



# *Town of La Conner*

August 5, 2022

SUBJECT: Atkinson Development / KSA Investments CUP, LU21-56CU

To Whom It May Concern:

This is to notify you that the Hearing Examiner has issued his decision on the Atkinson Development, and remanded certain questions to the Town. In particular, the decision provides as follows:

1. With the validity and potential applicability of the Contract Rezone (Exhibit C) in question, and without additional information in the Examiner's record, the Examiner is compelled to remand the below-listed narrow issues surrounding whether the site must comply with requirements from the Historical Preservation District, back to the Town. The specific questions the Examiner remands back to the Town to respond to are listed below:
  - a. Is the Contract Rezone a valid contract with provisions applicable to the proposed 2022 development on the subject site?
  - b. Must development on the subject site comply with the regulations of the Historical Preservation District?
  - c. If the Town finds development on the subject site must comply with the regulations of the Historical Preservation District, which regulations apply?
    - i. Do the regulations of the Historical Preservation District in effect when the Contract Rezone was executed apply; or do the regulations of the Historic Preservation District in effect when the current Conditional Use Permit was deemed technically comply apply?
    - ii. Which, specific regulations from the Historical Preservation District apply to the current development of the site?

2. To answer the questions being remanded back to the Town (outlined above under #1), the Examiner asks the Town to follow their procedures for administrative decisions outlined in LCMC Chapter 15.135, in conjunction the following supplemental procedures:

- a. The Town issue a Notice, with a reasonable comment period, to allow the site owners and parties of record for file LU21-56CU to submit materials relevant to the items remanded back to the Town.
- b. The Town issue a Notice of Decision with an appeal period that is distributed to the site owners, parties of record for file LU21-56CU, and any new parties of record for the subject administrative determination.

This Notice shall constitute the notice referred to in paragraph 2(a) above. The comment period for the submission of relevant materials shall close on August 15, 2022 at 4:00 p.m. Materials may be submitted to Town Hall, 204 Douglas Street, La Conner, WA, or by email to: [planner@townoflaconner.org](mailto:planner@townoflaconner.org).

The decision document is available for review at Town Hall. Please call Town Hall at 360-466-3125 if you have not received an emailed copy.



Scott G. Thomas  
Town Administrator