



TOWN COUNCIL AGENDA

January 24, 2023

104 Commercial Street

Upper Maple Center

And by Zoom

Information is below and on the Town Website

Skagit County Washington
Incorporated 1890
www.townoflaconner.org

I. Call to Order

II. Pledge of Allegiance

III. Public Comments (Limit: 3 minutes per person)

**IV. Presentations: 1. Solarize Skagit – Skagit Valley Clean Energy Cooperative
2. Fire Dept. – Fire Boat Update**

V. CONSENT AGENDA

A. Consent Agenda (Approved without objection 5/0)

1. Approval of the Minutes: Council Meeting January 10, 2023

Finance:

Approval of Accounts Payable

Approval of Payroll

VI. REPORTS

1. Administrator's Report

2. Mayor's Report

3. Council Committee Reports

VII. UNFINISHED BUSINESS:

1. Center Street Project – Discussion

2. Jenson Property – Discussion

3. 2023 Tribal Sewer Rates

4. Ordinance – Establishing the Flood Commission

5. Ordinance – Adopt Uniform Development Code Amendment

6. Ordinance – Adopt Capital Improvement Program for Parks and Fire

7. Resolution – Adopt Impact Fees

VIII. NEW BUSINESS

1. Ordinance – 2023 Utility Rate Ordinance 1220 Scrivener Error

2. Resolution - Maple Hall Policy – Extended Time for the Fireman's Ball.

2. Waterfront Survey Agreement – David Evans & Associates

IX. MAYOR ROUNDTABLE

X. EXECUTIVE SESSION

There may be an executive session immediately preceding or following the meeting as allowed by RCW 42.30.110 and as announced by the presiding officer.

Join Zoom Meeting – This Meeting will be recorded

<https://us02web.zoom.us/j/81603173141?pwd=SHFjcm9adnZhWINrM1RldzBDd0lkZz09>

Meeting ID: 816 0317 3141

Passcode: 16dJsW

One tap mobile – 1-253-215-8782

Meeting ID: 816 0317 3141

Passcode: 876133

Find your local number: <https://us02web.zoom.us/u/kcq3UJeNAq>

Consent Agenda

- 1) Approval of Minutes**
- 2) Approval of Accounts Payable**
- 3) Approval of Payroll**

Town of La Conner

Town Council Meeting

January 10, 2023 – 6:00 p.m.

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

Present: Councilmembers Taylor, Carlson, Dole, Chamberlain and Wohleb.

Also present: Administrator Thomas, Finance Director DeGoede, Public Works Director Lease, Planner Davolio, Fire Chief/Code Enforcement Officer Reinstra and Sgt. Montgomery of the Sheriff's Dept.

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

Public Comments:

Resident Sandy Stokes of 410 Caledonia Street shared her experience during the recent flood and expressed her gratitude for the response from Public Works, the Fire Department, Councilmembers and the Mayor. Her home is uninhabitable from the flood damage, but it can be repaired. However, there were two residents that were unable to come to the meeting whose homes were a total loss. Her concern was their area of Caledonia turned into a lake and remained underwater for over 15 hours with no outlet for the water.

Resident Stuart Welch of 314 Caledonia Street was also a victim of the flood and discussed the problems with disaster tourism driving through the flood water, causing waves of water into the homes and taking items that floated from his garage. He also noted Dunlap Towing sponsored the publishing of the tide tables, but since they closed, the local paper has not published them. He would like a coordinated emergency flood response to be implemented. Also, he hopes the Town is lobbying heavily for disaster relief of low interest loans for those whose homes are uninhabitable.

Resident Gary George of 403 Center Street recognized the Mayor and Public Works for coming to his home during the flood. He also discussed climate change and expected future flooding. A 100-year flood is now a 10-year.

Resident Kathy Shiner of 216 N. Third Street stated there is another high tide of 11.8 on the 22nd of this month that will last about four days, which is higher than the tide of the flood. She would like to know the Town's plans for the immediate future.

Resident Jim Matthews of 310 N. Third Street also discussed future climate change and the probability of a flood like this last one happening again. Prevention needs to take place; he encourages the Town to look into the flood walls Mount Vernon installed. He suggested advising residents to check under their homes for water damage and questioned all the lights on at night at the school. Also, a contributing factor of his area of flooding was the La Conner Retirement Inn pumped their basement of water that went down State Street.

Resident Gary Nelson of 403 Morris Street shared his shop flooded and he would like to raise his shop 18 inches, but under the current building codes for the Historical District, there are restrictions. He suggested a change to the building codes to allow raising homes and shops.

Resident Bill Stokes of 410 Caledonia Street shared his losses from the flood and stated the Council has discussed many flood protection processes through the years that have been shot down. Counting on volunteers for sandbagging happens too late and the amount of man hours and area to cover is unrealistic. He feels automatic flood walls should be installed. Also, we need to complete First Street on the South end and install flood walls there, but the Moore Clark building sits seven feet on the right of way, which has prevented us using our street. He acknowledged Public Works and the Fire Department.

Resident Linda Talman of 202 N. Fifth Street suggested utilizing local meteorologists and had ideas on notifying the citizens for advance planning to move their items and park their cars. It was noted people did park their cars at the church on 2nd street and at Pioneer Park.

Resident Debbie Aldrich of 415 Center Street suggested an emergency cell phone AP like Code Red to alert people.

Councilmember Carlson is researching notification options and feels it is absolutely possible to predict this.

Mayor Hayes stated we are meeting with the legislature at the end of the month on La Conner's situation. Also, he advised impacted citizens to complete the Damage Report to the County. There is no guarantee there will be disaster funds there, but if there is, we want to be in line.

Administrator Thomas recommended citizens also check out the EDASC website for disaster programs that are in the works and also the State DOE website. As for notifying citizens, we are looking at a number of vehicles to get the word out.

Presentation: La Conner School District:

Superintendent Will Nelson and Director of Operations and Planning Bobby Vaughn discussed the recent budget cutbacks of Federal funding and low enrollment resulted in a decrease of the School funding of about a million dollars. There will be two budget meetings for public input on what they value most. The first meeting will be at the Swinomish Youth Center on January 26th and the second at Maple Hall on February 8th. Also, they miss the Reader Board and encouraged continued discussions on bringing it back.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of the December 13, 2022 Council Meeting.

Accounts Payable for the December 2022 Closeout:

Checks 25674 - 25700	\$159,413.00
Electronic Payments: #2018070 – Leasehold Taxes	\$1,971.99
#2018071 – US Bank Fees	\$46.57
#2018072 – Invoice Cloud Fees	\$166.40
Total December 2022 Closeout	\$161,597.96

Accounts Payable for January 10, 2023:

Checks 25701 - 25721	\$172,356.76
Total January 10, 2023	\$172,356.76

Payroll of January 5, 2023	Checks	5662 - 5668	\$3,270.23
Electronic Payments:	#2018065	AWC Benefit Trust	\$14,004.22
	#2018066	Deferred Comp	\$2,241.00
	#2018067	PERS Retirement	\$9,996.84
	#2018068	Teamsters Benefit	\$6,972.80
	#2018069	Payroll Taxes	\$8,994.77
		<u>Payroll Auto Deposit</u>	<u>\$29,158.57</u>
		Total Payroll	\$74,638.43

Councilmember Dole moved to approve the Consent Agenda as presented. Motion seconded by Councilmember Wohleb. Motion carried 5/0.

Department Head Reports:

Revenue and Expenditure Reports:

Mayor Hayes noted there has been a decline in Sales Tax in the last two months, but Hotel Motel continues to come in higher.

Public Works:

Councilmember Carlson noted the upcoming tides in January will be worse than the one that flooded.

Public Works Director Lease reported all the infrastructure of the drainage system has been cleaned and inspected since the flood and everything is in good condition. He did discuss his concern with citizens removing manholes and catch basin lids during the flood. It is extremely dangerous and it caused issues with the pumps. La Conner Weekly News will include the risks and issues in the next paper. Council also discussed resurrecting the Charrette Report from 2017, and formalizing the current Flood Committee to a Flood Commission for addressing flooding issues from the Skagit River as well as the Channel.

Fire Department:

Chief Reinstra acknowledged the flood efforts of Public Works, the Sheriff and volunteers that showed up and filled over 30 pallets of sand bags. Also, he thanked the Fohn Farm for bringing their front loader, Dike District 12 brought an automatic sandbagger and the Mesmans brought in their flatbed truck. Chief Reinstra also requested a

variance on the time events have to shut down at Maple Hall for the March 18, 2023 Fireman's Ball. Council instructed him to notify the neighbors it would impact in advance, and if there are no issues, it can be brought before Council on the next Agenda for approval.

Sheriff's Department:

Mayor Hayes acknowledged the Sheriff's Department for responding to the extra needed patrolling during the flood.

WWTP:

Mayor Hayes and Public Works Director Lease discussed the issues at the Plant during the flood. The main problem was the water coming in from Sullivan's Slough. For an immediate temporary plan, they will be building an ecology wall, one ecology block high, around $\frac{3}{4}$ of the Plant. Additional sand bags will be used until the ecology wall is done later this year. Also, for the upcoming event this month, he and Fire Chief Reinstra have been evaluating the waterfront on where and how high sandbags will be needed. The sand bagging will primarily be done by Public Works. There will be an agreement with David Evans and Associates on the next Agenda, for a survey of the full water front to identify needed flood protection in all areas of Town.

Planner's Report:

Planner Davolio suggested waiving the fees for permits due to the flood damage. He also explained the three phases of the Comprehensive Plan process, in which he has already received two Development Reviews for this year. One issue that needs to be addressed is the Town has no regulations for adult businesses. If we don't have regulations put in place when they apply for a business license, then we can't regulate them. Also, there will be a parking inventory of every private and public parking space in Town.

Council Committee Reports:

Flood Committee: Councilmember Dole reported they have been meeting since the flood and plans to formalize to a Commission.

Communication Ad Hoc Committee:

Councilmember Chamberlain noted they have been meeting to plan for the January 21st forum on communication.

Center Street Project:

No updates

Jenson Property:

No updates, however the Mayor noted there is a new housing committee in our State Legislature. The Town may be required to accommodate more affordable housing in the community. In response to this and the addition of a very vocal call from the public for affordable housing, the Town acquired the Jenson Property adjacent to Channel Cove. There are no definite plans for the property at this time.

7:23 p.m. Council recessed for a break.

7:26 p.m. Council resumed the meeting.

Resolution 615 - Sick Leave Policy Update:

Administrator Thomas explained there was a need to update the use of accruals. One update was more for staff protocol on abuse of accrual use, but the other addresses newly hired employees that have not accrued sick leave or vacation in time during emergency conditions or unexpected illness. He requested the Council to approve the Resolution retroactive to December 1, 2022, to cover a new hire use.

Councilmember Wohleb moved to approve, retroactive to December 1, 2022, Resolution 615 Amending the Sick Leave Policy. Motion seconded by Councilmember Chamberlain. Motion carried 5/0.

Agreement – David Evans & Associates/Water System Plan Update:

Public Works Director Lease explained Evan Henke did the last two and has historical knowledge. The goal is to have the draft to Council by September or October of this year.

Councilmember Chamberlain moved to approve the Mayor to sign the Agreement with David Evans and Associates for the Water System Plan Update. Motion seconded by Councilmember Dole. Motion carried 5/0.

Purchase of the Public Works Truck:

Public Works Director Lease provided documentation showing there are no available trucks to purchase through the State Contract. Blade Chevrolet has been very accommodating with holding the only one they have until the Town decides to purchase it. It was for \$62,000 and they reduced the cost by almost \$12,000, which is only a \$1,300 difference if he was able to purchase one through the State Contract. Administrator Thomas explained this is an item that normally would go to bid, but due to unavailability, it is considered a sole source.

Councilmember Dole moved to approve the purchase of the Public Works Truck through Blade Chevrolet as a sole source due to market conditions and to waive the bidding process. Motion seconded by Councilmember Taylor. Motion carried 5/0.

Resolution 616 – Recognition of Hunter Tautvydas:

Mayor Hayes read the Resolution in appreciation of drafting a Citizen's Guide of the organization, structure and governmental operations of the Town of La Conner

Councilmember Wohleb moved to approve Resolution 617 in appreciation of Hunter Tautvydas. Motion seconded by Councilmember Chamberlain. Motion carried 5/0.

Agreement – Frontline Cleaning:

Public Works Director Lease noted this is for the cleaning of the public restrooms.

Councilmember Taylor moved to approve the Mayor to sign the Agreement with Frontline Cleaning. Motion seconded by Councilmember Carlson. Motion carried 5/0.

Agreement - Cintas:

Tabled for the next meeting.

Agreement - EDASC:

Administrator Thomas explained this is an annual agreement for County partnership.

Councilmember Chamberlain moved to approve the Mayor to sign the Agreement with EDASC. Motion seconded by Councilmember Wohleb. Motion carried 5/0.

2023 Tribal Rates:

Tabled for the next meeting.

Mayor Roundtable:

Mayor Hayes stated there has been a group meeting on the flood short-term and long-term needs. Items of discussion are staging areas for sand bagging, identify equipment to have ready to go, a volunteer call list, providing training, utilizing local meteorologists, increase emergency command training, warning systems, implement an emergency operation center at Town Hall, and form a Flood Commission. They are also evaluating what the Town needs to present to the legislature at the end of the month.

Council suggestions were to refer to the 2017 Charrette document for ideas and tapping other jurisdictions on ideas and funding. Also, during the flood Maple Hall was ready as an emergency shelter. Red Cross was going to setup cots and other needs, but was called off as the water had receded and no one was at Maple Hall. Red Cross did come the next day going door to door taking inventory and provided cleaning supplies.

Public Works Director Lease requested the purchase of items needed for flooding, such as poly sandbags and pallets for storage. It would not exceed \$5,500 and will not require a budget amendment.

Councilmember Wohleb moved to approve Public Works Director Lease to move forward with the purchase of flood related items. Motion seconded by Councilmember Taylor. Motion carried 5/0.

Mayor Hayes opened for Public Comments:

Tanya Bieche of North Sound ACH has a team going door to door as peer counselors to help the flood victims in Town. She also suggested Hamilton as a good resource for flood information.

Resident Mark Greaves submitted his Damage Report Form online and asked what happens next. Administrator Thomas explained the information will be compiled County wide for a bigger number. Their goal is to extend the due date to the end of the year, for a better chance of getting assistance from State and Federal disaster funding. Administrator Thomas will check to see if the County information will be available to the public.

Resident Jim Matthews questioned who would be providing the funds. Administrator Thomas explained the Town would not be distributing funds; it could come from a number of government agencies.

Councilmember Wohleb announced she will not be at the next meeting.

There being no further business the meeting ended at 8:06 p.m.

Maria DeGoede, Finance Director

Ramon Hayes, Mayor



TOWN OF LA CONNER

CLAIMS CLEARING

We, the undersigned Town Council of the Town of La Conner, Skagit County, Washington, do hereby certify that the merchandise or services hereinafter specified for January 24, 2023 have been received and that;

Checks Numbered:	25722 - 25755	\$136,704.96
Auto Payments:	2018074 – Excise Tax	\$6,963.85
Voided Check:	25668	

Are approved for a total payment of \$143,668.81 this 24th day of January 2023.

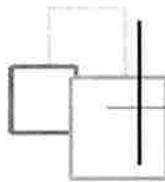


Finance Director

Councilmember – Finance Committee

Councilmember – Finance Committee

Councilmember



Voucher Directory

Fiscal: : 2023 - January
Council Date: : 2023 - January - 2nd Council Meeting

Vendor	Number	Reference	Account Number	Description	Amount
Arne Svendsen Trucking, Inc.	25723			2023 - January - 2nd Council Meeting	
		Invoice - 58915	Utility Sand for Flooding 403-000-531-38-48-03	System Repair & Maintenance	\$1,620.86
		Total Invoice - 58915			\$1,620.86
		Invoice - 58953	Utility Sand for Flooding 403-000-531-38-48-03	System Repair & Maintenance	\$550.41
		Total Invoice - 58953			\$550.41
		Invoice - 58970	Utility Sand for Flooding 403-000-531-38-48-03	System Repair & Maintenance	\$659.30
		Total Invoice - 58970			\$659.30
	Total 25723				\$2,830.57
Total Arne Svendsen Trucking, Inc.					\$2,830.57
Astound Business Solutions	25724			2023 - January - 2nd Council Meeting	
		Invoice - AstoundJan2023	Phones & Internet 001-000-518-30-42-00 Town Hall	Communications	\$347.85
			001-000-522-20-42-00 Fire Dept.	Communications	\$152.70
			003-000-575-50-42-01 MH/MC	Communications-MH/MC	\$187.81
			401-000-534-80-42-00 PW 604 N. Third	Communications	\$131.09
			409-000-535-80-42-00 WWTP Marina Lift Station	Communications	\$20.63
			409-000-535-80-42-00 WWTP	Communications	\$138.38
		Total Invoice - AstoundJan2023			\$978.46
	Total 25724				\$978.46
Total Astound Business Solutions					\$978.46

Vendor	Number	Reference	Account Number	Description	Amount
Birch Equipment					
	25725			2023 - January - 2nd Council Meeting	
		Invoice - 264828-5		Pump, Trash, Hose Discharge, Hose Suction (Flood)	
			403-000-531-38-48-03	System Repair & Maintenance	\$2,954.12
		Total Invoice - 264828-5			\$2,954.12
		Invoice - 265257-5		Pump, Trash, Hose Discharge, Hose Suction (Flood)	
			403-000-531-38-48-03	System Repair & Maintenance	\$1,824.77
		Total Invoice - 265257-5			\$1,824.77
		Invoice - 265260-5		Forklift Rental	
			403-000-531-38-48-03	System Repair & Maintenance	\$2,934.73
		Total Invoice - 265260-5			\$2,934.73
		Invoice - 265286.5		Pump, Trash, Hose Discharge, Host Suction (Flood)	
			403-000-531-38-48-03	System Repair & Maintenance	\$1,582.71
		Total Invoice - 265286.5			\$1,582.71
		Invoice - 265287-5		Generator w Trailer (Flood)	
			403-000-531-38-48-03	System Repair & Maintenance	\$1,114.26
		Total Invoice - 265287-5			\$1,114.26
	Total 25725				\$10,410.59
Total Birch Equipment					\$10,410.59
Blade Chevrolet & RV's					
	25722			2023 - January - 2nd Council Meeting	
		Invoice - CHEV2500HD23		Public Works 2022 Truck	
			002-000-576-80-35-00	Small Tools & Equipment	\$5,463.93
			005-000-542-64-35-00	Small Tools & Equipment	\$5,463.93
			401-000-534-80-35-00	Small Tools & Equipment	\$27,319.62
			403-000-531-38-35-00	Small Tools & Equipment	\$16,391.78
		Total Invoice - CHEV2500HD23			\$54,639.26
	Total 25722				\$54,639.26
Total Blade Chevrolet & RV's					\$54,639.26
Byrn, Roger					
	25726			2023 - January - 2nd Council Meeting	
		Invoice - 992011		Fire Hall Cleaning	
			001-000-522-20-48-01	Building Repair & Maintenance	\$250.00
		Total Invoice - 992011			\$250.00
	Total 25726				\$250.00
Total Byrn, Roger					\$250.00

Vendor	Number	Reference	Account Number	Description	Amount
Cascade Natural Gas Corp					
	25727			2023 - January - 2nd Council Meeting	
		Invoice - CascadeGasJan2023			
		Utility - Gas			
		001-000-518-30-47-00		Public Utility Services	\$448.24
		204 Douglas-Town Hall			
		001-000-522-20-47-00		Public Utility Services	\$509.63
		12142 Chilberg-Fire Hall			
		003-000-575-50-47-01		Public Utility Services-MH/MC	\$1,010.65
		108 Commercial-MH/MC			
		003-000-575-50-47-02		Public Utility Services-GC	\$313.64
		622 S 2nd Street-GC			
		401-000-534-80-47-00		Public Utility Services	\$622.85
		604 N 3rd Street - PW			
		409-000-535-80-47-00		Public Utility Services	\$1,251.41
		12154 B Chilberg - Sewer			
		409-000-535-80-47-00		Public Utility Services	\$582.55
		12154 Chilberg - WWTP			
		Total Invoice - CascadeGasJan2023			\$4,738.97
	Total 25727				\$4,738.97
Total Cascade Natural Gas Corp					\$4,738.97
City of Anacortes					
	25728			2023 - January - 2nd Council Meeting	
		Invoice - CityofAnacortesDec2022			
		Dec 2022 Water Charges			
		401-000-534-80-33-00		Purchase of Wholesale Water	\$25,831.30
		Water sales			
		Total Invoice - CityofAnacortesDec2022			\$25,831.30
	Total 25728				\$25,831.30
Total City of Anacortes					\$25,831.30
Commercial Alarm & Detection, Inc.					
	25729			2023 - January - 2nd Council Meeting	
		Invoice - 34002			
		Security Monitoring - Fire Hall			
		001-000-522-20-41-00		Professional Services	\$175.73
		Total Invoice - 34002			\$175.73
	Total 25729				\$175.73
Total Commercial Alarm & Detection, Inc.					\$175.73

Vendor	Number	Reference	Account Number	Description	Amount
Edge Analytical	25730			2023 - January - 2nd Council Meeting	
		Invoice - 22-40230			
		Compost Testing			
		412-000-554-90-48-05		Compost Testing/Materials	\$856.00
				Compost Testing Biosolids	
		Total Invoice - 22-40230			\$856.00
		Invoice - 22-41463			
		Effluent Testing			
		409-000-535-80-48-05		Materials/Testing	\$29.87
				Sewer Testing	
		Total Invoice - 22-41463			\$29.87
		Invoice - 23-00026			
		Heterotrophic Plate Count			
		401-000-534-80-41-00		Professional Services	\$58.00
				Water Testing Samples	
		Total Invoice - 23-00026			\$58.00
		Invoice - 23-00737			
		Coliform Testing			
		401-000-534-80-41-00		Professional Services	\$24.00
				Water Testing Samples	
		Total Invoice - 23-00737			\$24.00
	Total 25730				\$967.87
Total Edge Analytical					\$967.87
Farmers Equipment Company Inc	25731			2023 - January - 2nd Council Meeting	
		Invoice - BUR-20029077			
		Lock Nuts & Bolts			
		412-000-554-90-48-06		Compost Machinery/Equip	\$19.14
		Total Invoice - BUR-20029077			\$19.14
		Invoice - BUR-2005866			
		Repair Discharge Chain			
		412-000-554-90-48-06		Compost Machinery/Equip	\$477.07
		Total Invoice - BUR-2005866			\$477.07
	Total 25731				\$496.21
Total Farmers Equipment Company Inc					\$496.21

Vendor	Number	Reference	Account Number	Description	Amount
Fastenal Company	25732			2023 - January - 2nd Council Meeting	
		Invoice - WAANA146224			
		Wipers	409-000-535-80-31-02	Lab Supplies	\$234.59
		Total Invoice - WAANA146224			\$234.59
	Total 25732				\$234.59
Total Fastenal Company					\$234.59
Grainger	25733			2023 - January - 2nd Council Meeting	
		Invoice - 9565616282			
		Binder Dividers & Clips	409-000-535-80-31-00	Office & Operating Supplies	\$24.51
		Total Invoice - 9565616282			\$24.51
		Invoice - 9565625366			
		3 Ring Binder & File Folders	409-000-535-80-31-00	Office & Operating Supplies	\$81.46
		Total Invoice - 9565625366			\$81.46
	Total 25733				\$105.97
Total Grainger					\$105.97
H.D. Fowler Company	25734			2023 - January - 2nd Council Meeting	
		Invoice - 16297266			
		Ice Melt, Brass Bushing & Brass Bell Reducer			
		005-000-543-10-48-00	Repair & Maintenance		\$1,242.93
		401-000-534-80-48-03	System Repair & Maintenance		\$108.99
		Total Invoice - 16297266			\$1,351.92
	Total 25734				\$1,351.92
Total H.D. Fowler Company					\$1,351.92
HD Supply Facilities Maint.	25735			2023 - January - 2nd Council Meeting	
		Invoice - 9210359006			
		Steel Wool & Mop Bucket	003-000-575-50-48-01	Building Repair & Maint-MH/MC	\$155.03
		Total Invoice - 9210359006			\$155.03
		Invoice - 9210359007			
		Paper Towels & Broom Handle	401-000-534-80-35-00	Small Tools & Equipment	\$116.16
		Total Invoice - 9210359007			\$116.16
		Invoice - 9210359008			
		Broan Fan Motor	003-000-575-50-48-05	Public Restrooms - Repair & Maint.	\$146.00
		Total Invoice - 9210359008			\$146.00

Vendor	Number	Reference	Account Number	Description	Quantity	Amount
		Invoice - 9210434866				
		Broom Handle				
		401-000-534-80-35-00		Small Tools & Equipment		\$12.42
		Total Invoice - 9210434866				\$12.42
		Invoice - 9210479617				
		Credit for Return of Broom Handle (Invoice 9210359007)				
		401-000-534-80-35-00		Small Tools & Equipment		(\$12.43)
		Total Invoice - 9210479617				(\$12.43)
		Invoice - 9210493235				
		6 Pkg's Mops				
		003-000-575-50-48-01		Building Repair & Maint-MH/MC		\$189.51
		Total Invoice - 9210493235				\$189.51
		Total 25735				\$606.69
Total HD Supply Facilities Maint.						
Herron Valley, Inc						
	25736			2023 - January - 2nd Council Meeting		
		Invoice - 0123051				
		Vacuum Truck WWTP On Site/Travel (Flood)				
		409-000-535-80-48-01		Plant Repair & Maintenance		\$1,291.67
		Total Invoice - 0123051				\$1,291.67
	Total 25736					\$1,291.67
Total Herron Valley, Inc						
Ideal Rent-All						
	25737			2023 - January - 2nd Council Meeting		
		Invoice - 604118J-1				
		Moore Clark Fence Rental				
		005-000-543-10-48-00		Repair & Maintenance		\$78.34
				Moore Clark Fence Rental		
		Total Invoice - 604118J-1				\$78.34
	Total 25737					\$78.34
Total Ideal Rent-All						
Isomedia.com						
	25738			2023 - January - 2nd Council Meeting		
		Invoice - 22387-19702				
		WWTP DSL				
		409-000-535-80-42-00		Communications		\$65.94
		Total Invoice - 22387-19702				\$65.94
	Total 25738					\$65.94
Total Isomedia.com						

Vendor	Number	Reference	Account Number	Description	Amount
La Conner Weekly News					
	25739			2023 - January - 2nd Council Meeting	
		Invoice - 8117			
			Notice Ord Amending the 2022 Budget		
			001-000-514-23-44-00	Advertising	\$33.60
		Total Invoice - 8117			\$33.60
		Invoice - 8118			
			Notice Ord 2023 Budget		
			001-000-514-23-44-00	Advertising	\$33.60
		Total Invoice - 8118			\$33.60
		Invoice - 8119			
			Notice Ord. Amending Title 13 Uniform Dev.Code		
			001-000-558-60-44-00	Advertising	\$36.00
		Total Invoice - 8119			\$36.00
		Invoice - 8120			
			Notice Ord. for 2023 Utility Rates		
			001-000-514-23-44-00	Advertising	\$38.40
		Total Invoice - 8120			\$38.40
	Total 25739				\$141.60
Total La Conner Weekly News					\$141.60
North Central Laboratory					
	25740			2023 - January - 2nd Council Meeting	
		Invoice - 481300			
			M-FC Broth, Buffered Dil & Fiber Filters		
			409-000-535-80-31-02	Lab Supplies	\$920.06
		Total Invoice - 481300			\$920.06
	Total 25740				\$920.06
Total North Central Laboratory					\$920.06
North Hills Resources					
	25741			2023 - January - 2nd Council Meeting	
		Invoice - 33352-23			
			Wood Chips		
			412-000-554-90-48-05	Compost Testing/Materials	\$2,172.00
		Total Invoice - 33352-23			\$2,172.00
	Total 25741				\$2,172.00
Total North Hills Resources					\$2,172.00
Northstar Chemical Inc.					
	25742			2023 - January - 2nd Council Meeting	
		Invoice - 243579			
			Resin Compound		
			409-000-535-80-48-05	Materials/Testing	\$3,272.51

Vendor	Number	Reference	Account Number	Description	Amount
			412-000-554-90-48-05	Compost Testing/Materials	\$3,272.51
		Total Invoice - 243579			\$6,545.02
Total 25742					\$6,545.02
Total Northstar Chemical Inc.					\$6,545.02
Pitney Bowes Global Finance Services LLC					
25743				2023 - January - 2nd Council Meeting	
		Invoice - 0016591663			
			Postage Meter Lease		
			001-000-591-31-70-00	Rents & Leases - Capital	\$121.27
			401-000-591-31-70-00	Qtrly postage meter lease	
			403-000-591-31-70-01	Rents & Leases - Capital	\$121.26
			409-000-591-31-70-00	Rents & Leases - Capital	\$121.26
		Total Invoice - 0016591663			\$485.05
Total 25743					\$485.05
Total Pitney Bowes Global Finance Services LLC					\$485.05
Port of Skagit Co.					
25744				2023 - January - 2nd Council Meeting	
		Invoice - POS-Jan2023BoatMge			
			Fire Boat Moorage		
			001-000-522-20-47-00	Public Utility Services	\$7.00
		Total Invoice - POS-Jan2023BoatMge			\$7.00
Total 25744					\$7.00
Total Port of Skagit Co.					\$7.00
Port of Skagit Co.					
25745				2023 - January - 2nd Council Meeting	
		Invoice - POSJan2022PWLease			
			PW Lease Jan 2022		
			002-000-576-80-45-00	Rents & Leases - Short Term	\$226.67
			10% PW Lease		
			003-000-575-50-48-06	Rents & Leases Short Term	\$226.67
			10% PW Lease		
			005-000-542-65-49-03	Rentals/Leases - Short Term	\$226.67
			10% PW Lease		
			401-000-534-80-45-00	Rents & Leases - Short Term	\$906.68
			40% PW Lease		
			403-000-531-38-45-00	Rents & Leases - Short Term	\$680.02

Vendor	Number	Reference	Account Number	Description	Amount
				30% PW Lease	
				Total Invoice - POSJan2022PWLease	\$2,266.71
Total 25745					\$2,266.71
Total Port of Skagit Co.					\$2,266.71

Puget Sound Energy
25746 **2023 - January - 2nd Council Meeting**

Invoice - PSEJan2023

Utility - Electric				
001-000-518-30-47-00	Public Utility Services			\$167.36
204 Douglas St -Town Hall				
001-000-522-20-47-00	Public Utility Services			\$402.71
12142 Chilberg - Fire Dept				
002-000-576-80-47-00	Public Utility Services			\$52.81
1339 Conner Way Lights - Pioneer Park Lights				
002-000-576-80-47-00	Public Utility Services			\$124.18
1339 Connor Way - Pioneer Park Gazebo				
002-000-576-80-47-00	Public Utility Services			\$55.40
100 Morris - Gilkey Square				
002-000-576-80-47-00	Public Utility Services			\$133.00
100 Washington Ave Light- St End Park				
003-000-575-50-47-01	Public Utility Services-MH/MC			\$10.85
104 Commercial - Maple Hall				
003-000-575-50-47-02	Public Utility Services-GC			\$41.06
622 S 2nd Street - Garden Club				
003-000-575-50-47-05	Public Utility Svcs-Restrooms			\$148.40
304 Morris St -Public Restroom				
003-000-575-50-47-05	Public Utility Svcs-Restrooms			\$157.56
613 1st Street - Public Restroom				
005-000-542-63-47-00	Public Utility Services			\$261.68
Annual Bill/Credit on 1st Street Lights #220005384221				
005-000-542-63-47-00	Public Utility Services			\$767.47
Street lights Acct #300000001705				
005-000-542-63-47-00	Public Utility Services			\$71.63
3rd & Douglas				
005-000-542-63-47-00	Public Utility Services			\$495.53
125 1st Street LC Post Office #300000002505				
005-000-542-63-47-00	Public Utility Services			\$18.51
12100 Chilberg - Flag pole/Monument lights				
401-000-534-80-47-00	Public Utility Services			\$77.42
604 N 3rd Street - PW Shop-300000002695				

Vendor	Number	Reference	Account Number	Description	Amount
			401-000-534-80-47-00	Public Utility Services 1200 S 4th St - Water Tank	\$16.73
			403-000-531-38-47-00	Public Utility Service 102 S 6th St - Drainage Pump	\$151.02
			403-000-531-38-47-00	Public Utility Service 213 Caledonia - Drainage Pump	\$353.20
			403-000-531-38-47-00	Public Utility Service 1340 Connor Way - Water Shack	\$12.37
			409-000-535-80-47-00	Public Utility Services 602 N 3rd Street - Pump	\$32.26
			409-000-535-80-47-00	Public Utility Services 12154 Chilberg - WWTP Fuel Station	\$10.33
			409-000-535-80-47-00	Public Utility Services WWTP	\$4,080.54
			409-000-535-80-47-00	Public Utility Services 622 1st Street - Sewage Vault	\$58.23
				Total Invoice - PSEJan2023	\$7,700.25
	Total 25746				\$7,700.25
Total Puget Sound Energy					\$7,700.25
Skagit Council of Governments					
	25747				
				2023 - January - 2nd Council Meeting	
		Invoice - 2289			
			SCOG 2023 Dues		
			001-000-518-90-41-10	Dues & Memberships	\$951.94
		Total Invoice - 2289			\$951.94
	Total 25747				\$951.94
Total Skagit Council of Governments					\$951.94
Skagit County Auditor					
	25748				
			2023 - January - 2nd Council Meeting		
		Invoice - VR-2022-2-06			
			District Portion of Voter's Registration		
			001-000-514-90-40-00	Voter Registration Costs	\$998.59
		Total Invoice - VR-2022-2-06			\$998.59
	Total 25748				\$998.59
Total Skagit County Auditor					\$998.59
Skagit County DEM					
	25749				
			2023 - January - 2nd Council Meeting		
		Invoice - 2022-Q4-La C			
			Shared Costs		
			001-000-525-10-41-00	Prof Services -EMS	\$683.97

Vendor	Number	Reference	Account Number	Description	Amount
				EMS Services	
		Total Invoice - 2022-Q4-La C			\$683.97
Total 25749					\$683.97
Total Skagit County DEM					\$683.97
Skagit County Historical Museum					
	VoidCK25668			2023 - January - 2nd Council Meeting	
		Invoice - VOID Ck 25668			
			Void Check 25668		
			123-000-573-90-30-03	Historical Museum	(\$340.48)
		Total Invoice - VOID Ck 25668			(\$340.48)
Total VoidCK25668					(\$340.48)
Total Skagit County Historical Museum					(\$340.48)
Tillinghast Postal					
25750				2023 - January - 2nd Council Meeting	
		Invoice - 113821			
			Flood Committee 2 Bound Copies & 1 Extra Copy of Emergency Response Plan		
			001-000-511-60-31-00	Council Office & Operating Sup	\$48.09
		Total Invoice - 113821			\$48.09
Total 25750					\$48.09
Total Tillinghast Postal					\$48.09
U.S. Bank					
25751				2023 - January - 2nd Council Meeting	
		Invoice - Amazon0200218			
			2023 Desk Calendars		
			001-000-518-30-31-00	Office & Operating Supplies	\$10.85
		Total Invoice - Amazon0200218			\$10.85
		Invoice - Amazon1327437			
			Steel Pan Head Machine Screws		
			003-000-575-50-48-01	Building Repair & Maint-MH/MC	\$6.84
		Total Invoice - Amazon1327437			\$6.84
		Invoice - Amazon3229036			
			LED Projector		
			001-000-518-30-31-00	Office & Operating Supplies	\$651.59
		Total Invoice - Amazon3229036			\$651.59
		Invoice - Amazon4390636			
			Water Proof Waders w Boots		
			403-000-531-38-35-00	Small Tools & Equipment	\$108.58
		Total Invoice - Amazon4390636			\$108.58

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice - Amazon5241800			
		Set of Sharpie Markers - Communication Forum			
		001-000-511-60-31-00		Council Office & Operating Sup	\$17.35
		Total Invoice - Amazon5241800			\$17.35
		Invoice - Amazon5696207			
		Phillips Head Pan Machine Screws			
		002-000-576-80-48-01		Building Repair & Maintenance	\$22.66
		Total Invoice - Amazon5696207			\$22.66
		Invoice - Amazon5705005			
		Clear Sheet Protectors			
		001-000-518-30-31-00		Office & Operating Supplies	\$12.64
		Total Invoice - Amazon5705005			\$12.64
		Invoice - Amazon7485031			
		Copy Paper			
		001-000-518-30-31-00		Office & Operating Supplies	\$54.29
		Total Invoice - Amazon7485031			\$54.29
		Invoice - Amazon7485031-2			
		Transparent Tape			
		001-000-518-30-31-00		Office & Operating Supplies	\$14.93
		Total Invoice - Amazon7485031-2			\$14.93
		Invoice - Amazon8585013			
		Binder Clips			
		001-000-518-30-31-00		Office & Operating Supplies	\$4.14
		Total Invoice - Amazon8585013			\$4.14
		Invoice - Amazon8757059			
		1099 Tax Kit			
		001-000-518-30-31-00		Office & Operating Supplies	\$21.27
		Total Invoice - Amazon8757059			\$21.27
		Invoice - Amazon8757059-2			
		Expanding Files			
		001-000-518-30-31-00		Office & Operating Supplies	\$32.13
		Total Invoice - Amazon8757059-2			\$32.13
		Invoice - Amazon8861021			
		Name Tags for Communication Forum			
		001-000-511-60-31-00		Council Office & Operating Sup	\$19.37
		Total Invoice - Amazon8861021			\$19.37
		Invoice - APA2023			
		APA 2023 Membership - Eills			
		001-000-558-60-49-00		Dues & Subscriptions	\$99.00
		Total Invoice - APA2023			\$99.00
		Invoice - CrashPln12/20/22			
		Server Backup			
		001-000-518-30-48-00		Computer/Server Maintenance	\$54.20
		Server Backup			
		Total Invoice - CrashPln12/20/22			\$54.20

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice - MRSC12/12/2022			
		MRSC Training - Accessory Dwelling Unites Local Gov. Approaches -Thomas			
		001-000-513-10-49-02		Admin Training & Meetings	\$40.00
		Total Invoice - MRSC12/12/2022			\$40.00
		Invoice - OffTracker2023			
		Annual Event/Facility Calander Fees			
		001-000-514-23-48-00		Software Maintenance	\$245.20
		002-000-576-80-48-00		Software Maintenance	\$183.90
		003-000-575-50-48-00		Software Maintenance	\$183.90
		Total Invoice - OffTracker2023			\$613.00
		Invoice - WSBA2023			
		WSBA Annual Dues - Thomas			
		001-000-513-10-49-01		Admin Dues & Subscriptions	\$539.25
		Total Invoice - WSBA2023			\$539.25
		Invoice - ZOOM180706413			
		Monthly Zoom Fees			
		001-000-518-30-31-00		Office & Operating Supplies	\$43.44
		Total Invoice - ZOOM180706413			\$43.44
	Total 25751				\$2,365.53
Total U.S. Bank					\$2,365.53
ULINE	25752			2023 - January - 2nd Council Meeting	
		Invoice - 158892494			
		Sandbags, Pallets, Pallet Covers & Black Poly Sheeting			
		403-000-531-38-48-03		System Repair & Maintenance	\$4,507.05
		Total Invoice - 158892494			\$4,507.05
	Total 25752				\$4,507.05
Total ULINE					\$4,507.05
United Site Services	25753			2023 - January - 2nd Council Meeting	
		Invoice - INV-01237283			
		Port a Potty - Waterfront Park			
		002-000-576-80-41-00		Professional Services	\$213.25
		Total Invoice - INV-01237283			\$213.25
		Invoice - INV-01309718			
		Port a Potty - N. 6th & Morris			
		002-000-576-80-41-00		Professional Services	\$215.44
		Total Invoice - INV-01309718			\$215.44
		Invoice - INV-01309850			
		Port a Potty - 3rd & Morris			
		002-000-576-80-41-00		Professional Services	\$201.75
		Total Invoice - INV-01309850			\$201.75

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice - INV-01310151			
		Port a Potty - Waterfront Park			
		002-000-576-80-41-00		Professional Services	\$213.25
		Total Invoice - INV-01310151			\$213.25
					\$843.69
					\$843.69
Total 25753					
Total United Site Services					
USA Bluebook	25754			2023 - January - 2nd Council Meeting	
		Invoice - 222555			
		Hach Nitrate ISA & BOD & Ammonia ISA Powder			
		409-000-535-80-31-02		Lab Supplies	\$345.51
		Total Invoice - 222555			\$345.51
		Invoice - 224568			
		Ammonia			
		409-000-535-80-31-02		Lab Supplies	\$163.42
		Total Invoice - 224568			\$163.42
					\$508.93
					\$508.93
Total 25754					
Total USA Bluebook					
Verizon Wireless	25755			2023 - January - 2nd Council Meeting	
		Invoice - 9924712121			
		Cell Phones			
		001-000-513-10-42-00		Mayor's Communications	\$52.99
		Mayor			
		001-000-521-70-42-00		Communications-Code Enf	\$26.50
		Code Enforcement			
		001-000-522-20-42-00		Communications	\$66.50
		Fire Dept.			
		001-000-575-50-42-00		Senior Center Communications	\$52.99
		Senior Center			
		401-000-534-80-42-00		Communications	\$646.90
		Public Works			
		Total Invoice - 9924712121			\$845.88
					\$845.88
					\$845.88
Total 25755					
Total Verizon Wireless					
WA State DOR - Excise Tax	2018074			2023 - January - 2nd Council Meeting	
		Invoice - DORDec2022ExcTax			
		Dec 2022 Excise Tax			
		401-000-534-80-49-03		Excise Taxes	\$3,701.67
		403-000-531-38-49-03		Excise Taxes	\$493.52
		409-000-535-80-49-01		Excise Taxes	\$1,028.40
		412-000-554-90-49-01		Compost Sales Tax	\$103.96

Vendor	Number	Reference	Account Number	Description	Amount
			412-000-554-90-49-02		\$1,636.30
		Total Invoice - DORDec2022ExcTax		ExciseTaxes	\$6,963.85
	Total 2018074				\$6,963.85
	Total WA State DOR - Exc Tax				\$6,963.85
Grand Total		Vendor Count	36		\$143,668.81



Town of La Conner

I, the undersigned, do hereby certify under penalty of perjury that the wages and benefits for the period **January 1, 2023** through **January 15, 2023** are a just, due and unpaid obligation against the Town of La Conner, and that I am authorized to certify to said claim.



Maria De Goede, Finance Director

We, the undersigned Town Council of the Town of La Conner, Skagit County, Washington, do hereby certify that:

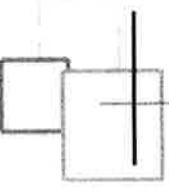
Payroll checks numbered 5669 through 56674	\$3,158.91
Auto Payroll Taxes #2018073	\$7,544.74
Payroll auto deposit	<u>\$22,096.97</u>
	\$32,800.62

are approved for a total payment of \$32,800.62 this 24th day of January 2023.

Councilmember – Finance Committee

Councilmember – Finance Committee

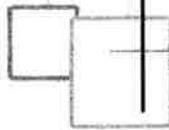
Councilmember



Register

Number	Name	Fiscal Description	Credited	Amount
5669	Dept of Labor & Industry	2023 - January - 2nd Council Meeting		\$2,232.64
5670	Employment Security	2023 - January - 2nd Council Meeting		\$94.43
5671	Employment Security Dept. Paid Family & Medical Leave	2023 - January - 2nd Council Meeting		\$183.24
5672	North Coast Credit Union	2023 - January - 2nd Council Meeting		\$50.00
5673	Teamsters Local No. 231	2023 - January - 2nd Council Meeting		\$128.50
5674	Washington State Support Registry	2023 - January - 2nd Council Meeting		\$470.10
2018073	Washington Federal	2023 - January - 2nd Council Meeting		\$7,544.74
<u>Direct Deposit Run -</u>	<u>Payroll Vendor</u>	<u>2023 - January - 2nd Council Meeting</u>		<u>\$22,096.97</u>
<u>1/17/2023</u>				<u>\$32,800.62</u>

Register Activity



Name	Reference	Posting Reference	Detail Amount
Direct Deposit Run - 1/17/2023		2023 - January - 2nd Council Meeting	\$22,096.97
Eills, Ajah G	Payroll Vendor	Posting Run - 1/17/2023 10:39:01 AM	\$1,661.54
Hillard, Margaret A	ACH Pay - 6226	Posting Run - 1/17/2023 10:39:01 AM	\$606.02
Kerley-DeGoede, Maria A	ACH Pay - 6227	Posting Run - 1/17/2023 10:39:01 AM	\$2,234.85
Lease, Brian	ACH Pay - 6228	Posting Run - 1/17/2023 10:39:01 AM	\$2,907.47
Lovejoy, Lynne	ACH Pay - 6229	Posting Run - 1/17/2023 10:39:01 AM	\$690.73
Moore, Andrea L	ACH Pay - 6230	Posting Run - 1/17/2023 10:39:01 AM	\$1,740.69
Palaniuk, Kevin R	ACH Pay - 6231	Posting Run - 1/17/2023 10:39:01 AM	\$2,256.49
Park, Todd W	ACH Pay - 6232	Posting Run - 1/17/2023 10:39:01 AM	\$2,408.31
Pena-Ayon, Manuel A	ACH Pay - 6233	Posting Run - 1/17/2023 10:39:01 AM	\$1,055.89
Reinstra, Aaron M.	ACH Pay - 6234	Posting Run - 1/17/2023 10:39:01 AM	\$1,848.14
Sherman, Albert R	ACH Pay - 6235	Posting Run - 1/17/2023 10:39:01 AM	\$1,811.93
Thomas, Scott G	ACH Pay - 6236	Posting Run - 1/17/2023 10:39:01 AM	\$2,874.91
	ACH Pay - 6237	Posting Run - 1/17/2023 10:39:01 AM	
			\$22,096.97

Unfinished Business

- 1) Center Street Project – No Insert**
- 2) Jenson Property – No Insert**
- 3) 2023 Tribal Sewer Rates**
- 4) Ordinance – Establishing the Flood Commission**
- 5) Ordinance – Adopt Uniform Development Code Amendment**
- 6) Ordinance – Adopt Capital Improvement Program for Parks & Fire**
- 7) Resolution – Adopt Impact Fees**

2023 Tribal Sewer Rates

Town of La Conner - SEWER Utility

Billing Calculation Worksheet

2023

1/9/2023

eh

Prior Data

Legend:

data	permit
agreement	calculated

1 WWTP NPDES Permitted Capacity and Allocation

	Plant	Town	Tribe
Flow (Max Month - Gallons per Day)	520000	345000	175000
BOD (Max Month - Pounds per Day)	1300	860	440
TSS (Max Month - Pounds per Day)	1100	730	370

2 Data From Previous Year and Unit Cost Calculation

Prior Year **2022**

Total PLANT Cost **\$ 543,024.00**

SubComponent Cost Allocation

Flow BOD TSS

40% 40% 20%

Total Flow (Gallons)	112561000
Total BOD (Pounds)	190821
Total TSS (Pounds)	2227239
Total Tribal Flow (Gallons)	31752989
Total Town Flow (Gallons)	80808011

Resulting Unit Costs (Surcharge Only)

\$ **0.1930** per 100 Gallons
\$ **1.1383** per Pound
\$ **0.0488** per Pound

3 Fair Share Formula

Budget Year	2023
Budgeted PLANT Cost	\$ 528,466.00
Budgeted PIPE Cost	\$ 143,002.00
Budgeted OTHER Cost	\$ 78,003.00
	\$ 749,471.00

LF of All PIPE **31120** rev 2022
LF of Tribal Use PIPE **3740** rev 2009
of Sewer Accounts **515** rev 2017

Annual Average Daily Flow - (Gallons per Day)

	Prior Year	Forecast	%	
Plant	308386	318000	100.00%	Forecast=last 3 year avg
Tribe	86994	90000	28.30%	Tribe Forecast=last 3 year avg
Town	221392	228000	71.70%	

Tribal Unit Cost Calculation

Item	Ratio	R. Cost
PLANT	28.30%	\$ 149,565.85
PIPE	3.40%	\$ 4,863.95
OTHER	0.19%	\$ 151.46
Estimated Tribal Total Cost		\$ 154,581.27

Estimated Tribal Unit Cost **\$ 0.4706** per 100 Gallons

**Ordinance –
Establishing the Flood Commission**

TOWN OF LA CONNER



Ordinance No.

AN ORDINANCE AMENDING SECTION 7.05.060 OF THE LA CONNER MUNICIPAL CODE.

WHEREAS, The Town Council of the Town of La Conner desires to

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF
LA CONNER:

Section 1.

2.50.010 Purposes.

The purposes of this chapter are to protect the lives and property of the citizens of La Conner in the event of an emergency, disaster, or civil emergency through planning, training and organization and by authorizing the exercise of emergency powers as prescribed by RCW 38.52.070. provide for the preparation and carrying out of plans, including mock or practice drills, for the civil defense of persons and property within this town in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of this town with all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the town of La Conner.

2.50.020 Definitions.

(1) "Civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which law enforcement military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this chapter apply to any condition relating to a labor controversy.

(2) "Civil emergency" as used in this chapter shall occur when it appears that riot, unlawful assembly, insurrection, or the imminent threat thereof occurs within the confines of the town and results in, or threatens to result in, the death or injury of persons, or the destruction of property to such extent as to require, in the mayor's judgment, extraordinary measures to protect the public peace, safety and welfare.

(3) "Disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity

"Emergency" or "disaster" as used in this chapter shall mean an event or set of circumstances which:

- a. Demands immediate action to preserve public health, protect life, protect public property or to provide relief to any stricken area within the town overtaken by such occurrences; or
- b. Reaches such a dimension or degree of destructiveness or contagion as to warrant the mayor proclaiming the existence of an emergency or disaster or the Governor declaring a state of emergency.

2.50.030 Civil defense council — Membership.

The La Conner civil defense council is hereby created and shall consist of the following:

- (1) The mayor, who shall be chairman.
- (2) The director of civil defense, who shall be vice chairman.
- (3) Such town officials and other citizens of this town as may be appointed by the mayor with the advice and consent of the town council.

2.50.035 Emergency operations plan.

The emergency operations plan, to the extent that it does not conflict with this chapter, shall govern emergency preparedness and disaster response in the town of La Conner. The emergency operations plan and any amendments thereto shall be subject to the approval of the mayor and shall immediately take effect upon approval by the mayor.

2.50.040 Civil defense council — Powers and duties.

It shall be the duty of the La Conner civil defense council, and it is hereby empowered, to review and recommend for adoption, civil defense and mutual aid plans and agreements and such resolutions, rules and regulations as are necessary to implement such plans and agreements. The civil defense council shall meet upon call of the chairman or in his absence from the town or inability to call such meeting, upon the call of the vice chairman.

2.50.045 Organization.

The emergency management organization of the town of La Conner is created and shall consist of the following:

A. The mayor, who shall be the administrative head and have direct responsibility for the organization, administration and operation of the emergency management organization for the town of La Conner and direct responsibility for the disaster operations of departments in the town;

B. The emergency management commission, which oversees and provides policy recommendation to the town council during disaster and recovery periods and provides direction for the development and maintenance of the emergency operations plan. The emergency management commission provides policy direction for disaster preparedness and mitigation.

C. The emergency management commission, which provides staff support, direction and expertise in development of the emergency operations plan and all supporting documents.

2.50.050 Director of civil defense—Powers and duties.

~~There is hereby created the office of director of civil defense. Such officer shall be appointed by the mayor with the advice and consent of the civil defense council. The director is hereby empowered and directed:~~

- ~~(1) To prepare a civil defense operating plan for the town conforming to the county and state civil defense plan and program;~~
- ~~(2) To control and direct the effort of the civil defense organization of this town for the accomplishment of the purposes of this chapter;~~
- ~~(3) To direct coordination and cooperation between divisions, services and staff of the civil defense organization of this town, and to resolve questions of authority and responsibility that may arise between them;~~
- ~~(4) To represent the civil defense organization of this town in all dealings with public or private agencies pertaining to civil defense and disaster.~~

2.50.055 Proclamation of emergency.

~~The mayor, or if absent or incapacitated, the acting mayor established pursuant to LCMC 2.50.085, may proclaim in writing the existence of an emergency or civil emergency.~~

2.50.060 Director of civil defense—In event of disaster.

~~In the event of disaster as provided in this chapter, the director is hereby empowered:~~

- ~~(1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the civil defense council;~~
- ~~(2) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the town for the fair value thereof, and if required immediately, to commandeer the same for public use;~~
- ~~(3) To require emergency services of any town officer or employee, and in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as he considers necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered civil defense workers;~~
- ~~(4) To execute all of the special powers conferred upon him by this chapter or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the civil defense council, or by any other lawful authority;~~
- ~~(5) To requisition necessary personnel or material of any town department or agency.~~

2.50.065 Orders during emergency.

Upon the proclamation of an emergency or civil emergency, the mayor during the existence of such emergency or civil emergency, may make and proclaim any or all of the following orders:

- A. An order imposing a general curfew applicable to the town as a whole, or to such geographical area or areas of the town as deemed necessary, and during such hours as deemed necessary, and from time to time modify the area or areas to which such a curfew shall apply, and the hours that such curfew will be in effect;
- B. An order requiring any or all business establishments to close and remain closed until further order;
- C. An order requiring the closure of any or all bars, taverns, liquor stores and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages, and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the mayor's discretion, be allowed to remain open;
- D. An order requiring the discontinuance of sale, distribution, or giving away of alcoholic beverages in any or all parts of the town;
- E. An order requiring the discontinuance of the sale, distribution, or giving away of gasoline or other liquid, flammable or combustible products in any container (other than a gasoline tank properly fixed to a motor vehicle);
- F. An order closing to the public any and all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;
- G. An order requesting federal and/or state assistance in combating such civil emergency;
- H. An order establishing economic controls in aid of and supplementary to and consistent with federal orders relating to price stabilization or controls, and the allocation of food and other essential commodities;
- I. An order directing the use of all public and private health, medical, and convalescent facilities and equipment to provide emergency health and medical care for injured or sick persons;
- J. An order authorizing, in cooperation with utility management and appropriate state and federal agencies, the shutting off, restoration, and operation of utility services in accordance with priorities established for combating such emergency or civil emergency;
- K. An order providing for the evacuation and reception of the population of the town or any part thereof; and
- L. Such other orders as are imminently necessary for the protection of life and property.

2.50.070 Civil defense organization.

All officers and employees of this town, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of LCMC 2.50.060(3), charged with duties incident to the protection of life and property in this town during disaster, shall constitute the civil defense organization of the town of La Conner.

2.50.075 Ratification, confirmation of orders.

Any orders proclaimed pursuant to LCMC 2.50.060 shall, at the earliest practicable time, be presented to the town council for ratification or modification. Ratification or modification shall be by majority of the council then present; provided, that any council action shall require a quorum. If, after the vote, the orders are not ratified or modified by the majority, the orders shall be void. The orders shall be considered in full force and effect until the town council takes action to the contrary.

2.50.080 Divisions, services and staff of the civil defense organization.

The functions and duties of the La Conner civil defense organization shall be distributed among such divisions, services and special staff as the civil defense council shall prescribe. The civil defense council shall concurrently with the adoption of this chapter, prescribe the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and powers, the designation of officers and employees. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the federal government and the Department of Civil Defense of the state of Washington.

2.50.085 Continuity of Government.

In the event the Mayor is absent from the Town or otherwise unable to carry out his/her duties, the following elected officials shall, in the order listed, act on behalf of the mayor in carrying out the purposes of this chapter or the provisions of the emergency management plan:

A. The mayor pro tem;

B. The remaining town councilmembers in order of continuous seniority; provided, that where two councilmembers have the same continuous seniority on the council, the holder of the lowest numbered position on the council shall be deemed the more senior of the two.

2.50.090 Violation – Penalty.

It shall be a misdemeanor, punishable by a fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, or both, for any person during a disaster:

- (1) To willfully obstruct, hinder or delay any member of the civil defense organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- (2) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of this town, or to prevent, hinder or delay the defense or protection thereof;
- (3) To wear, carry or display, without authority, any means of identification specified by the state Department of Civil Defense.

It is unlawful for anyone to fail or to refuse to obey any order proclaimed pursuant to this legislation. Any person convicted of a violation of this section shall be guilty of a misdemeanor.

2.50.095 Authority of Town Department Heads in the event of a disaster.

Subject to the supervision and control of the mayor, the town administrator, the fire chief, and the public works director shall be empowered during a disaster as follows:

A. To obtain vital supplies, equipment, and such other requirements necessary for the protection of life and property and to bind the town for the fair value thereof and if necessary to immediately commandeer the same for public use. These powers may be exercised in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) including but not limited to budget law limitations, the requirements of competitive bidding, the publication of notices, entering into public works contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the expenditure of public funds.

B. To requisition necessary personnel and/or material of any governmental agency or town department.

C. At the direction of the mayor, to require the emergency services of any town officer or employee and, after the Governor has proclaimed that a disaster exists pursuant to RCW 43.06.010, to command the aid of as many citizens of this town as necessary, pursuant to RCW 38.52.110(2); provided, that such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency services volunteers as provided in RCW 38.52.310.

2.50.100 Immunity from private liability.

There shall be no liability on the part of any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any buildings or premises that have been designated by the mayor as a disaster shelter for any injuries sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, provided such person has entered, gone upon or into said building or premises for the purpose of seeking refuge therein during a disaster; provided further, however, that this section

shall not apply to the willful acts of such owner or occupant or his or her servants, agents, or employees.

2.50.110 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this chapter.

Section 2. That a new chapter is hereby added to the La Conner Municipal Code consisting of three sections, to be known as Chapter 2.225 – Emergency Management Commission, to read as follows.

2.225.010 Created.

An advisory emergency management commission is hereby created. The advisory commission shall consist of five voting members, plus two nonvoting councilmembers. At least three of the commission members shall be legal voters of the town of La Conner, and the remaining two members may be drawn from within the boundaries of the La Conner School District. The mayor shall fill the vacancies of voting members with the consent of the town council. Nonvoting councilmembers shall be selected by the council as a whole. The initial terms of office for three members shall be three years, a fourth member shall have an initial term of four years, and a fifth member an initial term of five years. After the initial term, the public members of the commission shall be appointed by the mayor with the consent of the town council to serve for a three-year term, or until their successors are appointed. Members shall be chosen based upon:

- A. Desire to serve;
- B. Expertise in a field related to flood control, environmental science, meteorology, civil or structural engineering, grant research and writing, emergency management, and associated topics beneficial to emergency planning; and
- C. Organizational skills.

2.225.020 Duties.

The duties of the emergency management commission shall be to create a framework from within which the town can increase its capability to respond and recover from a major disaster. The advisory commission shall not make any expenditures without prior motion and approval of the council. The emergency management commission shall:

- A. Draft, review, and recommend disaster preparedness and mutual aid plans and/or agreements, and such ordinances and resolutions as are necessary to implement such plans and agreements;

- B. Propose rules and regulations on matters reasonably related to the protection of lives and/or property injured or damaged, or likely to be injured or damaged, by a disaster;
- C. Recommend the designation of buildings and/or premises as shelters for persons and/or property in the event of a disaster;
- D. Recommend procedures for disaster coordination including;
- E. Explore the historical precedence for various types of disasters so as to provide relevant information to be used in planning a response to future disasters, including floods, earthquakes, fires, and other types of disasters;
- F. Explore and recommend options of various methods to prevent or mitigate future disasters;
- G. Make recommendations on the best practices and procedures to evacuate residents in the event of a disaster;
- H. Make recommendations on the best practices of recruiting and coordinating volunteers able to respond to a disaster;
- I. Make recommendations on communications during and after disasters;
- J. Make recommendations on the best means of forecasting disasters;
- K. Make recommendations on the best practices to provide security so as to safeguard lives and property during and after a disaster.

2.225.030 Organization – Meeting rules – Quorum.

The advisory commission shall elect its own chairperson and create and fill such other offices as it may determine it requires. The commission shall hold at least bimonthly meetings (six per year) on a time and date and at a location as established by the commission through a written motion. The commission may adopt written rules for transactions of business and shall keep a written record of its meetings, resolutions, motions, findings, determinations, and recommendations. The commission's meetings shall be open to the public in conformance with the Washington Open Public Meetings Act. A quorum shall consist of three (of the five) voting members of the commission.

Adopted by a vote of the La Conner Town Council this _____ day of January, 2023.

Ramon Hayes, Mayor

ATTEST:

Maria DeGoede, Town Clerk

APPROVED AS TO FORM:

Scott G. Thomas, Town Attorney

Ordinance –
Adopt Uniform Development Code Amendment

TOWN OF LA CONNER



ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF LA CONNER, WASHINGTON AMENDING TITLES 13 and 15 OF THE TOWN'S UNIFORM DEVELOPMENT CODE

WHEREAS, the Town of La Conner previously updated its Uniform Development Code in 2021 in compliance with the state's Growth Management Act (GMA); and

WHEREAS, the GMA requires that the Town's Comprehensive Plan and development regulations be internally and externally consistent; and

WHEREAS, the Town has adopted procedures pursuant to the GMA providing for amendments to its Uniform Development Code as needed; and

WHEREAS, the Town issued a Final Determination of Non-Significance for the previous code amendments on September 7, 2022, which notice was on that same date; and

WHEREAS, the Town has provided these proposed updates to the Washington State Department of Commerce (Commerce) in accordance with RCW 36.70A.106, with no comment received during that department's 60-day review period; and

WHEREAS, the La Conner Planning Commission held a public hearing on this proposed update on September 20, 2022; and

WHEREAS, the La Conner Planning Commission, after fully, fairly and carefully considering the public input and staff materials relevant to this proposed update to the La Conner Municipal Code, has recommended to the La Conner Town Council that this proposal be approved; and

WHEREAS, the La Conner Town Council held a public hearing on these proposed amendments to the La Conner Development Code on September 27, 2022 at which time public comment was taken; and

WHEREAS, the Town Council determines it to be in the public interest that the La Conner Municipal Code reflect the values of the community; and

WHEREAS, the La Conner Town Council determines that these proposed amendments to the La Conner Development Code are consistent with the Growth Management Act, the Skagit County-Wide Planning Policies, and all other relevant local, county, and state regulations, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LA CONNER:

SECTION 1. The Town Council does hereby adopt the above recitals as set forth fully herein.

SECTION 2. The Town Council adopts the Planning Commission's recommendations, findings of fact, and conclusions of law as follows:

A. PLANNING COMMISSION RECOMMENDATIONS:

2.07.030 Planning commission meetings.

All regular planning commission meetings of the town of La Conner, Washington, shall be held at 6:00 p.m. on the first and third Tuesday of each month at ~~Upper~~ Maple Center, 104 Commercial Street, La Conner, Washington, or such other place as may be designated in order to accommodate persons with disabilities or for special presentations which may require the use of equipment unavailable at Upper Maple Center.

15.05.070 Rules of interpretation.

(6) All activities that are not permitted as a right or by permit shall be prohibited.

15.15.010 Purpose.

(1) The purpose of this section is to provide parameters for area designations, mapping, and zone classification. The town of La Conner is divided into five seven zoning districts or classifications as follows:

Abbreviated

Designation	Zone Classification
RD	Residential
C	Commercial
IND	Light and Medium Industry
P	Public Use
HPD	Historic Preservation District
TC	Transitional/Commercial
<u>PIND</u>	<u>Port Industrial</u>

15.10.255 Conditional use.

"Conditional use" means 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.

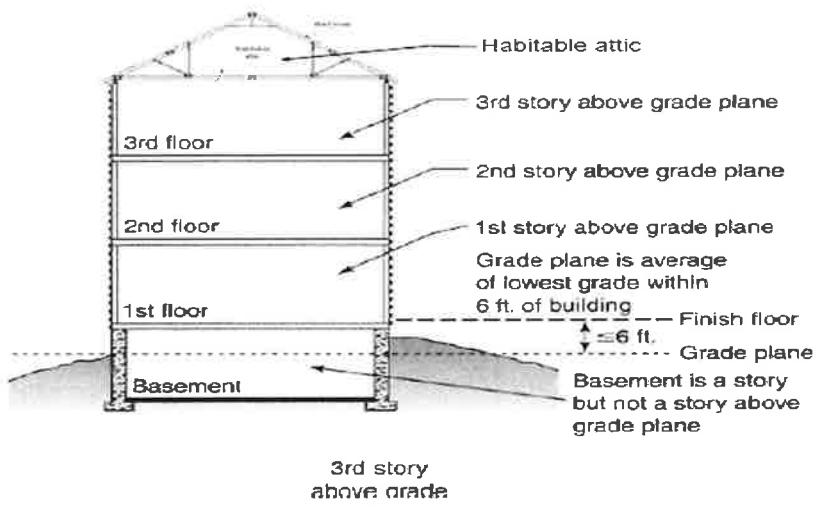
15.110 Definitions

15.10.1197 Tiny home. A tiny home is a single-family residential dwelling measuring not more than 700 square feet in total area, to be used as permanent housing with permanent provisions for living, sleeping, eating, cooking, and sanitation, built in accordance with the state building code. A tiny home may be constructed on-site, or constructed off-site and moved to a permanent location.

15.10.1117 Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

15.10.1118 Story above grade plane. Any story having its finished floor surface entirely above grade plan, or in which the finished surface of the floor next above is either of the following:

1. **More than 6 feet above grade plane.**
2. **More than 12 feet above the finished ground level at any point.**



15.12.090 Time periods – Procedures.

(1) Unless a different time period or procedure is established by a particular code section directly applicable to a specific type of proceeding, the following time periods and procedures shall be applicable to actions and decisions of the examiner. To the extent that there are any inconsistencies between this section and those other applicable code sections, the provisions of the other code sections shall control.

Within 10 business days of the conclusion of a hearing, unless a longer period is mutually agreed to by the applicant and the examiner or established by the specific provision governing such matters, the examiner shall render a written decision which shall include findings, conclusions and, where appropriate, conditions all based on the record. The decision of the examiner shall be final and conclusive unless appealed pursuant to LCMC 15.12.140 and applicable state law.

15.12.100 Decision – Reconsideration.

The town or any party of record, who or which disagrees with the decision of the examiner, may make a written request for reconsideration by the examiner within five business days of the date of service of the written decision unless a different period of reconsideration is established by the particular section involved, in which case such specific section shall control. The request for reconsideration shall be filed with the clerk-treasurer upon forms adopted by the town of La Conner and must on its face show that the requestor is a party of record or the town and must allege a specific error of law and/or fact. If the application is adequate and if the examiner chooses to reconsider, the examiner may take such further action as the examiner deems proper and may render a revised decision. Such reconsideration by the examiner shall be made within ten business days of receipt of the request for reconsideration, unless a longer period is mutually agreed between the town and the examiner. Upon a decision deciding the request for reconsideration, the decision shall be deemed to be the final decision of the examiner for all purposes. The decision upon a request for reconsideration shall be served in the same manner as the original decision. All notices requesting reconsideration shall be filed within the initial five days and there shall be no right to request reconsideration of the examiner's reconsideration of a decision. The costs applying to any reconsideration shall be borne by the individual requesting the reconsideration.

15.15.010 Purpose.

(1) The purpose of this section is to provide parameters for area designations, mapping, and zone classification. The town of La Conner is divided into ~~five~~ seven zoning districts or classifications as follows:

Abbreviated

Designation Zone Classification

RD Residential

C Commercial

IND Light and Medium Industry

P Public Use

HPD Historic Preservation District

TC Transitional/Commercial

PIND Port Industrial

(2) All development in all zones shall be subject to the provisions of Division III, Critical Areas and Natural Resource Lands Protection Standards.

(3) Nothing in this code shall be interpreted as prohibiting emergency housing, emergency shelters, transitional housing, or permanent supportive housing in any zone where residential uses are permitted.

15.20 Residential Zone

15.20.100 Tiny home standards

These standards shall apply to the construction of single family homes of 700 square feet or less.

- (1) **Minimum lots size and maximum density requirements do not apply, provided that not more than 70% of the development is covered with impervious surface.**
- (2) **Parking. A minimum of one off-street parking space shall be provided per dwelling unit.**
- (3) **All tiny homes shall be placed on permanent foundations.**

15.25 Planned Unit Residential Development (PURD)

15.25.010 Purpose.

The purpose of a planned unit residential development is to:

- (1) Allow a more flexible plan of development than the traditional one house-one lot development;
- (2) Promote more economical and efficient use of the land, provide a harmonious variety of housing choices and plot plans, and preserve open spaces. [Ord. 671 § 3.3.A, 1995.]

(3) Encourage the development of affordable housing styles, such as tiny home developments.

15.25.020 Permitted location and size of planned unit development.

A PURD may be located only in a residential zone and on a parcel of one acre or more.

15.25.030 Permitted uses.

All permitted uses shall conform with a specific final development plan as specified in this section. The following uses are permitted:

- (1) Residential units, either single-family detached or multiple attached units or tiny home residential units or a combination of detached single-family or multifamily units;

15.25.130 Density increases.

- (1) The number of dwelling units that may be constructed in a PURD shall be based upon one dwelling unit for each 5,000 4,000 square feet of gross site area. This density restriction shall not apply to tiny home developments.

15.35 Commercial Zone

15.35.030 Conditional uses.

- (2) 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. Residential uses in the Commercial Zone shall not exceed a density of 18 dwelling units per acre of land.

15.105 Landscaping

15.105.020 Applicability.

The standards of this chapter shall apply to all development within the town, except:

(1) A single-family residence in any district in which a single-family residence is allowed. This exception does not preclude landscaping requirements for plats or short plats.

15.20.060 Single-family dwelling units – Dimensional standards.

(1) Minimum lot size: 4,000 square feet.

(2) Maximum building height: 30 feet above the average lot grade, determined by averaging the lowest and highest existing elevation points on the lot to the highest point on the roof, with a maximum of two stories; except, 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. Roof access must be approved by the fire chief.

(3) Maximum lot coverage: 60 percent for all buildings and impervious surfacing.

(4) Minimum building setbacks (from property lines) as follows:

Front: 11 feet.

Side: five feet.

Rear: seven feet. When alley access is available rear setback is zero feet.

Agricultural setback: 25 feet.

15.20.070 Manufactured (factory-built) home standards.

(2) The following specific standards shall be required to ensure that the intent of this section is satisfied:

(d) The minimum width of the main body of the manufactured home shall not be less than 24 feet. This minimum width standard shall not apply to tiny homes, as defined in Section 15.20.100.

**Chapter 15.42
PORT INDUSTRIAL ZONE**

Sections:

15.42.010 Purpose.

15.42.020 Permitted uses.

15.42.030 Accessory uses.

15.42.040 Conditional uses.

15.42.050 Dimensional standards.

15.42.051 Dimensional standards, office.

15.42.010 Purpose.

The purpose of port industrial zoning is to provide areas for marine manufacturing and maritime services that require facilities and/or waterfront access available to port properties, with the goal to support a strong maritime economy. The uses permitted in the town's Port Industrial Zone include wholesale and retail businesses to engage in light to medium manufacturing, processing, storing, or distributing goods and public services. Only those uses that comply with the shoreline master program are allowed in the 200-foot shoreline jurisdiction.

15.42.020 Permitted uses.

The following uses are permitted in the Port Industrial Zone by certificate of authorization:

(1) Manufacturing, packaging, processing, warehousing and distributing operations and associated wholesale and retail activities;

(2) Parks, trails, public open space;

(3) Retail or wholesale lumber or building material yards, paint, glass, heating, plumbing and electrical materials;

(4) Retail sales of boats and marine supplies;

(5) Aquaculture and seafood processing;

(6) Cold storage;

(7) Textile products manufacturing;

(8) Lumber, wood products manufacturing;

(9) Transportation equipment and parts manufacturing;

(10) Metal products fabrication and manufacturing;

- (11) Light fabricated building components;
- (12) Light fabrication assembly and manufacturing;
- (13) Warehouses for storage and services in association with office and manufacturing;
- (14) Mini warehouses – storage only;
- (15) Government services and functions including shops, maintenance, and utilities;
- (16) Special vocational schools;
- (17) Research and development facilities;
- (18) Commercial auto parking lots and garages;
- (19) Utility and communications storage and distribution, substations;
- (20) Shipbuilding and shipyards, boat storage, boat maintenance, and boat haul out facilities;
- (21) Public parking lots;
- (22) Marinas;
- (23) Public transportation system terminals;
- (24) Nonhazardous recycling collection depots for paper, glass, aluminum, plastic, and metal, provided all storage is contained within a structure or sight-obscuring enclosure;
- (25) Boat / vehicle washdown facilities
- (26) Vehicle charging and fueling stations
- (27) Temporary events

15.42.030 Accessory uses.

The following accessory uses are permitted in the Port Industrial Zone by certificate of authorization:

- (1) Office.
- (2) On-site recycling and treatment of waste products associated with principal uses on the same site, subject to all applicable county, state and federal regulations and permits;

(3) Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work;

(4) A wholesale/retail outlet or showroom for sales of products produced, assembled or manufactured and warehoused or stored on the premises, which shall be limited to no more than 49 percent of the gross floor area of the industrial space;

(5) Employees' cafeterias, motorized vending, and auditoriums.

(6) Outdoor storage of materials.

15.42.040 Conditional uses.

The following structures and uses are permitted by conditional use permit:

- (1) Antennas plus antenna mount of more than 20 feet in height, four feet in width and of bulk area more than 16 feet;
- (2) Maximum building height of 50 feet above the average lot grade determined by averaging the lowest and highest existing elevation points on the lot to the highest point of the roof; except, 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. Roof mounted equipment shall be excluded from the maximum building height calculation. Roof access must be approved by the fire chief. All buildings higher than 35 feet shall comply with the following:
 - a. The roof shall be equipped with automatic smoke and heat vents;
 - b. The internal structure shall be single-story open construction; a mezzanine is permitted;
 - c. Shall be fully sprinklered per NFPA 13;
 - d. Shall have central monitoring of the sprinkler system;
 - e. Roof shall be constructed of noncombustible materials.

15.42.050 Dimensional standards.

(1) Minimum lot size – None.

(2) Maximum lot coverage by all buildings and impervious surfaces shall be 90 percent.

(3) Minimum landscaping area – 10 percent of the gross site area.

(4) Minimum building setbacks – No minimum except adjacent to, or across the street from, a Residential or Public Use Zone, the following setbacks apply:

There should be a minimum of at least five feet on each side and 10 feet in the rear to allow for fire department access.

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
<u>All buildings,</u>	<u>50 ft.</u>	<u>15 ft.</u>	<u>50 ft.</u>
<u>interior lot</u>		<u>(total</u>	
		<u>30)</u>	
<u>All buildings,</u>	<u>50 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>
<u>corner lot</u>			
<u>Outdoor</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>storage</u>			
<u>Agricultural</u>		<u>25 ft.</u>	<u>25 ft., except for</u>
<u>Lands</u>		<u>decks,</u>	
		<u>uncovered</u>	
		<u>porches, or</u>	
		<u>patios</u>	

15.42.051 Dimensional standards, office.

Office development in the Port Industrial Zone shall meet the following dimensional standards, which amenities will be included in the calculation of square footage devoted to office-commercial use:

(1) Minimum lot size – None.

(2) Maximum lot coverage for commercial office, including required amenities, is 90 percent.

(3) Minimum landscape area – 10 percent of the gross site area.

(4) Minimum building setbacks – minimum of 50 feet from the mean high water line for new buildings fronting on the Swinomish Channel. There shall be at least five feet on each side and 10 feet on the upland facing side of new buildings to allow for fire department access.

(5) Maximum building height – 30 feet and limited to two occupied stories above finished grade to meet fire department life safety concerns; except, 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. Roof access must be approved by the fire chief.

15.50.120 District/neighborhood.

(3) First Street Commercial District. The compact fabric and consistent rhythm created by the incremental construction of small to medium size buildings on the originally platted 25-foot by 100-foot lots shall be maintained. Typical details include one-story gable roof structures, false fronts, cornices and multi-paned windows.

- (a) Buildings, storefronts, entrances, and variations in height, modulation, color, and building material should occur at 25-foot intervals.
- (b) Buildings over 3,000 square feet gross floor area shall be designed to have the appearance of multiple buildings typically found in the district, including separate entrances, storefronts, and variation in height.
- (c) On the upland side of First Street, minimum rear yard setback: 10 feet. On the waterfront side of First Street, rear yard access must be approved by the fire chief for fire safety. The decision of the fire chief is not appealable.
- (d) The side yard setback may be zero clearance consistent with the setbacks of adjoining properties; provided, that the materials, access and applications are approved by the fire chief.
- (e) Landscaping, at maturity, within a view corridor shall not exceed four feet in height.

CHAPTER 15.65 ENVIRONMENTALLY SENSITIVE AND CRITICAL AREA LANDS

15.65.070 Specific Requirements – Nontidal Wetlands

(5) Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high. a. For wetlands that score 6 or more for habitat function, the buffers in Table 1 can be used if both the following criteria are met: i. A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife (WDFW). The latest definitions of priority habitats and their locations are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm>.

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table 1 may be used with the required measures in Table 2 alone.

ii. All of the measures in Table 2 are implemented, where applicable, to minimize the impacts of adjacent land uses.

b. For wetlands that score 3-5 habitat points, only the measures in Table 2 are required for the use of Table 1.

c. If an applicant chooses not to apply the mitigation measures in Table 2, or is unable to provide a protected corridor where available, then Table 3 must be used.

d. The buffer widths in Table 1 and 3 assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

Table 1. Wetland Buffer Width Requirements if Table 2 is Implemented and Corridor Provided

Wetland Category	Buffer width (in feet) based on habitat score		
	3-5	6-7	8-9
Category I: Based on total score	75	110	225
Category I: Bogs and Wetlands of High Conservation Value		190	225
Category I: Interdunal		225 (buffer width not based on habitat scores)	
Category I: Forested	75	110	225
Category I: Estuarine and Coastal Lagoons		150 (buffer width not based on habitat scores)	
Category II: Based on score	75	110	225
Category II: Interdunal Wetlands		110 (buffer width not based on habitat scores)	
Category II: Estuarine and Coastal Lagoons		110 (buffer width not based on habitat scores)	
Category III (all)	60	110	225
Category IV (all)		40	

Table 2. Required Measures to Minimize Impacts to Wetlands

Disturbance	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none">• Direct lights away from wetland
Noise	<ul style="list-style-type: none">• Locate activity that generates noise away from wetland• If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source• For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none">• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered• Establish covenants limiting use of pesticides within 150 ft of wetland• Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none">• Retrofit stormwater detention and treatment for roads and existing adjacent development• Prevent channelized flow from lawns that directly enters the buffer• Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none">• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none">• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion• Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	<ul style="list-style-type: none">• Use best management practices to control dust

Table 3. Wetland Buffer Requirements if Table 2 is NOT Implemented or Corridor NOT Provided

Wetland Category	Buffer width (in feet) based on habitat score		
	3-5	6-7	8-9
Category I: Based on total score	100	150	300
Category I: Bogs and Wetlands of High Conservation Value		250	300
Category I: Interdunal		300 (buffer width not based on habitat scores)	
Category I: Forested	100	150	300
Category I: Estuarine and Coastal Lagoons		200 (buffer width not based on habitat scores)	
Category II: Based on score	100	150	300
Category II: Interdunal Wetlands		150 (buffer width not based on habitat scores)	
Category II: Estuarine and Coastal Lagoons		150 (buffer width not based on habitat scores)	
Category III (all)	80	150	300
Category IV (all)		50	

15.135.050 Process classification and procedures.

(1) Classification. Project permits shall be classified by the planning director as Types I through V according to Table A, below.

Table A – Permit Classifications

I Administrative	II Planning Director	III Planning Commission	IV Hearing Examiner	V Town Council
Building and construction permits; LCMC <u>15.135.020</u>	Land use review of permitted and accessory uses exempt from SEPA; LCMC <u>15.135.120</u>	Demolition permits for Type I and II structures; Chapter <u>15.112</u> LCMC		Non-areawide rezone; LCMC <u>15.125.080</u>
Lot line adjustments; LCMC <u>15.125.050</u>	Temporary structures; LCMC <u>15.110.030</u>	Historic design review of major new construction; LCMC <u>15.50.060</u>	Conditional use permits; LCMC <u>15.135.190</u>	Final plat; Chapter <u>15.30</u> LCMC
Sign permits; Chapter <u>15.115</u> LCMC	Bed and breakfast; CMC <u>15.20.055</u>	Tree removal permits (excluding residential outside the HPD); Chapter <u>15.60</u> LCMC		Shoreline permit revision
Demolition permits for Type III structures; Chapter <u>15.112</u> LCMC	Critical areas; Chapter <u>15.65</u> LCMC	Temporary use permits; LCMC <u>15.110.050</u>	Preliminary plat approval; Chapter <u>15.30</u> LCMC	
Home occupation permits; LCMC <u>15.110.070</u>	Short plat; Chapter <u>15.30</u> LCMC			
Floodplain permits; Chapter <u>15.70</u> LCMC			Shoreline conditional use permits	
Change of use; LCMC <u>15.125.020</u>	Administrative variance;			

I Administrative	II Planning Director	III Planning Commission	IV Hearing Examiner	V Town Council
	LCMC <u>15.125.040</u>			
Historic design review of minor new construction; LCMC <u>15.50.060</u>	Administrative conditional use permits; LCMC <u>15.20.055</u>		Shoreline variances	
Shoreline exemptions			Variances; LCMC <u>15.125.040</u>	
Binding site plan; Chapter <u>15.55</u> LCMC	Shoreline substantial development permits		Appeals of planning commission and administrative decisions; LCMC <u>15.12.110</u>	
Accessory uses; LCMC <u>15.40.030</u>			SEPA appeals; LCMC <u>13.10.090</u>	
			PURD; Chapter <u>15.25</u> LCMC	

15.35.080 (4) In the case of Type III permits consolidated with Type IV or V permits, the Planning Commission shall consider the application and any written comments in a public meeting and make a recommendation to the hearing examiner.

15.135.190 Criteria for conditional use permits.

(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.

UDC Amendments Related to Sign Regulations

Chapter 15.10 DEFINITIONS

15.10.010 Abandoned sign.

"Abandoned sign" means a sign that no longer correctly identifies or advertises any person, business, lessor, lessee, owner, product or activity on or off the premises on which the sign is located. [Ord. 671 § 2, 1995.]

15.10.115 Banner sign.

"Banner sign" means any sign intended to be hung, with or without framing, which possesses characters, letters, symbols, emblems, trademarks, illustrations or ornamentations applied to fabric or similar flexible material. Flags, decorative banners, canopy (awning) signs and temporary signs, treated elsewhere in this chapter, shall not be considered banner signs. [Ord. 671 § 2, 1995.]

15.10.180 Canopy sign.

"Canopy sign" means a temporary or fixed shelter supported entirely from the exterior wall of a building without other means of support to the ground upon which a sign may be erected upon or against and which contains advertising copy. For the purpose of this chapter, canopy shall include awning. [Ord. 671 § 2, 1995.]

15.10.220 Commemorative plaque.

"Commemorative plaque" means a memorial plaque, sign, plate or tablet which is permanently affixed to or near the structure, object or event it is intended to commemorate and which displays no advertising. [Ord. 671 § 2, 1995.]

15.10.360 Directional sign.

"Directional sign" means a sign which contains specific directional information and contains no advertising. [Ord. 671 § 2, 1995.]

15.10.365 Directory sign.

"Directory sign" means a sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex. No other advertising shall be included. [Ord. 671 § 2, 1995.]

15.10.460 Flashing sign.

"Flashing sign" means a sign, or a portion thereof, which changes light intensity in a repetitive pattern, or uses electrical energy to provide motion or the illusion of motion. [Ord. 671 § 2, 1995.]

15.10.495 Freestanding sign.

"Freestanding sign" means a sign connected permanently to the ground and not connected to a building. [Ord. 671 § 2, 1995.]

15.10.610 Lighting, indirect.

"Indirect lighting" means a frontal light source separated from the sign surface illuminating the sign surface by means of a spotlight or similar fixture. [Ord. 671 § 2, 1995.]

15.10.615 Lighting, neon.

"Neon lighting" means a sign illuminated by glass tubes filled with neon gas or gaseous elements. [Ord. 671 § 2, 1995.]

15.10.880 Portable sign.

"Portable sign" means any moveable sign which is not permanently affixed to the ground, a structure or a building. [Ord. 671 § 2, 1995.]

15.10.910 Projecting sign.

"Projecting sign" means a sign which is attached to and projects or hangs from a structure, wall or building face further than six inches. [Ord. 671 § 2, 1995.]

15.10.927 Reader Board sign

"Reader board sign" means a sign on which copy may be easily changed by manual or electronic means without reworking, repainting, or otherwise altering the physical composition of the sign.

15.10.1015 Roof sign.

"Roof sign" means a sign erected above or upon a principal roof of a building or structure. [Ord. 671 § 2, 1995.]

15.10.1025 Sandwich board sign.

"Sandwich board sign" means an A-framed moveable sign made of wood, metal, or other substantive material. [Ord. 671 § 2, 1995.]

15.10.1035 Sign.

"Sign" means a publicly displayed advertising, directional, or informational notice, or any other device that may be displayed to attract attention to a business or event. [Ord. 671 § 2, 1995.]

15.10.1040 Sign area.

"Sign area" means the entire area of a sign on which the copy is to be placed. Sign areas shall be calculated by measuring the area of the smallest rectangle that will encompass the extreme limit of the advertising copy together with any material forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supportive framework or bracing. On fences or walls which contain no written copy or other advertising, and when such fences or walls are clearly incidental to the display itself, the sign area shall be a rectangle formed by the greatest height and width of the advertising copy. [Ord. 671 § 2, 1995.]

15.10.1045 Sign face.

"Sign face" means any surface of a sign upon which there is lettering or other advertising. [Ord. 671 § 2, 1995.]

15.10.1050 Sign height.

"Sign height" means the vertical distance from grade to the highest point of a sign or any projection thereof. [Ord. 671 § 2, 1995.]

15.10.1055 Sign, off-premises.

"Off-premises sign" means a sign which advertises goods, products, or services which are not sold, manufactured, or distributed, or events not held on the premises on which the sign is located. [Ord. 671 § 2, 1995.]

15.10.1120 Streamer.

"Streamer" means an attention attracting device consisting of one or more pennants, balloons, ribbons, reflectors, fringes or similar objects strung together on a common line, pole or sign structure, or attached to one or more products offered for sale. [Ord. 671 § 2, 1995.]

15.10.1185 Temporary sign.

"Temporary sign" means a sign or advertising display without a frame which is displayed for a limited time only ~~and includes community event signs, political signs and construction signs.~~ [Ord. 671 § 2, 1995.]

15.10.1245 Wall sign.

"Wall sign" means a sign attached parallel to, and within six inches of the wall, which is supported by and confined within the limits of such wall, and which displays only one surface. [Ord. 671 § 2, 1995.]

15.10.1275 Window sign.

"Window sign" means a sign placed upon the interior or exterior surface of a window. Not included is a statement of business hours. [Ord. 671 § 2, 1995.]

**Chapter 15.115
SIGNS**

Sections:

15.115.010 Purpose.

15.115.020 Applicability.

15.115.030 Signs exempt from certificate of authorization.

15.115.040 General requirements.

15.115.050 Total allowable sign area.

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15.115.070 Allowable sign types.

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15.115.090 Allowable design materials and maintenance.

15.115.100 Compliance.

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15.115.010 Purpose.

The purpose of this chapter is to regulate signage in an effort to keep the town of La Conner a safe and attractive place in which to live and do business, to reserve and reflect the historic character of the community and assure consideration of:

- (1) Pedestrians, motorists, cyclists, visitors, residents, home occupations, shops, other buildings, and real property;
- (2) Safety through care in placement, sizing and illumination of signs so as to avoid visual clutter, distraction or obstruction of vision of pedestrians and motorists, or obstruction of right-of-way;
- (3) Economy for those erecting signs, or maintaining or modifying already-existing signs, through care in style and construction by providing adequate time to replace signs which do not comply with the new standards; by protecting property values; and by preserving the community character which attracts visitors and new residents and sustains business development;
- (4) Aesthetic benefits to business districts and the community at large through consistency in style, placement, scale and harmony of signs with buildings and natural settings;
- (5) Compatibility of signs with the architectural and historical qualities of La Conner;
- (6) General safety and welfare of the public, through fair and consistent enforcement of these sign regulations. [Ord. 671 § 7.1, 1995.]

15.115.020 Applicability.

(1) This chapter shall apply to all signs as defined by this code except traffic signs erected under the authority of the town, signs directing traffic or parking on private property containing no advertising, signs stating business hours, vending machines, and state agency recommended signs. Private traffic and parking signs shall not exceed two square feet in area.

(2) The town council intends that to the fullest extent authorized by Chapter 47.42 RCW, the Highway Advertising Control Act – Scenic Vistas Act, now or as hereafter amended, shall also govern any street, bridge, pier or dock in the town of La Conner. [Ord. 671 § 7.2, 1995.]

15.115.030 Signs exempt from certificate of authorization.

Except for the following, all signs shall require a certificate of authorization:

The following signs are exempt from the permit requirements of this chapter, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

(1) Signs associated with active construction posted during the construction period, and thirty days after an occupancy permit has been issued, subject to the following:

- a. One unilluminated, double-faced sign is permitted for each public street upon which the project fronts;
- b. No sign shall exceed twenty-four square feet in area or eight feet in height, or be located closer than twenty feet from the property line of the adjoining property; and
- c. Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;

(2) a. Signs up to eight square feet in area that are posted on developed residential property or buildings actively for sale, lease, or rental, limited to one sign per street frontage. Signs must be removed within thirty days of the sale, lease, or rental process being completed; and

- b. Signs up to twenty-four square feet in area that are posted on undeveloped residential property or commercial or industrial property or buildings actively for sale, lease, or rental, limited to one sign per street frontage. Signs must be removed within thirty days of the sale, lease, or rental process being completed;

(3) Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD), installed by a government entity, or authorized by the public works department;

(4) Signs required by law pursuant to LCMC 15.115.020;

(5) Temporary signs no larger than 16 square feet promoting political candidates or issues, advertising for nonprofit fundraising events, grand opening or going out of business sales or

~~community events, to be removed within five days following cessation of the activity related to the sign or election. Grand opening sale signs shall be removed within 14 days of placement; New businesses may have temporary signs in addition to their permitted signs, for a period of not more than thirty days from the date of their opening. Temporary signs shall not incorporate or include flags, spinners, pennants, ribbons, balloons, or similar devices.~~

(3) ~~(6)~~ Signs relating to construction in progress, ~~Signs identifying contractor, architect or future business which~~ shall total no more than 16 square feet;

(4) ~~(7)~~ Signs posted on or attached to the inside of store front windows ~~provided that such signs do not occupy more than forty (40%) percent of the window;~~

(5) ~~(8)~~ Signs within a building (not in a window) that are not intended to be viewed from a public right-of-way;

(6) ~~(9)~~ Flags of state ~~The flag of a government or noncommercial institution, such as a school. Such flags are not to exceed forty-eight square feet. Flags greater than forty-eight square feet are permitted in Commercial, Transitional Commercial, and Industrial zones, provided that any square footage of such flag greater than forty-eight square feet shall be applied to the overall permitted signage of the property;~~

(7) ~~(10)~~ Window merchandise displays;

(8) ~~(11)~~ Commemorative plaque signs, in compliance with LCMC 15.115.040;

(10) ~~(12)~~ Signs required for the safe navigation of the Swinomish Channel;

~~(12) (13) Vehicle signage, except that large, billboard-type signs are not permitted on vehicles; [Ord. 1030 § 1, 2009; Ord. 963 § 2, 2005; Ord. 671 § 7.3, 1995.]~~

~~(14) Official or legal notices issued and posted by any public agency or court; and~~

~~(15) Temporary signs shall not be placed on any sidewalk or other public right-of-way.~~

15.115.040 General requirements.

(1) All signs to which this chapter applies shall conform to the general requirements set forth in LCMC 15.115.050 through 15.115.100 regardless of whether a certificate of authorization is required.

(2) The planning director shall review all sign permit applications for compliance with this code. At the discretion of the planning director, a sign permit application may be referred to the planning commission for final decision. [Ord. 1030 § 1, 2009; Ord. 671 § 7.4, 1995.]

15.115.050 Total allowable sign area.

Includes all signs and all sides and stories of buildings unless otherwise exempted under LCMC 15.115.030.

(1) The total allowable sign area per building shall be the larger of 20 square feet or seven percent of any facade. Facade square footage shall be calculated as the vertical surface between the ground and roof line including all doors, windows, and parapet walls. Seven percent shall be determined by an as-built drawing or legal verification if deemed necessary by the planner or planning commission.

(2) A directory sign on a multi-business building shall not exceed five square feet per business to a maximum of 30 square feet per building and shall not be included in the total allowable sign area.

(3) Commemorative plaques or home-occupational other signs in a residential zone shall be no larger than three square feet. [Ord. 671 § 7.4.A, 1995.]

15.115.060 Number of signs allowed.

(1) Single Business Buildings. No more than three signs, one of which may be freestanding or projecting, but not both.

(2) Multi-Business Buildings.

(a) No more than one per business outside an entrance or dock, flat mounted or projecting.

(b) Additional signage per business is allowed if it is part of building directories.

(c) One building identification sign per side facing a public thoroughfare will not be counted in the seven percent allowable sign area.

(3) One flatly affixed commemorative plaque allowed per building. [Ord. 1132 § 3, 2015; Ord. 671 § 7.4.B, 1995.]

15.115.070 Allowable sign types.

All signs shall conform to the height and setback requirements of the zone in which they are located.

Signs may not exceed the height, width and depth of the building to which they are attached.

(1) Awning/Canopy Sign.

- (a) Minimum eight feet clearance from ground;
- (b) The entire awning shall not be considered a sign, except the face area of the awning to which the advertising copy is attached or placed, shall be considered a sign.

(2) Directional Sign.

- (a) May be no more than nine square feet;
- (b) Shall provide directions to public facilities such as restrooms, parks, parking lots, museums, and marinas;
- (c) Directional signs may be off premises.

(3) Directory Sign.

- (a) One per right-of-way or public access venue for multi-business buildings;
- (b) Shall not exceed five square feet per business to a maximum of 30 square feet per building per directory;
- (c) Shall not be included in the total allowable sign area.
- (d) A business is allowed one off-premises sign in an approved directory with the written permission of the property owner.

(4) Freestanding Sign.

- (a) May not exceed 10 feet in height;
- (b) Shall have a landscaped area twice the size of the sign area at the base of the sign;
- (c) Limited to one per building regardless of the number of businesses within the building;
- (d) Not allowed if a building already has a projecting sign.

(5) Projecting Sign.

- (a) Shall project no more than four feet from building;

- (b) Must leave at least eight feet of clearance from the ground;
- (c) Are limited to one per building entrance regardless of the number of businesses within the building or advertised on the sign;
- (d) Are not allowed if the building already has a freestanding sign;
- (e) If projecting over a public right-of-way, a hold harmless agreement must be provided to, and approved by, the town of La Conner;
- (f) If the same copy is on both sides, count one side in the sign area allotment; if different copy is on both sides, count both sides in the sign area allotment.

(6) Window Sign.

- (a) Window graphics may not occupy more than 25 percent of the total area of the window in which they are displayed.
- (b) Not to be included in total sign area allotment.

(7) Sandwich Board Sign.

- (a) Siting.
 - (i) Only one sign allowed per business on private property but not in a designated parking area or fire lane. The sandwich board sign can be no larger than two feet wide by three feet high;
 - (ii) Not included in the total sign allotment;
 - (iii) Not permitted on public property, except those businesses without adequate space on their property may place a sandwich board sign within the right-of-way (as close as **possible practical** to the business building), providing it can be placed in a safe location and meets the following requirements, as approved by the planning director:
 - (A) Must comply with the clear visibility triangle requirements set forth in **LCMC 15.75.130**.
 - (B) Ensure drive access aprons and ADA access are kept clear.
 - (C) Allow the minimum standard of four feet clear pedestrian passage on the sidewalks.

(D) No sandwich board signs on the boardwalk.

(8) Signs painted on walls or fences.

(9) Official Community Event Banners.

(a) Banners may only promote official community events or events approved by the town council.

(b) Proposed banner design must be submitted to the planning department for approval at least six weeks in advance of the event.

(c) All approved banners must meet current banner specifications provided by the town public works department.

(d) Banner Message and Content.

(i) Primary content: event name and date;

(ii) Secondary content: sponsor logos only – fonts must be 50 percent of primary content font;

(iii) There should be no commercial content through sponsorship identity.

(e) Display Limitations.

(i) The banner may be displayed a maximum of three weeks prior to the event.

(ii) Where time conflicts occur, the town council will decide the priority display of the banners.

(f) Installation and Removal. All banner installations and removal will be conducted by the public works department staff.

(10) Flat affixed signs. [Ord. 1167 § 2, 2018; Ord. 1132 § 3, 2015; Ord. 1084 § 1, 2012; Ord. 1030 § 1, 2009; Ord. 963 § 2, 2005; Ord. 887, 2003; Ord. 671 § 7.4.C, 1995.]

(11) Wayfinding signs. Wayfinding signs are deemed essential to the orderly growth of the community, and especially the downtown area. Wayfinding signs shall be permitted for groups of three (3) or more users, with designs and locations approved by the Town Council. When located on public property, users shall pay an annual fee to the town, which fee shall be established and amended from time to time by resolution of the Town Council. Users shall be selected on a first come, first served basis.

(12) Reader board signs. Reader board signs are intended to provide information to the community. Reader board signs are permitted only on public property. If an electronic message is used, that message is not defined as internally illuminated.

15.115.080 Lighting.

(1) Indirect lighting only allowed.

(2) Colored, flashing or intermittent lighting not allowed. Exterior neon signs are prohibited. [Ord. 887, 2003; Ord. 671 § 7.4.D, 1995.]

15.115.090 Allowable design materials and maintenance.

(1) Signs shall be made of professional quality and durable materials, such as metal or wood.

(2) Sign design shall be consistent with the district and neighborhood when in the Historic Preservation District.

(3) Signs must be maintained and not left in disrepair, damaged condition, or in need of painting or material replacement. [Ord. 1030 § 1, 2009; Ord. 887, 2003; Ord. 671 § 7.4.E, 1995.]

15.115.100 Compliance.

All signs requiring a certificate of authorization must comply with this code. **No sign shall be permitted unless it conforms to the provisions of this chapter. Any sign located within the town's Historic Preservation District and** shall be made of materials compatible with the historic nature of the town and surrounding buildings, and colors selected from the historic palette. [Ord. 1030 § 1, 2009; Ord. 671 § 7.4.F, 1995.]

15.115.110 Prohibited signs.

The following exterior signs are prohibited:

(1) Abandoned signs or signs in poor repair. Obsolete signs shall be removed within five days following termination of use;

(2) Bench signs;

(3) Billboards;

(4) Flashing, revolving or any other moving signs, including streamers, banner signs (except those approved as temporary signs), and sandwich board signs worn by a person. A clock with moving hands and a barber pole are permitted;

(5) Off-premises signs except those exempted in LCMC 15.115.030 and 15.115.070(3)(d) and directional signs;

(6) Roof mounted signs, including any signs painted directly on a roof surface;

(7) Signs which restrict the visibility of traffic or traffic control devices, which block fire lanes, create a safety hazard for pedestrian or vehicular traffic or block vistas, viewpoints, view corridors or visual access to the shoreline;

(8) Signs attached to rocks, trees, utility poles, street signs or any other public property;

(9) Backlighted signs;

(10) Signs with colored lighting;

(11) Portable signs other than sandwich board signs; [Ord. 1084 § 2, 2012; Ord. 963 § 2, 2005; Ord. 887, 2003; Ord. 671 § 7.5, 1995.]

(12) Any sign that is otherwise allowed, but does not comply with the provisions of this chapter;

(13) Signs that purport to be, or are, an imitation of or resemble an official traffic sign or signal;

(14) Signs that are the primary use of the land on which they are located;

(15) Signs that are attached to fences; and

(16) Inflatable signs.

15.115.120 Nonconforming signs.

(1) Signs with certificates of authorization granted before the present sign ordinance adoption may be continued subject to provisions of subsection (2) of this section. Any sign without a current certificate of authorization shall be removed within 10 days of notice. **The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm, or corporation claiming such legal status for a sign.**

(2) Loss of nonconforming status occurs when:

(a) A sign is altered or replaced in any way in structure. Change of lettering style and routine maintenance are permitted.

(b) A sign is relocated.

- (c) Any new sign is erected or placed in connection with the business using the nonconforming sign.
- (d) The type of a business changes.
- (e) Change of business name in a directory sign does not constitute loss of nonconforming status.
- (3) With notification of loss of nonconforming status, the sign must be brought into compliance with this chapter and a new sign permit secured. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal.
- (4) Structural repairs to nonconforming signs shall not be permitted.** [Ord. 887, 2003; Ord. 671 § 7.6, 1995.]

15.15.122 Inspection.

Signs may be inspected periodically by the planning director, code enforcement officer, or other administrative official for compliance with this and other codes of the municipality.

15.15.124 Maintenance.

All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition. Any sign not maintained in accordance with this section shall be subject to the enforcement and removal provisions contained in LCMC 15.15.126.

15.15.126 Removal.

A. If any permanent sign shall be unlawfully installed, erected or maintained in violation of any provisions of this chapter, the owner or the person or firm maintaining same shall, upon written notice by the administrative official, make such sign conform to the provisions of this chapter, or shall remove it within thirty days. Said party shall only be authorized to exercise the appeal rights set forth in LCMC Section 15.15.130 after application has been made and permit fees paid, if applicable. Provided, the thirty-day appeal period shall commence upon the date of notice, whether a permit was applied for or not.

B. If any temporary sign shall be unlawfully installed, erected or maintained in violation of any provisions of this section, the owner or the person or firm maintaining same shall, upon written notice by the planning director, code enforcement officer, or other designated administrative official, make such sign conform to the provisions of this chapter, or shall remove it within two business days. In the event compliance is not obtained, enforcement action including the imposition of penalties shall be brought by the town attorney.

C. If any order of the planning director, code enforcement officer, or other designated administrative official, as set forth in subsection A or B of this section, is not complied with, the official may cause such sign to be removed at the expense of the owner or lessee.

D. Signs which the planning director, code enforcement officer, or other designated administrative official finds upon public streets, sidewalks, rights-of-way, or other public property

may be immediately removed by the official without prior notice. For signs that appear to the code administrator to have substantial value (that is, other than poster board types of signs), the sign will be retained for five business days and the code administrator shall make a reasonable attempt to notify the sign owner that the sign has been confiscated and extend an offer for the owner to retrieve the sign within this five-business-day time period. Hazardous signs shall be removed in accordance with the International Building Code. This section does not create any liability by the city for failing to retain the sign for the time specified or for the manner in which the sign is stored, maintained or disposed of, or for failure to notify the owner.

15.115.130 Appeal of planning commission or planning director decision.

An appeal of a planning commission or town planner decision may, by any aggrieved person, be made to the hearing examiner, in writing, within 10 days of the decision and payment of an appeal fee hereby set at one-half the original fee for a sign permit. The decision of the hearing examiner is final. [Ord. 1030 § 1, 2009; Ord. 671 § 7.7, 1995.]

PASSED AND ADOPTED by vote of the La Conner Town Council this ____ day of January, 2023.

Ramon Hayes, Mayor

Maria DeGoede, Finance Director

Approved as to form:

Scott Thomas, Town Attorney

**Ordinance – Adopt Capital Improvement
Program for Parks & Fire**

TOWN OF LA CONNER



ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF LA CONNER, WASHINGTON AMENDING TITLE 13 OF THE TOWN'S UNIFORM DEVELOPMENT CODE

WHEREAS, the Town of La Conner has recognized critical needs related to park and recreation facilities; and

WHEREAS, the Town of La Conner has also recognized critical needs related to the acquisition of capital facilities for fire protection; and

WHEREAS, the Town is anticipating growth that will increase the need for parks and recreation facilities and increased fire protection; and

WHEREAS, the Town does not currently use impact fees as a method for acquiring needed funds for improvements to park or fire facilities; and

WHEREAS, the La Conner Planning Commission reviewed a draft of the proposed impact fees at their meeting on October 18, 2022; and

WHEREAS, the La Conner Planning Commission, after fully, fairly and carefully considering the public input and staff materials relevant to this proposed Impact Fee ordinance, has unanimously recommended to the La Conner Town Council that this proposal be approved; and

WHEREAS, the La Conner Town Council held a public hearing on the proposed Impact Fee Ordinance on October 25, 2022 at which time public comment was taken; and

WHEREAS, the Town Council determines it to be in the public interest that the Town should be able to collect impact fees to meet increasing needs related to new development; and

WHEREAS, the La Conner Town Council determines that this proposed Impact Fee Ordinance is consistent with the Growth Management Act, the Skagit County-Wide Planning Policies, and all other relevant local, county, and state regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LA CONNER:

SECTION 1. The Town Council does hereby adopt the above recitals as set forth fully herein.

SECTION 2. The Town Council amends Chapter 13 of the La Conner Municipal Code by adopting the following Impact Fee Ordinance.

Chapter 13.40 IMPACT FEES

Sections:

- 13.40.010 Findings and authority.
- 13.40.020 Definitions.
- 13.40.030 Assessment of impact fees.
- 13.40.040 Independent fee calculations.
- 13.40.050 Credits and adjustments.
- 13.40.060 Exemptions.
- 13.40.070 Appeals.
- 13.40.080 Establishment of impact fee account for fire protection.
- 13.40.090 Establishment of impact fee account for parks.
- 13.40.100 Refunds.
- 13.40.110 Use of funds.
- 13.40.120 Review and update of impact fees.
- 13.40.130 Miscellaneous provisions.

13.40.010 Findings and Authority

The council of the Town of La Conner (the "council") hereby finds and determines that new growth and development, including but not limited to new residential, commercial, retail, office, and industrial development, in the Town of La Conner will create additional demand and need for fire protection and park facilities in the Town of La Conner, and the council finds that new growth and development should pay a proportionate share of the cost of fire protection and park facilities needed to serve that new growth and development. The Town of La Conner has conducted a study documenting the procedures for measuring the impact of new developments on fire protection and park facilities. This study has contributed to the rates as established in the fee schedule of the Town of La Conner. Therefore, pursuant to Chapter 82.02 RCW, the council adopts this chapter to assess impact fees for fire protection and park facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program.

13.40.020 Definitions

The following words and terms shall have the following meanings for the purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090 or given their usual and customary meaning.

- A. "Act" means the Growth Management Act, Chapter 36.70A RCW, as now in existence or as hereafter amended.
- B. "Building permit," for the purposes of this chapter only, means an official document or certification which is issued by Skagit County and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure. In the case of increased impacts on fire protection facilities caused by a change in use or occupancy of an existing building or structure, and where no building permit is required, the term "building permit" shall specifically include business registrations.
- C. "Capital facilities plan" means the capital facilities plan element of the town's comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.
- D. "Council" means the town council of the Town of La Conner.
- F. "Department" means the department of planning.
- G. "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, that creates additional demand and need for fire protection facilities.
- H. "Director" means the director of the department of planning or the director's designee.
- I. "Dwelling unit" means a building, or portion thereof, designed for residential occupancy consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.
- K. "Encumbered" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for fire protection or park facilities.
- L. "Fee payer" is a person, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity commencing a land development activity which creates the demand for additional fire protection or park facilities, and which requires the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.
- M. "Fire protection facilities" means fire trucks and apparatus, and fire stations, and any furnishings and equipment that are used with fire trucks and apparatus or fire stations, and which can be capitalized.
- N. "Fire protection project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development, or users of the project

and are not fire protection system improvements. No fire protection improvement or facility included in a capital facilities plan approved by the council shall be considered a fire protection project improvement.

O. "Fire protection system improvements" means fire protection facilities that are included in the Town of La Conner's capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to fire protection project improvements.

P. "Hearing examiner" means the examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under Chapter 15.12. Where appropriate, "hearing examiner" also refers to the office of the hearing examiner.

Q. "Impact fee" means a payment of money imposed by the Town of La Conner on development activity pursuant to this chapter as a condition of granting development approval in order to pay for the fire protection or park facilities needed to serve new growth and development.

R. "Impact fee account" or "account" means the accounts established for the fire protection facilities' impact fees collected, and for park impact fees collected. The accounts shall be established pursuant to LCMC 2.09.020(9) and comply with the requirements of RCW 82.02.070.

S. "Independent fee calculation" means the fire protection or park impact calculation prepared by a fee payer to support the assessment of an impact fee other than by the use of the fee schedule.

T. "Interest" means the interest rate earned by local jurisdictions in the State of Washington Local Government Investment Pool, if not otherwise defined.

U. "Low-income housing" means housing provided to families whose annual income is 80% or less than Skagit County's median family income.

V. "Owner" means the owner of record of real property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

W. "State" means the state of Washington.

X. "Town" means the Town of La Conner.

13.40.030 Assessment of Impact Fees

A. Effective February 1, 2023, the town shall collect impact fees, based on the fee schedule of the Town of La Conner, from any applicant seeking development approval from the town for any development activity within the town.

B. Except when fees are deferred, the fire impact fee and/or the park impact fee shall be imposed based on the fee schedule that is in effect at the time the submitted building permit application is determined to be complete and shall be payable prior to issuance of the permit, or

pursuant to an independent fee calculation accepted by the director, and adjusted for any credits. When fees are deferred, the assessment will be based on the fees in effect at the time of payment.

- C. The amount to be paid shall not be increased for any applicant that submitted a complete application for the building permit before the city established the impact fee rates.
- D. Applicants that have been awarded credits prior to the submittal of the complete building permit application shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the director setting forth the dollar amount of the credit awarded. Impact fees, as determined after the application of appropriate credits, shall be collected from the fee payer at the time the building permit is issued.
- E. The town shall not approve the issuance of a building permit by Skagit County unless and until the impact fees have been paid or credit(s) awarded.

13.40.040 Independent Fee Calculations

- A. If, in the judgment of the director, none of the fee categories or fee amounts set forth in the fee schedule accurately describes or captures the impacts of the new development, the applicant shall conduct an independent fee calculation and the director may impose alternative fees on a specific development based on those calculations, once accepted by the town.
- B. Fee payers may opt to not have the impact fees determined according to the fee schedule. Such fee payers shall prepare and submit to the director an independent fee calculation for the development activity for which a building permit is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made.
- C. A non-reimbursable administrative fee shall be charged for each independent fee calculation. The fee shall be deposited with the town to pay for town's review of the independent fee calculation upon submittal of the documented independent fee study.
- D. After the town completes its review, the actual fees and expenses will be determined and the cash deposit shall be adjusted to provide for a refund by the town or additional payment by the fee payer.
- E. While there is a presumption that the calculations set forth in the fee schedule are valid, the director shall consider the documentation submitted by the fee payer, but is not required to accept such documentation which the director reasonably deems to be inaccurate or not reliable, and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. The director is authorized to adjust the impact fees on a case-by-case basis based on the independent fee calculation, the specific characteristics of the development, and/or where adjustment is deemed by the director to be appropriate based on principles of fairness under the circumstances of the case.
- F. Determinations made by the director pursuant to this section may be appealed to the Hearing Examiner subject to the procedures set forth in LCMC 15.12.130.

13.40.050 Credits and Adjustments

- A. A fee payer can request that a credit or credits for fire protection impact fees be awarded to them for fire protection system improvement projects provided by the fee payer in excess of the standard requirements for the fee payer's development if the land, improvements, and/or the facility constructed are identified as fire protection system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at their discretion, makes the finding that such land, improvements, and/or facilities would serve the fire protection goals and objectives of the capital facilities plan.
- B. A fee payer can request that a credit or credits for park impact fees be awarded to them for park system improvement projects provided by the fee payer in excess of the standard requirements for the fee payer's development if the land, improvements, and/or the facility constructed are identified as park system improvements that provide capacity to serve new growth in the capital facilities plan, or the director, at their discretion, makes the finding that such land, improvements, and/or facilities would serve the goals and objectives of the capital facilities plan.
- C. For each request for a credit or credits, the director shall determine the value of dedicated land by using available documentation or selecting an appraiser to determine the value of the land being dedicated. The value of improvements will be determined through documentation submitted by the fee payer.
- D. The fee payer shall pay the cost of the appraisal and shall deposit on account the estimated cost of the appraisal as determined by the city at the time the fee payer requests consideration for a credit.
- E. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating their agreement to the terms of the letter or certificate and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- F. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
- G. Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in LCMC 15.135.
- H. Pursuant to and consistent with the requirements of RCW 82.02.060, the fee rate in the fee schedule has been reasonably adjusted for other revenue sources which are earmarked for, or pro-rata to, funding fire protection or park facilities.
- I. The impact fee paid by developers of low-income housing shall be reduced to not more than 50% of the total of any impact fee assessed, provided that said developer provides written,

permanent guarantees that the property will not be used for any purpose other than low-income housing. The Town Council may, upon written agreement with the applicant, further reduce the required impact fee based on a further reduction in the size and values of the buildings to be constructed.

13.40.050 Exemptions

- A. The following shall be exempted from the payment of fire protection or park impact fees:
1. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within 12 months of the demolition or destruction of the prior structure.
 2. Alterations or expansion or enlargement or remodeling or rehabilitation or conversion of an existing dwelling unit where no additional units are created and the use is not changed.
 3. Alterations of an existing nonresidential structure that does not expand the useable space and that does not involve a change in use.
 4. Miscellaneous improvements, including but not limited to fences, walls, swimming pools, and signs.
 5. Demolition or moving of a structure.
 6. Any building permit application that has been submitted to the department before 4:00 p.m. the business day before the first effective date of the fire protection or park impact fee rate schedule and subsequently determined to be a complete application by the city.
 7. All non-residential development shall be exempt from the requirement to pay a park impact fee.

B. The director shall be authorized to determine whether a particular development activity falls within an exemption identified in this section. Determinations of the director shall be subject to the appeals procedures set forth in LCMC 15.12.130.

13.40.060 Appeals

- A. Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be made by the fee payer of the property where such development activity will occur. No appeal submitted under protest shall be permitted unless and until the impact fees at issue have been paid. Alternatively, any fee payer may appeal the impact fees determined by the director without first paying the fees, providing the applicant is willing to provide a satisfactory security of the appealed fee amount prior to issuance of the building permit. Alternatively, any fee payer may appeal the impact fees determined by the director without first paying the fees, provided the applicant is willing to postpone issuance of the building permit until after the appeal process when the revised final fee is known.

B. Determinations of the director with respect to the applicability of the impact fees to a given development activity, the availability or value of a credit, or the director's decision with respect to the independent fee calculation, or any other determination which the director is authorized to make pursuant to this chapter, can be appealed to the Hearing Examiner.

C. Appeals shall be taken within 10 days of the director's issuance of a written determination by filing with the office of the Hearing Examiner a notice of appeal specifying the grounds thereof and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of administrative decisions. The director shall transmit to the Hearing Examiner all papers constituting the record for the determination, including, where appropriate, the independent fee calculation.

D. The Hearing Examiner shall fix a time for the hearing of the appeal, give notice to the parties in interest, and decide the same as provided in Chapter 15.12.190 LCMC. At the hearing, any party may appear in person or by agent or attorney.

E. The Hearing Examiner is authorized to make findings of fact regarding the applicability of the impact fees to a given development activity, the availability or amount of the credit, or the accuracy or applicability of an independent fee calculation. The decision of the Hearing Examiner shall be final, except as provided in LCMC 15.12.140.

F. The Hearing Examiner may, so long as such action is in conformance with the provisions of this chapter, reverse or affirm, in whole or in part, or may modify the determinations of the director with respect to the amount of the impact fees imposed or the credit awarded upon a determination that it is proper to do so based on principles of fairness, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers which have been granted to the director by this chapter.

G. Any fee payer aggrieved by any decision of the office of the hearing examiner may appeal the examiner's final decision as provided in LCMC 15.12.140.

13.40.070 Establishment of impact fee account for fire protection.

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the town.

B. There is hereby established a separate impact fee account for the fees collected pursuant to this chapter: the fire protection facilities impact fee account. Funds withdrawn from these accounts must be used in accordance with the provisions of LCMC 13.40.100. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected. These funds will be collected from any new development of any type within the town.

C. On an annual basis, the finance director shall provide a report to the council on the fire protection impact fee account showing the source and amount of all moneys collected, earned, or received, and the fire protection system improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within ten years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the delay.

13.40.080 Establishment of impact fee account for parks.

A. Impact fee receipts shall be earmarked specifically and deposited in special interest-bearing accounts. The fees received shall be prudently invested in a manner consistent with the investment policies of the town.

B. There is hereby established a separate impact fee account for the fees collected pursuant to this chapter: the parks impact fee account. Funds withdrawn from these accounts must be used in accordance with the provisions of LCMC 13.40.100. Interest earned on the fees shall be retained in the account and expended for the purposes for which the impact fees were collected. These funds will be collected from any new residential development within the town. For the purposes of this Ordinance, residential uses shall also include short-term residential uses such as hotels, motels, and vacation rental properties.

C. On an annual basis, the finance director shall provide a report to the council on the parks impact fee account showing the source and amount of all moneys collected, earned, or received, and the park acquisitions or improvements that were financed in whole or in part by impact fees.

D. Impact fees shall be expended or encumbered within ten years of receipt, unless the council identifies in written findings an extraordinary and compelling reason or reasons for the delay.

13.40.090 Refunds

A. If the town fails to expend or encumber the impact fees within ten years of when the fees were paid or, where extraordinary or compelling reasons exist, such other time periods as established, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first-in, first-out basis; provided, that any party that voluntarily elects to use the alternative fee payment method specified in LCMC 13.40.040 shall sign as a condition of use of the alternative fee payment method a waiver of right on a form prepared and provided by the town to recovery of impact fees not spent within the statutory six-year timeframe.

B. The town shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. A potential claimant or claimant must be the owner of the property.

C. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the director within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. Any impact fees for which no application for a refund has been made within this one-year period shall be retained by the town and expended on the appropriate fire protection or park facilities.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the town.

F. If and when the town seeks to terminate any or all components of the fire protection or park impact fee programs, all unexpended or unencumbered funds from any terminated component or components, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the town shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of the claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the town, but must be expended for the appropriate fire protection or park facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

G. The town shall also refund to the developer of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur.

13.40.100 Use of Funds

A. Pursuant to this chapter, impact fees:

1. Shall be used for fire protection or park system improvements that will reasonably benefit the new development; and
2. Shall not be imposed to make up for deficiencies in existing fire protection or park facilities serving existing developments; and
3. Shall not be used for maintenance or operations.

B. As a general guideline, fire protection impact fees may be used for any fire protection system improvements which could otherwise be funded by a bond issue of the town. Similarly, park impact fees may be used for the acquisition or improvement of any park or recreation facility which could otherwise be funded by such bond issue.

C. Fire protection facilities impact fees may be spent for fire protection system improvements, including but not limited to fire trucks, boats, apparatus, and fire stations, including planning, land acquisition, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

D. Park impact fees may be spent for park improvements including but not limited to land acquisition, facility improvements, and recreational equipment, including planning, site improvements, necessary off-site improvements including mitigation, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and any other expenses which can be capitalized.

E. Impact fees may be used to recoup system improvement costs previously incurred by the town to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

F. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the new development.

13.40.110 Review and update of impact fees

A. The fee rate schedules set forth in the fee schedule of the Town of La Conner shall be reviewed by the council no later than two years after the effective date of the attached fee rate schedule, and no more than every two years thereafter.

B. The fee schedules set forth in the fee schedule of the Town of La Conner shall be reviewed by the council as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the city's comprehensive plan.

13.40.120 Miscellaneous Provisions

A. *Existing Authority Unimpaired.* Nothing in this chapter shall preclude the town from requiring the fee payer or the proponent of a development activity to mitigate adverse environmental impacts of a specific development pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, based on the environmental documents accompanying the underlying development approval process, and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with the provisions of RCW 82.02.050 (1)(c).

B. *Captions.* The chapter and section captions used in this chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this chapter.

C. *Severability.* If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

SECTION 3. In the event any term or condition of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions, or applications of this ordinance which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this ordinance are declared severable.

SECTION 4. In accordance with RCW 35.63.240, staff shall provide to the county assessor a copy of this ordinance.

PASSED AND ADOPTED by vote of the La Conner Town Council this ____ day of December, 2022.

Ramon Hayes, Mayor

Maria DeGoede, Finance Director

Approved as to form:

Scott Thomas, Town Attorney

**Resolution –
Adopt Impact Fees**

Town of La Conner



RESOLUTION NO. _____

A RESOLUTION ESTABLISHING IMPACT FEES FOR FIRE AND PARKS CAPITAL IMPROVEMENTS

WHEREAS, the Town of La Conner has identified specific capital projects needed to improve its parks and recreation facilities; and

WHEREAS, the Town has also identified specific capital needs for its fire department; and

WHEREAS, the need for these identified improvements can be related, at least in part, to new development within the community; and

WHEREAS, the Town wishes for new development to pay its fair share towards these capital needs; and

WHEREAS, for the purpose of establishing impact fees, the term "Fire protection facilities" means fire apparatus, fire stations, and any furnishings and equipment that are used with fire apparatus or fire stations and which can be capitalized.

NOW THEREFORE BE IT RESOLVED, the Town Council of the Town of La Conner consents and approves of the establishment of the impact fee program, as follows:

Cost per Dwelling Unit	PARKS	FIRE
-- Single family dwelling	\$1,200.00	\$1,822.92
-- Accessory Dwelling Unit	\$1,200.00	\$1,822.92
-- Multi-family Dwelling Unit	\$1,200.00	\$1,822.92
-- Short-Term Dwelling Unit	\$800.00	\$1,367.19
-- Hotel or Motel Room	\$800.00	\$1,367.19
-- Low-Income Dwelling Unit	\$600.00	\$911.46
Cost per Square Foot	PARKS	FIRE
-- Commercial Use 1 (single story)	\$0.00	\$0.00
-- Commercial Use 2 (multi-story)	\$0.00	\$0.00
-- Commercial Use 3 (waterfront)	\$0.00	\$0.00
-- Industrial Use	\$0.00	\$0.00

Approved by vote of the La Conner Town Council this _____ day of January, 2023.

TOWN OF LA CONNER, WASHINGTON

Ramon Hayes, Mayor

Approved as to form:

Scott Thomas, Town Attorney

ATTEST:

Maria DeGoede, Finance Director

New Business

- 1) Ordinance – 2023 Utility Rate Ordinance 1220
Scrivener Error**
- 2) Resolution – Maple Hall Policy – Extended Time for
Fireman’s Ball**
- 3) Waterfront Survey Agreement – David Evans &
Associates**

Ordinance –
2023 Utility Rate Ordinance 1220 Scrivener Error

Town of La Conner



Ordinance No.

AN ORDINANCE CORRECTING SCRIVENER ERRORS IN ORDINANCE 1220 2023 Utility Rates

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LA CONNER,
WASHINGTON AS FOLLOWS:**

WHEREAS, the Town Council adopted Ordinance 1220 on December 13, 2022, adopting the 2023 Utility Rates;

WHEREAS, the description of rates contain a scrivener or typographical error.

NOW THEREFORE BE IT RESOLVED, the Town Council of the Town of La Conner consents and approves that Ordinance No. 1220 to be corrected to read as follows:

BE IT FURTHER RESOLVED, by the Town Council of the Town of La Conner that the above-referenced corrections are effective nunc pro tunc to December 13, 2022.

Section 1. Section 12.10.060 of the La Conner Municipal Code is hereby amended, the revised section to read as follows:

12.10.060 Sewer rates.

Sewer charges shall consist of a fixed monthly base rate plus a volume charge for all customers per subsection (6) of this section.

- (1) A base rate per month shall apply for all customers, except for qualified senior citizens.
- (2) An additional monthly volume charge shall be applied for each customer class based on the amount of water used or the amount of wastewater flow through a metering manhole.
- (3) The volume charge for each customer class shall be:
 - (a) Residential – A charge for each 100 cubic feet of water;
 - (b) Average strength commercial or industrial – A charge for each 100 cubic feet of water used;
 - (c) Above-average strength commercial or industrial – A charge for each 100 cubic feet of water used. Customers identified by the town as having above-average strength may elect, at their option and expense, to have installed a metering manhole and to be charged under that customer category;
 - (d) Swinomish Tribal Community – A charge consistent with the contract for wastewater treatment and disposal between the town of La Conner and the Swinomish Indian Tribal Community, dated December 1997, shall be assessed. Such rates shall be established following a recorded vote of the town council in January of each year;

(e) Industrial or other customers who have installed metering manholes – A charge per 100 cubic feet of wastewater flow, plus a per month vault maintenance fee, plus a sampling and analysis charge per sample required at the discretion of the plant operator, or requested by the customer, plus any applicable strength surcharge as defined in subsection (4) of this section;

(f) Qualified senior citizens – Annually on or before April 1st, and upon presentation of the Skagit County assessor's form so stating, senior citizens who participate in the property tax exemption program will not be charged the base charge set forth in subsection (1) of this section;

(g) Septic and septage haulers – A charge for each gallon of septic and/or septage delivered to the treatment plant, except that low strength "gray water" delivered from the Washington State Ferry System may be charged a different rate to be negotiated and set by contract.

(h) Dewatered and dried biosolids deliverers – A charge per dry ton shall be charged for dewatered and dried biosolids delivered to and accepted by the sewer treatment plant.

(4) A strength surcharge shall be applied for all customers. The surcharge shall be based on the average concentration of sewage, as measured in milligrams per liter (mg/l) of biological or biochemical oxygen demand (BOD) over a one-month period. The plant operator shall determine appropriate sampling and analysis methods to ascertain the concentration. A strength surcharge shall apply for each 100 cubic feet of sewage flow for each 100 mg/l of BOD by which the average concentration exceeds 300 mg/l.

(5) A capacity surcharge shall be applied for all in-town customers who have not made a capital contribution to the sewer system, either through participation in ULID #1 or by paying a general facilities charge to the town of La Conner for sewer service. A capacity surcharge shall apply for each 100 cubic feet of water used. Customers subject to the capacity surcharge may elect, at their option, to pay the prevailing general facilities charge appropriate for their level of sewer service, at which time the customer would no longer be subject to the capacity surcharge.

(6) The following rates shall be applied:

Ref.	Description	Rate	Effective
(1)	Base Rate per Month	\$29.08	1/1/2023
(2)(a)	Residential Volume Charge per CCF	\$0.0792	1/1/2023
(2)(b)	Average Strength Commercial or Industrial per CCF	\$0.0792	1/1/2023
(2)(c)	Above-Average Strength Commercial or Industrial per CCF	\$0.1053	1/1/2023
(2)(d)	Industrial/Other Customers with Metering Manholes per CCF	\$0.1053	1/1/2023
(2)(e)	Vault Maintenance per Month	\$250.00	1/1/2023
(2)(f)	Sampling and Analysis per Sample	\$75.00	1/1/2023
(2)(g)	Septic and Septage Haulers per Gallon for Materials with 10% or Less Solids	\$0.11	1/1/2023
(2)(h)(i)	Biosolids Materials per Ton Received with Greater Than 10% but 90% or Less Solids	\$35.00	1/1/2023
(2)(h)(ii)	Biosolids Materials per Ton with 91% or Greater Solids	\$150.00	1/1/2023

Ref.	Description	Rate	Effective
(3)	Strength Surcharge per CCF	\$0.81	1/1/2023
(4)	Capacity Surcharge per CCF	\$1.72	1/1/2023

Section 2. Section 12.15.030 of the La Conner Municipal Code is hereby amended, the revised section to read as follows:

12.15.030 Monthly rates and service charges.

All rates and charges for furnishing water service shall be made on a monthly basis. The total monthly charge shall consist of a meter charge plus a volume charge.

(1) Minimum Monthly Meter Charges. The monthly charge for the three-quarter-inch meter size shall be the "base" charge. Charges for meters larger than three-quarter-inch shall be multiples of the "base" charge, as follows:

Meter Size	Monthly Base Charge	Volume of Water Consumption Exempt from Volume Charge CF	Effective
3/4" or smaller (base)	\$43.80	0	1/1/2023
1"	2 x base	0	1/1/2023
1-1/2"	3 x base	0	1/1/2023
2"	5 x base	0	1/1/2023
3"	12 x base	0	1/1/2023
4"	25 x base	0	4/1/2023
6"	By negotiation	0	4/1/2023

(2) Volume Charge.

Water Volume Rate Schedule

Description	Rate	Effective
Volume Charge per CF	\$0.0620	1/1/2023

(3) Charges for shut-off and turn-on services for existing meters to be \$75.00 for all services.

(4) Water Service New Installation Charges. These charges are for the materials, labor and equipment to set a new meter and do not include the applicable general facilities charge set forth in LCMC 12.15.140.

Additional charges may apply (actual cost) for road crossings, other utility conflicts, asphalt or concrete work – $\frac{3}{4}$ ", 1", 1 $\frac{1}{2}$ " and 2" meter installations.

Service Size	Charge
3/4"	\$3,360.00
1"	\$3,590.00
1-1/2"	\$6,855.00
2"	\$7,010.00
Larger than 2"	Actual cost for materials, labor, and equipment plus a 15 percent administrative charge.

(5) Wholesale Water Charges. Sale of water to another water system shall be charged per the terms of the applicable agreement as approved by the town council.

Section 3. Section 12.40.080 of the La Conner Municipal Code is hereby amended, the revised section to read as follows:

12.40.080 Biosolids/septage – Acceptance and billing.

Biosolids and/or septage may be accepted at the discretion of the compost facility operator.

ADOPTED BY VOTE of the La Conner Town Council this 24th day of January 2023.

Ramon Hayes, Mayor

Attest:

Finance Director

Approved as to form:

Town Attorney

Maria DeGoede, Town Clerk

**Resolution – Maple Hall Policy –
Extended Time for Fireman's Ball**

Town of La Conner



RESOLUTION NO.

A RESOLUTION ADOPTING Maple Hall Event Policies & Procedures

MAPLE HALL EVENT POLICIES & PROCEDURES

Welcome to Maple Hall and the Town of La Conner!

To deliver the kind of successful event you and your attendees expect, a smooth, well-coordinated relationship between our staff and your event team is needed. In helping establish just this kind of relationship, we prepared this guide. You may be a seasoned event veteran, having already worked with us; you may be planning your first event at our facility, or this might even be the first time you have ever worked with a facility anywhere.

We hope you find these planning tips helpful. If you have questions about any of the information, please contact your Town at your convenience.

RENTAL FACILITIES

First Floor Auditorium

The Auditorium includes use of a stage and kitchen. The kitchen is equipped with a stove, oven, microwave, a commercial size refrigerator and Freezer. The stage is 24 x 24 and is equipped with stage lighting.

Entire First Floor

The entire first floor includes the Auditorium and kitchen, front entry hall, and the Lower Center Conference Room.

Entire Facility

Rental of the entire facility includes use of the Auditorium, both conference rooms, kitchen and entry area.

Upper Center Conference Room

The Upper Center Conference Room is a second floor conference room that includes sweeping views of the Swinomish Channel.

Lower Center Conference Room

The Lower Center Conference Room has access to an exterior patio adjacent to the conference room, and easy access to nearby restroom facilities.

RENTAL RATES

First Floor (Friday, Saturday, or Sunday)	\$750/day
First Floor (Monday – Thursday)	\$250/day
Entire facility (Friday, Saturday, or Sunday)	\$1,000/day
Entire Facility (Monday – Thursday)	\$350/day
Upper or Lower Conference Room	\$25/day

Nonprofit corporations are extended a 35% discount off the base rental rates. Such groups are asked to provide their nonprofit designation letter from the IRS at the time of reserving the facility. Rental fees for a conference room may be reduced to no less than \$10/day upon the mayor or the mayor's designee's determination that the room usage will primarily benefit the Town of La Conner, only for events to be managed by a nonprofit or a community organization (including governmental entities) that is based in La Conner.

TIMELINE FOR EVENT PLANNING

1. A deposit in the amount set forth below, and a rental agreement must be received at the time the facility is reserved.
2. **Sixty (60) days prior** to the event, the Town should be provided with information for room(s) to be utilized and the event schedule. If alcohol will be served during the event, the guest must decide on the type of bar, full or beer and wine only, and the payment type (hosted or cash). An additional \$500.00 alcohol deposit must be received at this time.
3. **Sixty (60) days prior** to the event the Town must receive a Certificate of Insurance in accordance with the rental agreement.

All pre-event visits to Maple Hall must be scheduled in advance with the Town, to take place during **business hours M-F 9am-3:30pm**.

RESERVATIONS AND DEPOSIT

The entire Maple Hall facility and the entire first floor may be reserved up to 24 months in advance upon submittal of a deposit in the amount of \$500. The deposit is non-refundable if the event is cancelled within 12 months of the event. Fifty percent of the deposit is non-refundable if the date of the event is changed. The deposit will be applied against the rental fee and costs.

Reservations made less than 60 days in advance of the event require the full rental amount in advance.

Reservations for conference rooms may be made no sooner than 30 days in advance of the event. The event fee must be paid in advance at the time the event is scheduled, and is nonrefundable

EVENT INSURANCE

Events taking place in the Auditorium, or entire Maple Hall facility require event insurance. Rentals of the conference room (s) do not require event insurance. Event insurance must take the following form:

General Liability insurance in the minimum amount of \$1,000,000 per occurrence for events scheduled at the Maple Hall. The General Liability Insurance must name the Town of La Conner as an additional insured using ISO form CG 20 11 or coverage at least as broad. If alcohol will be available for consumption, Applicant/Organization shall procure and maintain for the duration of the agreement Liquor Liability insurance in the amount of \$1,000,000 each occurrence. The Town of La Conner is to be named as an additional insured on Liquor Liability insurance. Host liquor liability coverage may be substituted when alcohol is consumed and not sold on premises with the prior written approval of the Town of La Conner.

Insurance may be available through the Tenant User Liability Insurance Program (TULIP), accessed by link from the Washington Cities Insurance Authority (WCIA) website

CATERING

For groups larger than 50 all food and beverage service must be provided by a caterers. An exception is made for dessert only functions. All caterers must have a current health certificate, business license, commercial general liability insurance and liquor liability insurance (if serving alcohol). All wait staff must have a current food handling permit from the health department.

The Town of La Conner adheres to state and local health guidelines which dictate that food items may not be taken off the premises. Accordingly, all food and beverage prepared and provided by food service providers must be consumed during the specific event and may not be taken off property.

ALCOHOLIC BEVERAGES

The Washington State Liquor Control Board (WSLCB) regulates alcoholic beverages and service. The guest or caterer is responsible for securing appropriate permits. All alcoholic beverages must be served by a server holding a MAST permit from the WSLCB. Alcohol service for all events must end no later than 10:00 p.m., except that alcohol service for New Year's Eve events must terminate no later than 12:30 a.m. Failure to end alcohol service as set forth above shall result in forfeiture of the alcohol deposit.

No outside alcohol is permitted inside the building. Maple Hall staff may stop an event if outside alcohol is confiscated.

The Guest expressly assumes legal responsibility for any person's consumption of alcohol, inclusive of all potential consequences thereof.

SMOKING/VAPING/CANNABIS

Smoking, vaping, and use of cannabis is not allowed in Maple Hall, or within 25 feet of the entrance.

AUDIO VISUAL EQUIPMENT

The Auditorium is connected to the built-in sound system and includes one (1) complimentary wired microphone with an event. This will require a separate Audio Visual Agreement before checkout. Additional audio visual equipment can be rented at charges listed in the Audio Visual Agreement.

All cords must be secured with gaffer's tape.

BANNERS AND OTHER SIGNAGE

Banners may not be affixed to the facility or suspended to any surfaces in Maple Hall without prior review and approval. Hanging banners inside the facility is prohibited.

DECORATIONS

The following decor items are permitted:

- Latex (not helium inflated) balloons are allowed.
- Bridal bubbles can only be used outside only.
- Low-voltage electric candles.
- Centerpiece Materials: including flowers, feathers, picture frames, chargers, bottles, etc.
- Specialty Linen

The following décor items are prohibited:

- Helium-filled balloons
- Foggers
- Fire/candles or open flame. Battery operated candles are allowed.
- Glitter, Confetti, rice, birdseed, flower petals
- Pop-up Tents/Free standing structures with ceilings
- Dirt
- Hay
- Chalk

Decorations may not be taped or tacked to walls, windows, or woodwork.

All decorating must occur during the contracted event time, including delivery and removal.

RENTAL AGREEMENT

Rental Agreement applicant(s) must be at least 21 years of age.

Guests (User/Lessee) assumes full responsibility for their party and guests in case of damages, theft or disturbances during the event.

MUSIC/LIVE BANDS

All music must not exceed a maximum volume of 98db within the room. Amplified music volumes must be approved in advance by the Town.

All amplified sound must be turned off by 10:00 PM, unless explicitly waived by the Town Council, and except that amplified sound for New Years Eve events must be turned off by 12:30 a.m.

DRONES and UNMANNED AIRCRAFT

Unmanned aircraft systems ("UAS"), unmanned aircraft ("UA"), remotely operated aircraft ("ROA"), unmanned aerial vehicles ("UAVs"), and other similar devices, including Radio-Operated Blimps, are not permitted inside Maple Hall.

EVENT SIGNAGE/USE OF TOWN LOGO

The event may be listed on signage on the bulletin outside, and at the front door.

Use of the Town's logo in promotional materials must first be approved by the Town.

SPECIAL EQUIPMENT

The following equipment is provided at no charge:

- Round banquet tables
- Retractable screen
- Lectern with wireless mic.
- Free wireless Internet access
- Chairs

The following equipment is provided at an additional charge:

- Video projection system - \$
- Audio equipment – \$

User and/or Caterer is responsible for erecting and tear down of Tables & Chairs.

Guests must supply their own ancillary equipment (extension cords, power strips, carts, flipchart easels, pens, etc.)

BUILDING DAMAGE

Any event-related damage to the building or its facilities beyond normal wear and tear is the responsibility of the guest. This includes damage caused by attendees and vendors. When appropriate, the Town will visually inspect the facilities before and after the event with the guest. If damage has occurred related to the activities of the event, the cost of repair will be added to the final invoice or billed separately upon completion of the repair.

DOOR LOCKS

Keys for leased areas can be issued at no charge upon request on the effective date of the license agreement and must be returned after the event. A \$150 charge for each key not returned by the expiration of the license agreement will be added to the final invoice. Keys must be picked up during office hours of 9am to 3:30 pm; if the event is on Saturday or Sunday, the keys must be picked up by 3:30 p.m. Friday.

HOUSEKEEPING/CLEANLINESS

Guests are responsible for cleaning up all event materials and décor, including sweeping areas used. Additional housekeeping costs may be incurred for extraordinary cleaning requirements. In the event the facility is not cleaned after the event, additional cleaning costs will be taken from the deposit.

INTERNET CONNECTIONS

Maple Hall offers complimentary WiFi throughout the building. If a presentation requires the internet for its success, we suggest securing a hardline to the presentation laptop.

LOADING/UNLOADING/STORAGE

Maple Hall has no facilities for the storage of large crates or materials. During the event, empty cases and crates must either be stored offsite or kept inside contracted spaces.

Load in/ out can only take place within the guest's contracted time. When working with the Town please be specific about your load in/out timing on the event schedule. Charge another day fee if not out by midnight or in before the paid time.

The passenger elevator should not be used for loading/unloading materials.

MOVE OUT TIMES

Guests must vacate Maple Hall by the end time listed on License Agreement (no later 12:00 a.m., 2:00 a.m. for New Years Eve events.) Failing to do so may incur additional charges. All equipment (staging, décor, meeting materials, etc.) must be removed immediately after the event concludes.

PARKING

All parking is located on an open-air surface lot without height restrictions. Parking is on a first-come, first-served basis and spaces cannot be guaranteed. Additional overflow parking is located nearby and maybe available for the event. (just for knowledge, they can't park by Calico Cupboard and the graveled area is a road so they can't block that. Encourage everyone to park at the Town lot below and we provide them with event passes for free parking)

The parking areas are not patrolled by security personnel; guests are advised not to leave valuables unattended in their vehicles.

For guests with mobility issues, Maple Hall can provide limited onsite parking spaces for those with an ADA placard. We only have one handicap space behind the kitchen, up to the event to reserve the front door area.

Mayor Ramon Hayes

Attest:

Maria De Goede, Finance Director

Approved as to form:

Scott Thomas, Town Attorney

**Waterfront Survey Agreement –
David Evans & Associates**



January 11, 2023

Brian Lease – Director of Public Works
Town of La Conner
Shop
La Conner, WA 98274, WA

via email: publicworks@townoflaconner.org

SUBJECT: Flood Investigation Survey

Dear Brian,

Thank you for asking David Evans and Associates, Inc. (DEA) to prepare this proposal for topographical survey. We are pleased to present the following scope of work and fee estimate for your review and approval.

Project Understanding:

We understand that the Town of La Conner experienced local flooding during the recent combination of king tides and low barometric pressure. The Town wishes to capitalize on past survey information and combine that data with new targeted information to identify the locations and extent of potential future floods from the Swinomish Channel. This project will be focused along the Swinomish Channel bank along the western edge of town.

Project Team:

- « Project Manager — Evan Henke, PE
- « Project Surveyor — John Christensen, PLS
- QA/QC — Mary Dahl, PE

Scope of Work

TASK 001 – OFFICE CAD SURVEY

This task includes:

- Preparation of an exhibit showing existing survey data, with Nav88 spot elevations, for Town of La Conner per CHS Engineers CAD data for Town of La Conner and Swinomish Channel boundary. (Yellow highlighted area in Exhibit A -Survey Area)



Assumptions:

- Subject property is identified per "Exhibit A – Survey Area".

Deliverable:

- 22x34 full size PDF sheets, delivered electronically, showing collated data.

FEE: Time and Expense

- (Not to Exceed = \$3,000)

TASK 002 – TOPOGRAPHIC SURVEY

This task includes:

- Fill in 1st street ROW data gaps remaining from Task 1, with focus on identifying potential flood routes.
- Locate spot elevations of points marked on PDF by client (est 80 points).
- Locate elevations of topo of bank along the Swinomish Channel (see blue area in Exhibit A – Survey Area).
- Locate elevations along boardwalk at angle points along the Swinomish Channel.
- Locate finish floor elevations of buildings along 1st Street and Swinomish Channel (entry door sill or other public line of sight, no private entry).
- Preparation of a drawing at an appropriate scale showing the location information noted above together with spot elevations.

Deliverable:

- 22x34 full size PDF sheets, delivered electronically, showing collected data.

Assumptions:

- Subject property is identified per "Exhibit A – Survey Area".
- Vertical Datum for this map will be NAVD 88 Datum.

FEE: Time and Expense

- (Not to Exceed = \$14,000)



TASK 003 – OPTIONAL TOPOGRAPHIC SURVEY (Berm)

This task includes:

- Locate elevations of topo of existing berm from Moore Street to Sherman St (see red line in Exhibit A – Survey Area).
- Preparation of a drawing at an appropriate scale showing the location information noted above together with spot elevations.

Assumptions:

- Subject property is identified per “Exhibit A – Survey Area”.
- Vertical Datum for this map will be NAVD 88 Datum.

FEE: Time and Expense

- (Not to Exceed = \$3,500)

Deliverable:

- 22x34 full size PDF sheets, delivered electronically, showing collated data.

GENERAL NOTES AND ASSUMPTIONS FOR ALL TASKS

1. All work will be done under the terms and conditions of the ongoing Engineering Services agreement on file.
2. Client may authorize additional services by email or signed field authorization ticket.



If this proposal is acceptable to the Town, please sign and return the attached form to authorize the work.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Evan Henke, PE
Sr. Project Manager

Copies: file

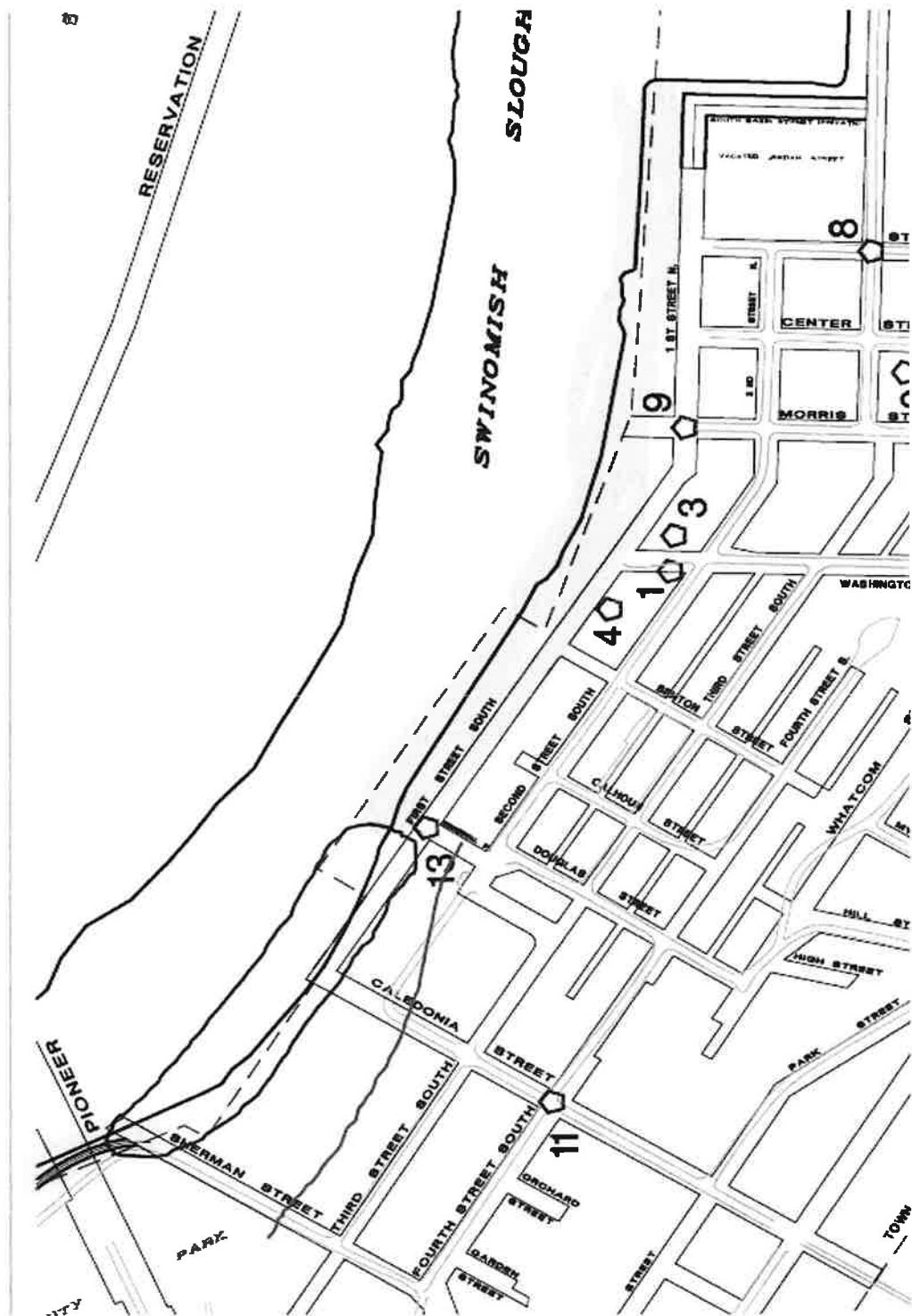
Attachments/Enclosures: Exhibit, Authorization

Project Number: TOLC0000-xxxx

File Path: P:\T\TOLC00002000\0600INFO\Dec 2022 High Tide\2023 Flood Inv Proposal.docx



Exhibit A – Survey Area





Town of La Conner – 2023 Flood Investigation

Return this page to accept the scope of work and fee estimate.

Project: Engineering Fee:
2023 Flood Investigation (Survey)

Please check the authorized Tasks

- Task 1 & Task 2 Fee \$17,000 (Not To Exceed)
- Task 3 (Optional) Fee \$ 3,500 (Not To Exceed)

This work will be performed under the terms and conditions of the General Engineering Services contract, dated 3/26/96, and the Consent to Assignments, dated 8/11/04 and 6/11/20, all on file.

Proposal accepted by the Town of La Conner:

Signature

Position

Date