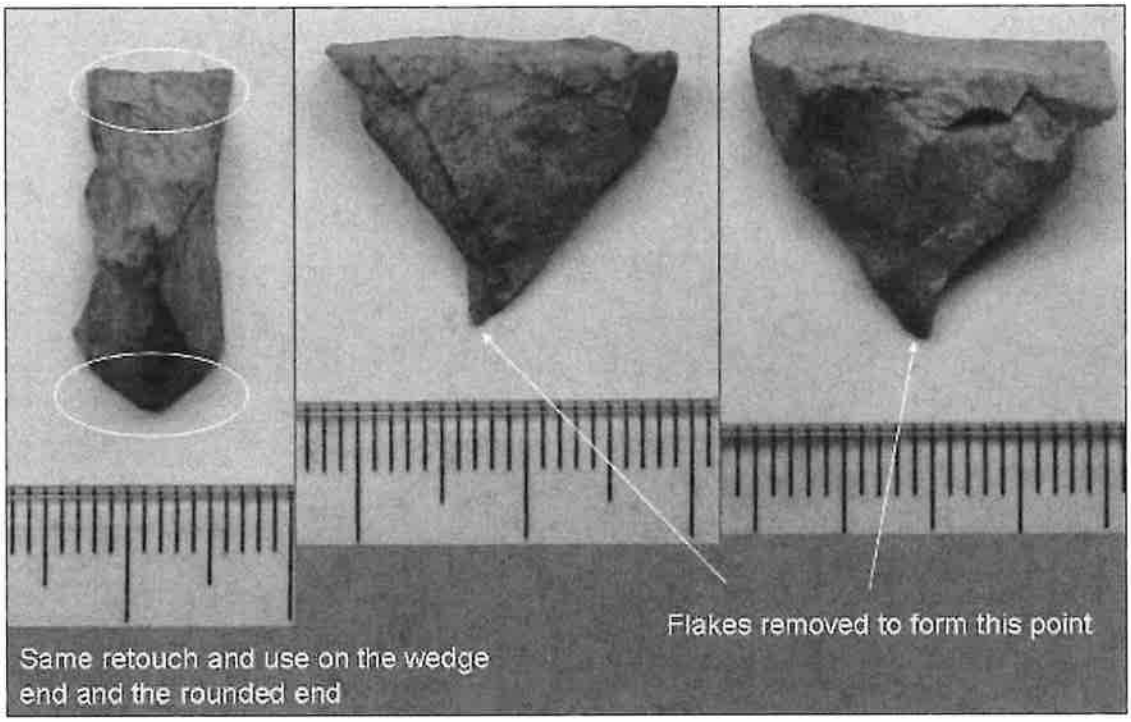

Figure 49: Example of stone tool for UDP.

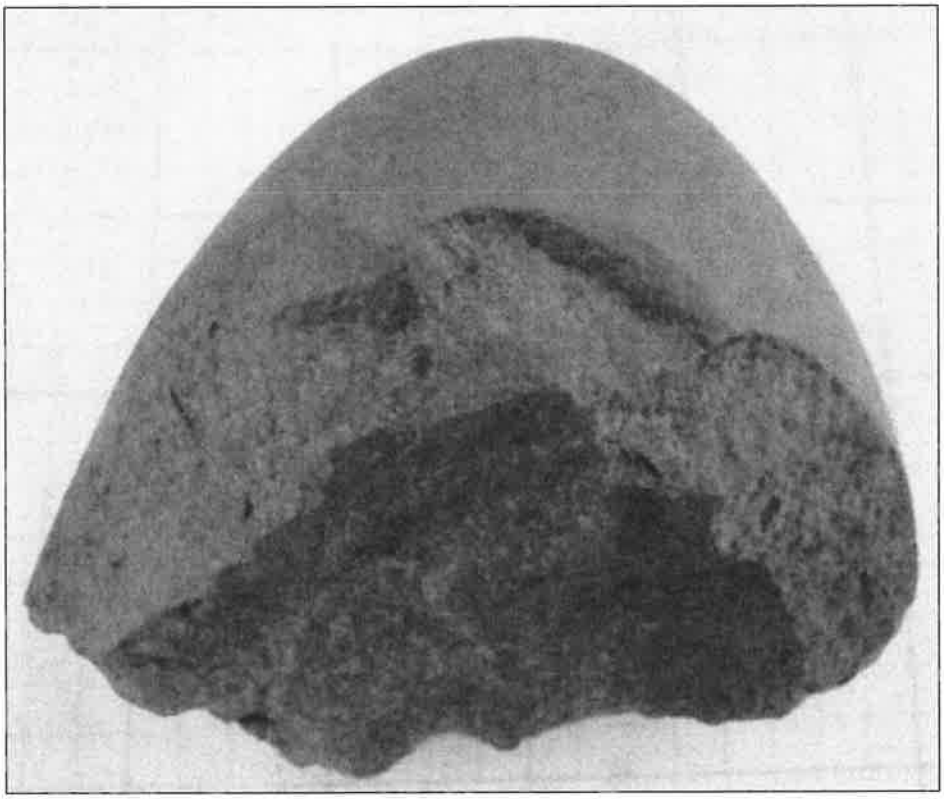

Figure 50: Example of stone tool for UDP.

Figure 51: Example of bone awl for UDP.

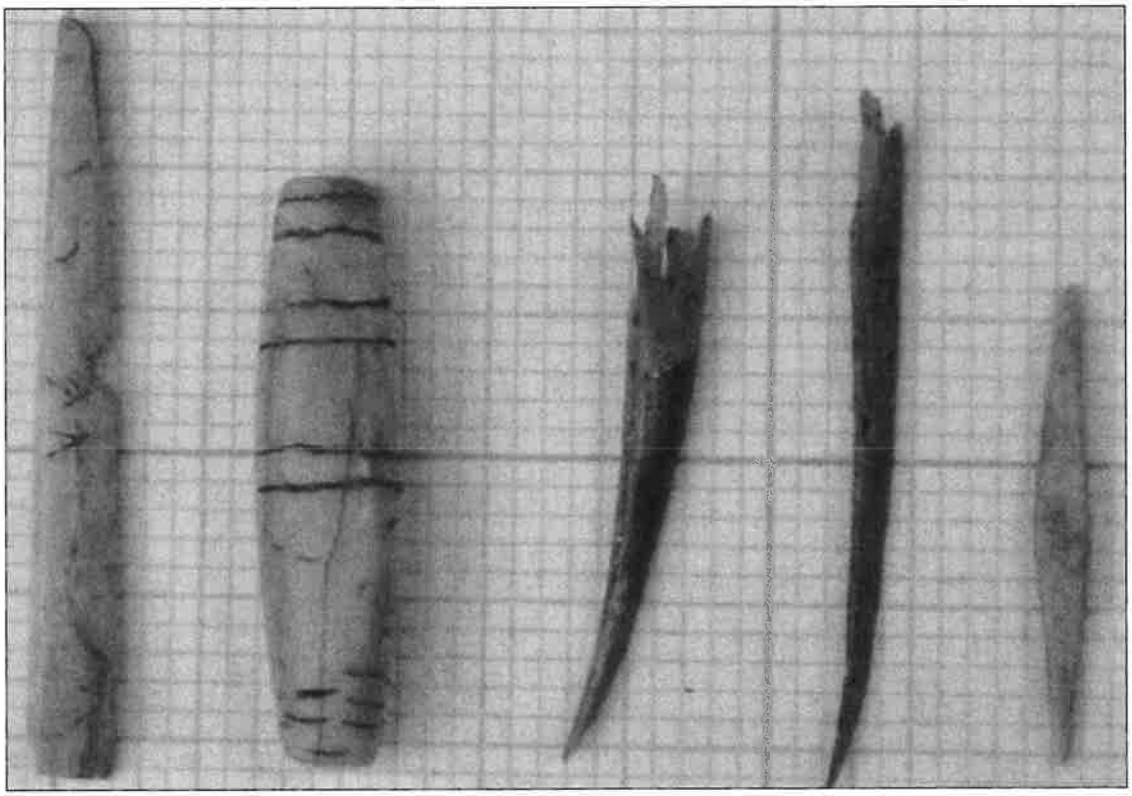

Figure 52: Example of worked bone and spines for UDP.

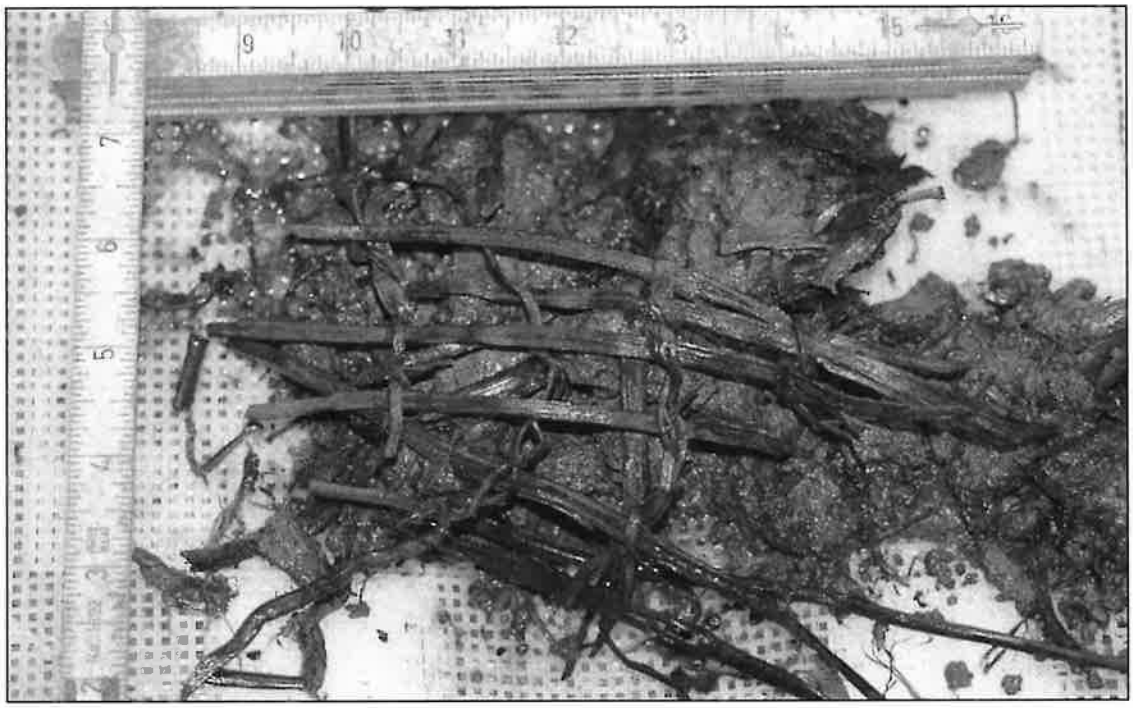

Figure 53: Example of cedar bark basketry for UDP.

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