



TOWN COUNCIL AGENDA

May 23, 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:

V. CONSENT AGENDA

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

1. Approval of the Minutes: Council Meeting May 9, 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. PUBLIC HEARING – Moratorium (Adult Businesses)
4. Tiny Home Development – Ellis
5. Fish Slide - Discussion

VIII. NEW BUSINESS

IX. MAYOR ROUNDTABL

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://phaudowud-online.zoom.us/j/85054715144?pwd=QkErbkJaUkNBNXpJa3IkT0o0bG9yQT09>

Meeting ID: 850 5471 5144

Passcode: 723194

One tap mobile

Phone Number: 1-253-215-8782

Meeting ID: 850 5471 5144

Passcode: 723194

Find your local number: <https://us02web.zoom.us/u/kdzUmlTtO0>

Consent Agenda

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

Town of La Conner

Town Council Meeting

May 9, 2023 – 6:00 p.m.

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

Present: Councilmembers Taylor, 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 Department.

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

Councilmember Chamberlain moved to excuse Councilmember Carlson. Motion seconded by Councilmember Dole. Motion carried 4/0.

Councilmember Carlson joined the meeting remotely by Zoom (non-participation)

Public Comments:

Resident Linda Talman stated the Council Packet was on the website, but was gone today. Finance Director DeGoede will look into it.

Consent Agenda:

Approval of Agenda

Approval of the Minutes of the April 25, 2023 Council Meeting.

Accounts Payable:

Electronic Payments:	Checks 26012 - 26053	\$123,764.98
	#2018109 – US Bank Fees	\$655.38
	#2018110 – Invoice Cloud Fees	\$154.60
	Total	\$124,574.96

Payroll of May 5, 2023	Checks	5714 - 5720	\$3,438.01
Electronic Payments:	#2018104	AWC Benefit Trust	\$14,004.22
	#2018105	Deferred Comp	\$2,241.00
	#2018106	PERS Retirement	\$10,325.29
	#2018107	Teamsters Benefit	\$6,972.80
	#2018108	Payroll Taxes	\$7,686.61
		<u>Payroll Auto Deposit</u>	<u>\$23,533.93</u>
		Total Payroll	\$68,201.86

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

Revenue and Expenditure Reports:

Mayor Hayes noted there is only about \$2,000 difference less than last year for the Sales Taxes, but Hotel Motel has slightly increased. However, costs are rising and affecting our budgeted projects as well as labor. An example is the security cameras increased \$4,000 since last quoted during our budgeting. Public Works Director Lease explained new energy codes on commercial buildings required Mechanical Engineering Designs for the HVAC's planned for Maple Hall and the Fire Department. This alone will increase each project by \$5,000, which does not include structural or electrical costs.

Mayor's Report:

Mayor Hayes asked Planner Davolio for an update on the adult businesses in Town. Planner Davolio explained there are two industrial locations that will be available to these businesses. One is at the North end of Town at the

Port and the second one on the South end of Town. The Planning Commission is currently working out the regulations for such businesses. The Town has to provide allowable spots for the businesses to avoid lawsuits.

Mayor Hayes also requested Administrator Thomas and Public Works Director Lease to explain the ADA parking issues at Maple Hall. The front of Maple Hall does not meet construction height requirements for implementing ADA parking, however, we don't meet the required number of spaces either. The main issue is access for the Senior Center. If the Seniors can't park close with easy access, they go back home.

Department Head Reports:

Sheriff's Department:

Sgt. Montgomery announced his retirement and introduced Sgt. Holmes as his replacement beginning in June.

Council Committee Reports:

WAB Meeting: Councilmember Taylor reported the discussions included the 30-year Swinomish Tribe development plan and the increases expected in Town. Also, the Tribe is looking at a possible sewer line extended to Thousand Trails.

Emergency Management Commission: Councilmember Dole noted they had their first meeting and discussions included long and short-term plans.

Communication Committee: Councilmember Chamberlain reminded everyone on May 20th, the Communication Committee will be at the Library from 11am to 2pm for the public input.

Parks Commission: Councilmember Wohleb explained they will not continue pursuing grants for Maple Park due to low ranking, and citizens have indicated they want to keep it open space. Also, to meet the DNR requirements of our lease, the Commission is working on a kayak launch at the Jordan Street Park.

Resolution 622 - Appointment of Hallie Walls to the Art's Commission:

Mayor Hayes read the Resolution appointing Hallie Walls for the student positon on the Art's Commission, commencing June 2, 2023.

Councilmember Taylor moved to approve Hallie Walls appointment to the Arts Commission. Motion seconded by Councilmember Wohleb. Motion carried 4/0.

Mayor Roundtable:

Administrator Thomas requested available dates from Councilmembers for the upcoming retreat.

There being no further business the meeting ended at 6:38 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 May 23, 2023 have been received and that;

Checks Numbered:	26054 - 26095	\$228,578.70
Auto Payments:	2018112 – Excise Tax	\$7,341.76

Are approved for a total payment of \$235,920.46 this 23rd day of May 2023.

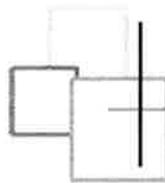


Finance Director

Councilmember – Finance Committee

Councilmember – Finance Committee

Councilmember



Voucher Directory

Fiscal: : 2023 - May

Council Date: : 2023 - May - 2nd Council Meeting

Vendor	Number	Reference	Account Number	Description	Amount
Alpine Products Inc.	26054			2023 - May - 2nd Council Meeting	
		Invoice - TM-216150			
		8' Bump & Hot Tape			
		005-000-542-64-48-04		Signage Repair & Maintenance	\$1,626.01
		Total Invoice - TM-216150			\$1,626.01
	Total 26054				\$1,626.01
Total Alpine Products Inc.					\$1,626.01
Andrea's House Cleaning Services	26055			2023 - May - 2nd Council Meeting	
		Invoice - 2023			
		Town Hall/Sheriff Cleaning			
		001-000-518-30-48-01		Building Repair & Maintenance	\$350.00
		Total Invoice - 2023			\$350.00
	Total 26055				\$350.00
Total Andrea's House Cleaning Services					\$350.00
Astound Business Solutions	26056			2023 - May - 2nd Council Meeting	
		Invoice - AstoundMay2023			
		Internet & Phones			
		001-000-518-30-42-00		Communications	\$347.48
		Town Hall			
		001-000-522-20-42-00		Communications	\$152.70
		Fire Dept.			
		003-000-575-50-42-01		Communications-MH/MC	\$227.94
		MH/MC			
		401-000-534-80-42-00		Communications	\$324.61
		PW 604 N. Third			
		409-000-535-80-42-00		Communications	\$182.57
		WWTP			
		409-000-535-80-42-00		Communications	\$20.63
		WWTP Marina Lift Station			
		Total Invoice - AstoundMay2023			\$1,255.93
	Total 26056				\$1,255.93
Total Astound Business Solutions					\$1,255.93

Vendor	Number	Reference	Account Number	Description	Amount
Badger Meter, Inc.					
	26057			2023 - May - 2nd Council Meeting	
		Invoice - 80124780			
			Meter Reading Hosting		
			401-000-534-80-41-00	Professional Services	\$48.48
				Hosting Serv Unit	
			Total Invoice - 80124780		\$48.48
	Total 26057				\$48.48
Total Badger Meter, Inc.					\$48.48
Byrn, Roger					
	26058			2023 - May - 2nd Council Meeting	
		Invoice - 992015			
			Fire Hall Cleaning		
			001-000-522-20-48-01	Building Repair & Maintenance	\$250.00
			Total Invoice - 992015		\$250.00
	Total 26058				\$250.00
Total Byrn, Roger					\$250.00
Cascade Natural Gas Corp					
	26059			2023 - May - 2nd Council Meeting	
		Invoice - CascadeNatGasMay2023			
			Utility - Gas		
			001-000-518-30-47-00	Public Utility Services	\$274.99
			204 Douglas-Town Hall		
			001-000-522-20-47-00	Public Utility Services	\$131.19
			12142 Chilberg-Fire Hall		
			003-000-575-50-47-01	Public Utility Services-MH/MC	\$344.28
			108 Commercial-MH/MC		
			003-000-575-50-47-02	Public Utility Services-GC	\$121.74
			622 S 2nd Street-GC		
			401-000-534-80-47-00	Public Utility Services	\$123.07
			604 N 3rd Street - PW		
			409-000-535-80-47-00	Public Utility Services	\$978.59
			12154 B Chilberg - Sewer		
			409-000-535-80-47-00	Public Utility Services	\$253.15
			12154 Chilberg - WWTP		
			Total Invoice - CascadeNatGasMay2023		\$2,227.01
	Total 26059				\$2,227.01
Total Cascade Natural Gas Corp					\$2,227.01

Vendor	Number	Reference	Account Number	Description	Amount
City of Anacortes					
	26060			2023 - May - 2nd Council Meeting	
		Invoice - CityofAnacortesApr2023			
			April 2023 Water Charges		
			401-000-534-80-33-00	Purchase of Wholesale Water	\$36,274.00
			Water sales		
		Total Invoice - CityofAnacortesApr2023			\$36,274.00
	Total 26060				\$36,274.00
Total City of Anacortes					\$36,274.00
Edge Analytical					
	26061			2023 - May - 2nd Council Meeting	
		Invoice - 23-10062			
			Compost Testing		
			412-000-554-90-48-05	Compost Testing/Materials	\$185.00
			Compost Testing Biosolids		
		Total Invoice - 23-10062			\$185.00
		Invoice - 23-10299			
			Effluent/Biosolids Testing		
			409-000-535-80-48-05	Materials/Testing	\$648.00
			Sewer Testing		
		Total Invoice - 23-10299			\$648.00
		Invoice - 23-11806			
			Effluent Testing		
			409-000-535-80-48-05	Materials/Testing	\$46.50
			Sewer Testing		
		Total Invoice - 23-11806			\$46.50
		Invoice - 23-12256			
			Heterotrophic Plate Count		
			401-000-534-80-41-00	Professional Services	\$58.00
			Water Testing Samples		
		Total Invoice - 23-12256			\$58.00
		Invoice - 23-12427			
			Coliform Testing		
			401-000-534-80-41-00	Professional Services	\$24.00
			Water Testing Samples		
		Total Invoice - 23-12427			\$24.00
		Invoice - 23-12541			
			Compost Testing		
			412-000-554-90-48-05	Compost Testing/Materials	\$441.00
			Compost Testing Biosolids		
		Total Invoice - 23-12541			\$441.00
		Invoice - 23-13207			
			Coliform Testing		
			401-000-534-80-41-00	Professional Services	\$24.00

Vendor	Number	Reference	Account Number	Description	Amount
				Water Testing Samples	
		Total Invoice - 23-13207			\$24.00
	Total 26061				\$1,426.50
Total Edge Analytical					\$1,426.50
Eva Hernandez	26062			2023 - May - 2nd Council Meeting	
		Invoice - HernandezPPDepRef5/13/23			
		Hernandez Pioneer Park Dep Ref 5/13/23			
		002-000-582-10-00-00		Park Deposit Refund	\$200.00
		Total Invoice - HernandezPPDepRef5/13/23			\$200.00
	Total 26062				\$200.00
Total Eva Hernandez					\$200.00
Fastenal Company	26063			2023 - May - 2nd Council Meeting	
		Invoice - WAANA148730			
		Couplings, Pipe End & Bush SPXFT			
		412-000-554-90-48-06		Compost Machinery/Equip	\$50.18
		Total Invoice - WAANA148730			\$50.18
		Invoice - WAANA148864			
		Air Hose for the Compost Diffusers			
		412-000-554-90-48-05		Compost Testing/Materials	\$1,308.14
		Total Invoice - WAANA148864			\$1,308.14
	Total 26063				\$1,358.32
Total Fastenal Company					\$1,358.32
Frontline Cleaning Services	26064			2023 - May - 2nd Council Meeting	
		Invoice - 34297			
		Public Restroom Cleaning			
		003-000-575-50-48-05		Public Restrooms - Repair & Maint.	\$2,520.00
		Total Invoice - 34297			\$2,520.00
	Total 26064				\$2,520.00
Total Frontline Cleaning Services					\$2,520.00

Vendor	Number	Reference	Account Number	Description	Amount
G C Systems	26065			2023 - May - 2nd Council Meeting	
		Invoice - GC-5815			
		Control Valves Replacement			
		401-000-534-80-48-00		Repair & Maintenance	\$16,867.75
		Total Invoice - GC-5815			\$16,867.75
		Invoice - GC-5842			
		Altitude Valve Replacement			
		401-000-534-80-48-00		Repair & Maintenance	\$3,436.10
		Total Invoice - GC-5842			\$3,436.10
	Total 26065				\$20,303.85
Total G C Systems					\$20,303.85
Grainger	26066			2023 - May - 2nd Council Meeting	
		Invoice - 9652507295			
		Cold Patch			
		409-000-535-80-48-01		Plant Repair & Maintenance	\$72.33
		Total Invoice - 9652507295			\$72.33
		Invoice - 9693823131			
		Handheld Sprayer			
		409-000-535-80-48-01		Plant Repair & Maintenance	\$94.59
		Total Invoice - 9693823131			\$94.59
		Invoice - 9695649971			
		Latex Coated Seamless Knits			
		409-000-535-80-48-01		Plant Repair & Maintenance	\$71.08
		Total Invoice - 9695649971			\$71.08
	Total 26066				\$238.00
Total Grainger					\$238.00
Guardian Security	26067			2023 - May - 2nd Council Meeting	
		Invoice - 1363556			
		Install of Security Camera + Cloud Storage			
		001-000-518-30-41-00		Professional Services	\$4,759.33
		Total Invoice - 1363556			\$4,759.33
		Invoice - 1363572			
		Install of Security Camera + Cloud Storage			
		003-000-575-50-48-01		Building Repair & Maint-MH/MC	\$6,470.25
		Total Invoice - 1363572			\$6,470.25
	Total 26067				\$11,229.58
Total Guardian Security					\$11,229.58

Vendor	Number	Reference	Account Number	Description	Amount
Isomedia.com	26068			2023 - May - 2nd Council Meeting	
		Invoice - 22387-19822			
		WWTP DSL			\$65.94
		409-000-535-80-42-00		Communications	\$65.94
		Total Invoice - 22387-19822			\$65.94
	Total 26068				\$65.94
Total Isomedia.com					\$65.94
Jeremy Kiniry	26069			2023 - May - 2nd Council Meeting	
		Invoice - KiniryMHDepRef5/7/23			
		Kiniry Maple Hall Dep Ref 5/7/23			
		003-000-582-10-00-00		Maple Hall/Garden Club Deposit Refund	\$897.50
		Total Invoice - KiniryMHDepRef5/7/23			\$897.50
	Total 26069				\$897.50
Total Jeremy Kiniry					\$897.50
Kirsten Keneipp	26070			2023 - May - 2nd Council Meeting	
		Invoice - KeneippJune2023			
		Moore -PD Training (Lodging)			
		001-000-514-23-43-00		Travel	\$557.02
		Total Invoice - KeneippJune2023			\$557.02
	Total 26070				\$557.02
Total Kirsten Keneipp					\$557.02
La Conner Chamber of Commerce	26071			2023 - May - 2nd Council Meeting	
		Invoice - LcChamber2stQtr2023HM			
		1st Qtr 2023 Hotel Motel Distribution			
		123-000-573-90-30-01		Chamber of Commerce	\$24,784.42
		Total Invoice - LcChamber2stQtr2023HM			\$24,784.42
	Total 26071				\$24,784.42
Total La Conner Chamber of Commerce					\$24,784.42
La Conner Weekly News	26072			2023 - May - 2nd Council Meeting	
		Invoice - 8761			
		Publishing of Ord. 1228			
		001-000-514-23-44-00		Advertising	\$42.00
		Total Invoice - 8761			\$42.00
		Invoice - 8770			
		2023 Senior Center Ad (2023 remainder Balance)			
		001-000-575-50-41-00		Senior Center Prof Services	\$201.60
		Total Invoice - 8770			\$201.60

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice - 8789		Ad for Planning Commission Position	
			001-000-558-60-44-00	Advertising	\$78.00
		Total Invoice - 8789			\$78.00
		Invoice - 8790-2023		Determination of Non-Sig.- Municipal Code Updates	
			001-000-558-60-44-00	Advertising	\$223.50
		Total Invoice - 8790-2023			\$223.50
	Total 26072				\$545.10
Total La Conner Weekly News					\$545.10
Mortenson Signs					
	26073			2023 - May - 2nd Council Meeting	
		Invoice - 113555		Signage for Swinomish Park/Gilkey Square	
			002-000-576-80-48-01	Building Repair & Maintenance	\$639.09
		Total Invoice - 113555			\$639.09
	Total 26073				\$639.09
Total Mortenson Signs					\$639.09
Napa Auto Parts					
	26074			2023 - May - 2nd Council Meeting	
		Invoice - 080803		New Battery for the Lift System	
			002-000-576-80-35-00	Small Tools & Equipment	\$601.17
		Total Invoice - 080803			\$601.17
		Invoice - 530726		2.5 DEF	
			412-000-554-90-48-06	Compost Machinery/Equip	\$65.77
		Total Invoice - 530726			\$65.77
		Invoice - 530760		Lock Lube Spray & WD40	
			003-000-575-50-48-01	Building Repair & Maint-MH/MC	\$17.08
		Total Invoice - 530760			\$17.08
		Invoice - 530899		Fuse Block & Heat Shrink Tubing	
			005-000-543-10-48-02	Vehicle Repair & Maintenance	\$21.48
		Total Invoice - 530899			\$21.48
		Invoice - 530928		DELO Grease	
			412-000-554-90-48-06	Compost Machinery/Equip	\$104.26
		Total Invoice - 530928			\$104.26
		Invoice - 530942		Antifreeze, Heat Shrink Tubing & 5-16 BATT Lug	
			005-000-543-10-48-02	Vehicle Repair & Maintenance	\$26.69
		Total Invoice - 530942			\$26.69

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice - 531075			
		2.5 DEF	412-000-554-90-48-06	Compost Machinery/Equip	\$65.77
		Total Invoice - 531075			\$65.77
					\$902.22
		Total 26074			\$902.22
Total Napa Auto Parts					
Nelson Petroleum					
	26075			2023 - May - 2nd Council Meeting	
		Invoice - 0832555-IN			
		WWTP Fuel	412-000-554-90-32-00	Fuel	\$3,422.74
		Total Invoice - 0832555-IN			\$3,422.74
					\$3,422.74
		Total 26075			\$3,422.74
Total Nelson Petroleum					
North Central Laboratory					
	26076			2023 - May - 2nd Council Meeting	
		Invoice - 486846			
		M-FC Broth, Fiber Filters & BOD Seed			
		409-000-535-80-48-05	Materials/Testing		\$394.06
		412-000-554-90-48-05	Compost Testing/Materials		\$394.06
		Total Invoice - 486846			\$788.12
					\$788.12
		Total 26076			\$788.12
Total North Central Laboratory					
North Puget Sound SAF					
	26077			2023 - May - 2nd Council Meeting	
		Invoice - NPS-SAFMHDepRef5/4/23			
		NPS SAF Maple Hall Dep Ref 5/4/23			
		003-000-582-10-00-00	Maple Hall/Garden Club Deposit Refund		\$345.00
		Total Invoice - NPS-SAFMHDepRef5/4/23			\$345.00
					\$345.00
		Total 26077			\$345.00
Total North Puget Sound SAF					
Northstar Chemical Inc.					
	26078			2023 - May - 2nd Council Meeting	
		Invoice - 246428M			
		Resin Compound			
		409-000-535-80-48-05	Materials/Testing		\$3,272.51
		412-000-554-90-48-05	Compost Testing/Materials		\$3,272.51
		Total Invoice - 246428M			\$6,545.02
					\$6,545.02
		Total 26078			\$6,545.02
Total Northstar Chemical Inc.					

Vendor Number	Reference	Account Number	Description	Amount
ORCA Communication Systems 26079			2023 - May - 2nd Council Meeting	
	Invoice - 34198		Background Checks for PW-Smth & Fire-White	
		001-000-522-20-41-00	Professional Services	\$50.00
		401-000-534-80-41-00	Professional Services	\$50.00
	Total Invoice - 34198			\$100.00
Total 26079				\$100.00
Total ORCA Communication Systems				\$100.00
Pape' Machinery Exchange 26080			2023 - May - 2nd Council Meeting	
	Invoice - 14411721		Spindle & Blade	
		002-000-576-80-48-03	System Repair & Maintenance	\$245.07
	Total Invoice - 14411721			\$245.07
	Invoice - 2429169		Transmission Oil Leak Repair on the 544 John Deere Loader	
		412-000-554-90-48-06	Compost Machinery/Equip	\$5,797.96
	Total Invoice - 2429169			\$5,797.96
Total 26080				\$6,043.03
Total Pape' Machinery Exchange				\$6,043.03
Pitney Bowes Bank Inc Reserve Account 26081			2023 - May - 2nd Council Meeting	
	Invoice - PitBowesPostage5/23		May 2023 Postage Refill	
		001-000-518-30-42-02	Postage	\$411.22
		001-000-558-60-42-02	Postage	\$81.20
		401-000-534-80-42-02	Postage	\$662.17
		403-000-531-38-42-02	Postage	\$662.17
		409-000-535-80-42-02	Postage	\$662.17
	Total Invoice - PitBowesPostage5/23			\$2,478.93
Total 26081				\$2,478.93
Total Pitney Bowes Bank Inc Reserve Account				\$2,478.93
Puget Sound Energy 26082			2023 - May - 2nd Council Meeting	
	Invoice - PSEMAY2023		Utility - Electric	
		001-000-518-30-47-00	Public Utility Services	\$141.49
		204 Douglas St -Town Hall		
		001-000-522-20-47-00	Public Utility Services	\$294.98
		12142 Chilberg - Fire Dept		
		002-000-576-80-47-00	Public Utility Services	\$78.34
		1339 Connor Way - Pioneer Park Gazebo		

Vendor	Number	Reference	Account Number	Description	Amount
			002-000-576-80-47-00	Public Utility Services 100 Washington Ave Light- St End Park	\$160.26
			002-000-576-80-47-00	Public Utility Services 100 Morris - Gilkey Square	\$17.74
			002-000-576-80-47-00	Public Utility Services 1339 Conner Way Lights - Pioneer Park Lights	\$39.84
			003-000-575-50-47-01	Public Utility Services-MH/MC 104 Commercial - Maple Hall	\$10.85
			003-000-575-50-47-02	Public Utility Services-GC 622 S 2nd Street - Garden Club	\$28.91
			003-000-575-50-47-05	Public Utility Svcs-Restrooms 613 1st Street - Public Restroom	\$67.81
			003-000-575-50-47-05	Public Utility Svcs-Restrooms 304 Morris St -Public Restroom	\$111.69
			005-000-542-63-47-00	Public Utility Services 3rd & Douglas	\$51.00
			005-000-542-63-47-00	Public Utility Services 12100 Chilberg - Flag pole/Monument lights	\$15.76
			005-000-542-63-47-00	Public Utility Services 1st Street Lights #220005384221	\$298.03
			005-000-542-63-47-00	Public Utility Services 125 1st Street LC Post Office #300000002505	\$560.42
			005-000-542-63-47-00	Public Utility Services Street lights Acct #300000001705	\$796.83
			401-000-534-80-47-00	Public Utility Services 604 N 3rd Street - PW Shop-300000002695	\$275.90
			401-000-534-80-47-00	Public Utility Services 1200 S 4th St - Water Tank	\$13.98
			403-000-531-38-47-00	Public Utility Service 102 S 6th St - Drainage Pump	\$50.17
			403-000-531-38-47-00	Public Utility Service 1340 Connor Way - Water Shack	\$11.10
			403-000-531-38-47-00	Public Utility Service 213 Caledonia - Drainage Pump	\$98.58
			409-000-535-80-47-00	Public Utility Services WWTP	\$3,864.17
			409-000-535-80-47-00	Public Utility Services 602 N 3rd Street - Pump	\$33.97
			409-000-535-80-47-00	Public Utility Services 622 1st Street - Sewage Vault	\$35.45
			409-000-535-80-47-00	Public Utility Services 12154 Chilberg - WWTP Fuel Station	\$10.21
			Total Invoice - PSEMay2023		\$7,067.48
		Total 26082			\$7,067.48
		Total Puget Sound Energy			\$7,067.48

Vendor	Number	Reference	Account Number	Description	Amount
Quality Services	26083			2023 - May - 2nd Council Meeting	
		Invoice - QualitySvcApril2023			
		April 2023 Facility Cleaning			
		003-000-575-50-48-01		Building Repair & Maint-MH/MC	\$817.50
		Total Invoice - QualitySvcApril2023			\$817.50
	Total 26083				\$817.50
Total Quality Services					\$817.50
Scott Thomas	26084			2023 - May - 2nd Council Meeting	
		Invoice - ThomasReimb5-23			
		AWC Training Milage/Meals Reimb. Yakima			
		001-000-513-10-43-01		Admin Travel	\$282.35
		Total Invoice - ThomasReimb5-23			\$282.35
	Total 26084				\$282.35
Total Scott Thomas					\$282.35
Shelia Johnson	26085			2023 - May - 2nd Council Meeting	
		Invoice - Avery102281313			
		Printng of Art Walk Cards			
		004-000-575-50-41-00		Professional Services	\$89.26
		Total Invoice - Avery102281313			\$89.26
	Total 26085				\$89.26
Total Shelia Johnson					\$89.26
Skagit County Public Health Dept	26086			2023 - May - 2nd Council Meeting	
		Invoice - 1279			
		1st Qtr 2023 Liquor Tax			
		001-000-566-00-41-16		Alcoholism	\$257.87
		Total Invoice - 1279			\$257.87
	Total 26086				\$257.87
Total Skagit County Public Health Dept					\$257.87
Skagit County Sheriff Office	26087			2023 - May - 2nd Council Meeting	
		Invoice - 3533-2023			
		Policing Services			
		001-000-521-20-41-00		Professional Services	\$84,636.75
		Skagit Co Sheriff contract			
		Total Invoice - 3533-2023			\$84,636.75
	Total 26087				\$84,636.75
Total Skagit County Sheriff Office					\$84,636.75

Vendor	Number	Reference	Account Number	Description	Quantity	Amount
Thrive Direct Health Care	26088			2023 - May - 2nd Council Meeting		
		Invoice - #008				
			Firefighter Physical - White			
			001-000-522-20-41-00	Professional Services		\$100.00
		Total Invoice - #008				\$100.00
	Total 26088					\$100.00
Total Thrive Direct Health Care						\$100.00
TNEMEC Company, Inc.	26089			2023 - May - 2nd Council Meeting		
		Invoice - 2612254				
			Endura-Shield & Clear Thinner			
			401-000-534-80-48-03	System Repair & Maintenance		\$419.20
		Total Invoice - 2612254				\$419.20
	Total 26089					\$419.20
Total TNEMEC Company, Inc.						\$419.20
U.S. Bank	26090			2023 - May - 2nd Council Meeting		
		Invoice - 123140593800				
			CrashPlan - Server Backup			
			001-000-518-30-48-00	Computer/Server Maintenance		\$54.25
			Server Backup			
		Total Invoice - 123140593800				\$54.25
		Invoice - A-1Mobile80624				
			Schlage - Maple Hall Door Repair			
			003-000-575-50-48-01	Building Repair & Maint-MH/MC		\$5.97
		Total Invoice - A-1Mobile80624				\$5.97
		Invoice - Amazon0030606				
			Safety Rain Gear			
			401-000-534-80-35-00	Small Tools & Equipment		\$60.66
		Total Invoice - Amazon0030606				\$60.66
		Invoice - Amazon1004227				
			Copy Paper			
			001-000-518-30-31-00	Office & Operating Supplies		\$97.72
		Total Invoice - Amazon1004227				\$97.72
		Invoice - Amazon1691439				
			Reflective Vests, Jackets, Rain Gear			
			403-000-531-38-35-00	Small Tools & Equipment		\$352.44
		Total Invoice - Amazon1691439				\$352.44
		Invoice - Amazon1691439-2				
			Construction Knee Pads			
			403-000-531-38-35-00	Small Tools & Equipment		\$67.55
		Total Invoice - Amazon1691439-2				\$67.55

Vendor	Number	Reference	Account Number	Description	Amount
		Invoice - Amazon2327466			
		Insect Control			
		001-000-518-30-48-01		Building Repair & Maintenance	\$40.46
		003-000-575-50-48-01		Building Repair & Maint-MH/MC	\$40.46
		Total Invoice - Amazon2327466			\$80.92
		Invoice - Amazon3446604			
		Extractor Set/Toolbox			
		403-000-531-38-35-01		Tools & Equipment Flood	\$153.25
		Total Invoice - Amazon3446604			\$153.25
		Invoice - Amazon4201858			
		Plastic Sheeting			
		403-000-531-38-48-00		Repair & Maintenance	\$233.49
		Total Invoice - Amazon4201858			\$233.49
		Invoice - Amazon4973037			
		Avery Business Cards for Yard Waste & Compost Sales			
		412-000-554-90-48-05		Compost Testing/Materials	\$46.77
		Total Invoice - Amazon4973037			\$46.77
		Invoice - Amazon5960219			
		Insect Control			
		403-000-531-38-35-01		Tools & Equipment Flood	\$223.92
		Total Invoice - Amazon5960219			\$223.92
		Invoice - Amazon7625811			
		Laminating Sheets & Post-it Note Pads			
		001-000-518-30-31-00		Office & Operating Supplies	\$51.02
		Total Invoice - Amazon7625811			\$51.02
		Invoice - BlanksUSA291720			
		Door Tags for Survey Info Distribution			
		001-000-514-23-44-00		Advertising	\$64.35
		Total Invoice - BlanksUSA291720			\$64.35
		Invoice - INV196996675			
		Zoom Subscription			
		001-000-518-30-31-00		Office & Operating Supplies	\$260.53
		Total Invoice - INV196996675			\$260.53
		Invoice - INV201350159			
		Zoom Subscription			
		001-000-518-30-31-00		Office & Operating Supplies	\$260.53
		Total Invoice - INV201350159			\$260.53
		Invoice - LOWES5/3/23			
		1-1/8 Rotry Hammer			
		005-000-542-64-35-00		Small Tools & Equipment	\$270.91
		Total Invoice - LOWES5/3/23			\$270.91
		Invoice - OxfordStes5/3/23			
		AWC Training - Thomas (Lodging)			
		001-000-513-10-43-01		Admin Travel	\$347.86
		Total Invoice - OxfordStes5/3/23			\$347.86

Vendor	Number	Reference	Account Number	Description	Amount
Invoice - SkagitSoils5/3/23					
		Soil			
		005-000-543-10-48-00		Repair & Maintenance	\$23.46
		Total Invoice - SkagitSoils5/3/23			\$23.46
	Total 26090				\$2,655.60
Total U.S. Bank					\$2,655.60
 USA Bluebook					
	26091	2023 - May - 2nd Council Meeting			
Invoice - INV00001125					
		Hach Nitrate Nitrogen/Hach Nitrate			
		409-000-535-80-31-02		Lab Supplies	\$169.19
		Total Invoice - INV00001125			\$169.19
	Total 26091				\$169.19
Total USA Bluebook					\$169.19
 Verizon Wireless					
	26092	2023 - May - 2nd Council Meeting			
Invoice - 9934258020					
		Cell Phones			
		001-000-513-10-42-00		Mayor's Communications	\$52.95
		Mayor			
		001-000-521-70-42-00		Communications-Code Enf	\$46.98
		Code Enforcement			
		001-000-522-20-42-00		Communications	\$46.98
		Fire Dept.			
		001-000-575-50-42-00		Senior Center Communications	\$52.95
		Senior Center			
		401-000-534-80-42-00		Communications	\$705.06
		Public Works			
		Total Invoice - 9934258020			\$904.92
	Total 26092				\$904.92
Total Verizon Wireless					\$904.92
 WA State DOR - Excise Tax					
	2018112	2023 - May - 2nd Council Meeting			
Invoice - DORExciseTaxApril2023					
		April 2023 Excise Tax			
		401-000-534-80-49-03		Excise Taxes	\$3,020.78
		403-000-531-38-49-03		Excise Taxes	\$765.66
		409-000-535-80-49-01		Excise Taxes	\$1,068.16
		412-000-554-90-49-01		Compost Sales Tax	\$455.25

Vendor	Number	Reference	Account Number	Description	Amount
			412-000-554-90-49-02	Excise Taxes	\$2,031.91
		Total Invoice - DORExciseTaxApril2023			\$7,341.76
Total 2018112					\$7,341.76
Total WA State DOR - Excise Tax					\$7,341.76

Waste Management of Skagit
26093

2023 - May - 2nd Council Meeting

Invoice - 2483519-0043-1

WWTP Garbage & Recycle

409-000-535-80-47-00	Public Utility Services	\$629.61
WWTP		

Total Invoice - 2483519-0043-1

\$629.61

Invoice - 2483713-0043-0

Town Hall/Sheriff Garbage & Recycle

001-000-518-30-47-00	Public Utility Services	\$422.72
Town Hall/Sheriff		

Total Invoice - 2483713-0043-0

\$422.72

Invoice - 2484448-0043-8

Public Works Garbage

005-000-543-50-48-04	Refuse Disposal	\$701.65
Public Works		

Total Invoice - 2484448-0043-8

\$701.65

Invoice - 2484860-0043-8

Fire Dept. Garbage

001-000-522-20-47-00	Public Utility Services	\$48.75
Fire Dept.		

Total Invoice - 2484860-0043-8

\$48.75

Total 26093

\$1,802.73

Total Waste Management of Skagit

\$1,802.73

Wilbur Ellis Company LLC
26094

2023 - May - 2nd Council Meeting

Invoice - 15636706

Vegetation Control

002-000-576-80-48-03	System Repair & Maintenance	\$244.99
005-000-543-10-48-00	Repair & Maintenance	\$244.99

Total Invoice - 15636706

\$489.98

Invoice - 15636712

Vegetation Control

002-000-576-80-48-03	System Repair & Maintenance	\$216.28
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Vendor Number	Reference	Account Number	Description	Amount
		005-000-543-10-48-00	Repair & Maintenance	\$216.28
	Total Invoice - 15636712			\$432.56
Total 26094				\$922.54
Total Wilbur Ellis Company LLC				\$922.54
Zumar Industries				
26095			2023 - May - 2nd Council Meeting	
	Invoice - 43259		Pedestrain Symbol & Diagonal Arrow	
		005-000-542-64-48-04	Signage Repair & Maintenance	\$1,031.50
	Total Invoice - 43259			\$1,031.50
Total 26095				\$1,031.50
Total Zumar Industries				\$1,031.50
Grand Total	Vendor Count	43		\$235,920.46



Town of La Conner

I, the undersigned, do hereby certify under penalty of perjury that the wages and benefits for the period **May 1, 2023** through **May 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 5721 through 5726	\$3,202.61
Auto Payroll Taxes #2018111	\$7,430.08
Payroll auto deposit	<u>\$22,267.36</u>
	\$32,900.05

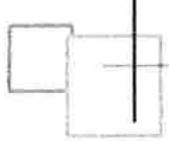
are approved for a total payment of \$32,900.05 this 23rd day of May 2023.

Councilmember – Finance Committee

Councilmember – Finance Committee

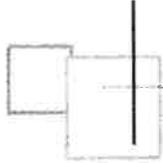
Councilmember

Register



<u>5721</u>	Dept of Labor & Industry	2023 - May - 2nd Council Meeting	\$2,271.73
<u>5722</u>	Employment Security	2023 - May - 2nd Council Meeting	\$94.64
<u>5723</u>	Employment Security Dept. Paid Family & Medical Leave	2023 - May - 2nd Council Meeting	\$183.64
<u>5724</u>	North Coast Credit Union	2023 - May - 2nd Council Meeting	\$50.00
<u>5725</u>	Teamsters Local No. 231	2023 - May - 2nd Council Meeting	\$132.50
<u>5726</u>	Washington State Support Registry	2023 - May - 2nd Council Meeting	\$470.10
<u>2018111</u>	Washington Federal	2023 - May - 2nd Council Meeting	\$7,430.08
<u>Direct Deposit Run -</u>	Payroll Vendor	2023 - May - 2nd Council Meeting	\$22,267.36
<u>5/16/2023</u>			\$32,900.05

Register Activity



Direct Deposit Run - 5/16/2023

Ells, Ajah G
Hillard, Margaret A
Kerley-DeGoede, Maria A
Lease, Brian
Lovejoy, Lynne
Moore, Andrea L
Palaniuk, Kevin R
Park, Todd W
Pena-Ayon, Manuel A
Reinstra, Aaron M.
Sherman, Albert R
Thomas, Scott G

Payroll Vendor

ACH Pay - 6433
ACH Pay - 6434
ACH Pay - 6435
ACH Pay - 6436
ACH Pay - 6437
ACH Pay - 6438
ACH Pay - 6439
ACH Pay - 6440
ACH Pay - 6441
ACH Pay - 6442
ACH Pay - 6443
ACH Pay - 6444

2023 - May - 2nd Council Meeting

Posting Run - 5/16/2023 9:48:22 AM	\$22,267.36
Posting Run - 5/16/2023 9:48:22 AM	\$1,681.50
Posting Run - 5/16/2023 9:48:22 AM	\$586.82
Posting Run - 5/16/2023 9:48:22 AM	\$2,255.61
Posting Run - 5/16/2023 9:48:22 AM	\$2,913.48
Posting Run - 5/16/2023 9:48:22 AM	\$695.75
Posting Run - 5/16/2023 9:48:22 AM	\$1,748.75
Posting Run - 5/16/2023 9:48:22 AM	\$2,315.02
Posting Run - 5/16/2023 9:48:22 AM	\$2,422.01
Posting Run - 5/16/2023 9:48:22 AM	\$1,114.94
Posting Run - 5/16/2023 9:48:22 AM	\$1,846.63
Posting Run - 5/16/2023 9:48:22 AM	\$1,803.88
Posting Run - 5/16/2023 9:48:22 AM	\$2,882.97
	\$22,267.36

Reports

1) Administrator's Report



*Town of La Conner
Administrator's Report*

MEMORANDUM

TO: Mayor Hayes & Town Council Members

FROM: Scott Thomas, Town Administrator

SUBJECT: Administrator's Report

DATE: May 18, 2023

1. Risk Pool Audit. Earlier this month the Town underwent an annual audit by the Town's Risk Pool, Washington Cities Insurance Authority. For 2022, the Town was expected to have incurred a total of 4 claims, with an expected liability of \$103,000. We actually received a total of 2 claims, for a total of \$445. There are a total of 45 members in our claims group, all cities or towns that offer a similar level of public services as La Conner. Amongst these organizations, they accumulated 528 claims or 11.73 claims/member, with an average claim amount of \$416,000.

2. Wastewater Treatment Plant. The Town has advertised an RFQ for the WWTP, and expects to interview candidates for the provision of engineering services in June, with a contract to be awarded by the end of June, 2023.

3. Pride Month. We have been advised by the Swinomish Indian Tribal Community that the Tribe is planning for a Pride Parade to be held on June 15 at 5:30.

4. Retreat. In scheduling this retreat, we are trying to book two sessions: the first will be to conduct a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) at a council meeting before the retreat, in order to have a starting point established before the start of the retreat. The goal of the retreat (the second session) will be to narrow down the various issues that are most important to the La Conner community, to those that are most important so that we can focus on those issues during the next 5 years. Based on the schedules of the various parties, there are two options to choose from:

- Option 1: First meeting with Council is at the regularly-scheduled meeting on Tuesday, July 11, with a full-day retreat on Monday, July 24.
- Option 2: First meeting with Council at a special meeting on a day to be determined, with a full-day retreat scheduled 2-3 weeks later on any of the following dates: June 26, June 30, July 10, July 17, or July 24.

I would like to get everyone's preference at the next council meeting, so that we can get the dates booked.

On a related topic, the survey that the Town was conducting closed on May 15th. We had 83 responses, and will compile the results so that they may be discussed at the retreat.

5. Association of Washington Cities. AWC will be holding a Small City Connector at Maple Hall, on June 1 starting at 5:30 p.m. There are typically a half-dozen connectors held each year in various locations around the state, and this year La Conner was chosen to host the event. Connectors are an opportunity for small city and town leaders, including mayors and council members, to meet with peers to discuss common challenges and share best practices. In the past, Connectors in this region have been attended by representatives of cities and towns in Skagit, Whatcom, Island, Snohomish and (occasionally, depending on the ferries) San Juan counties. I will share by email a link for a sign-up.

6. Budget. As has been discussed at recent Council meetings, the Town's budgets for the next couple of years could very likely see inflationary pressure. Town staff expect to schedule a Finance Committee meeting at a convenient time, and prior to the retreat, to begin discussions on options that may be available.

7. As the dust settles from the 2023 legislative session, several bills were adopted that will impact La Conner. I have not previously discussed the following:

- a. SB 5412 exempts residential development from SEPA. As the bill report from the state explains, the infill development categorical exemption that currently exists in SEPA is expanded to include housing development. All proposals to develop one or more residential housing units within the incorporated areas in an urban growth area, and that meet certain criteria are categorically exempt from SEPA.
- b. HB 1293 eliminates external design review boards. The purpose of this bill was to streamline development regulations, and minimize the costs leading to increase in the cost of housing. Under this bill, design review processes must be conducted concurrently with the consolidated review process for project permits, and may not include more than one public meeting. In addition, during project review cities may only require preapplication conferences or a public meeting where otherwise required by state law. Ultimately, this will mean that the Planning Commission will be removed from the review process except for projects taking place in a historic district, or for projects involving a building listed on a state or national historic register.

If you have any questions about any of these topics, please contact me.

Unfinished Business

- 1) Center Street Project – Discussion – No Insert**
- 2) Jenson Property – Discussion – No Insert**
- 3) Public Hearing – Moratorium (Adult Businesses)**
- 4) Tiny Home Development – Ellis**
- 5) Fish Slide – Discussion**

**Public Hearing – Moratorium
(Adult Businesses)**

STAFF REPORT: Development Code Update; Adult Business Regulations

As the staff began its annual review of the town's Uniform Development Code, it was noted that the town had no regulations related to adult businesses. Our concern with this lack of regulation is that state laws would thus enable a proposed adult business to locate virtually anywhere within the town.

We have researched this issue thoroughly. Our research included review of state and federal regulations, as well as legal precedents. As a result of this research, we have developed the attached as proposed regulations for adult businesses. These regulations are two-fold. First, we propose to regulate the businesses themselves, by establishing standards for the licensing of such businesses, their owners, and their employees. Then, we propose through zoning regulations to limit the potential limitations on the location of any such business.

As indicated in the attached document, our proposal is to limit the location of an adult business to the town's Industrial zones. Concern has been expressed for these locations by some citizens, and also by the Port of Skagit County. While the staff is sympathetic to these concerns, we have been unable to identify any more suitable locations within the community. State law is very specific that we cannot simply ban such uses, so we have attempted to identify the areas where such potential uses would have the least negative impact upon the community.

This document was reviewed by the Planning Commission on May 16, 2023. Following that review, the Commission voted unanimously to forward it to the Town Council with their recommendation for approval.

Following your action, it will be forward to the state for review before the Council takes final action. The staff expects that these proposed regulations will be back for final Council action before the six month moratorium on adult businesses expires.

Michael Davolio, AICP, Planning Director
Ajah Eills, Assistant Planner
May 18, 2023

Attachments:
Draft Adult Business Regulations
Written comments received

Adult Business: Regulations in La Conner

Adult Businesses can either be fully regulated or not regulated at all. Let's first take a look at how some of the surrounding communities and Skagit County regulates them. The State provides [guidance through Municipal Research and Services Center \(MRSC\)](#).

A note about verbiage: Most municipalities, as well as the State of Washington, use phrases with "adult" in front of them, i.e. "adult" cabarets, "adult" entertainment to indicate the relationship with sexual or lewd materials. This has led to some municipalities issuing clarifying statements around the use of "adult" in the context of alcohol.

Examples of adult business regulations studied in preparation of this report were sourced from materials recommended by the State of Washington or Federal government. Use of the term "municipalities" refers to those municipalities considered by the State of Washington to be good examples of this type of MC.

Recently, the State of Washington required those working in adult businesses to undergo training, and required adult business where live performances are held to include panic buttons.

[RCW: Entertainers and adult entertainment establishments: training, panic buttons, accusations](#)

Much of the case law surrounding these regulations was developed in the 80s and 90s, and has remained largely unchanged in the past 30 years.

Regulation of adult business occurs at the city level in two main ways: business licensing and zoning regulations. Currently, the Town of La Conner provides no such regulations.

Business License Regulations:

As used by other municipalities, business license regulations are used to regulate interior design elements (floor plan, illumination, seating requirements, records requirements, ect) as well as behavior and suitability of employees for compliance under RCWs.

Municipalities will often separate out different types of adult businesses by the services offered. For example, adult "cabaret" or "dance" halls, with live entertainers or performers, and adult "video" or "booth" stores. Municipalities will also call out specific types of adult businesses (Mount Vernon specifically defines "nude house cleaning businesses") or leave the general definition of "Adult Business" slightly broader with a classification based on a threshold percentage of its stock relating to adult entertainment. A bookstore may be classified as an "adult bookstore" for example, if stock related to sexual or lewd content makes up more than 25% of its stock in trade.

Each of these business types will then be subject to different regulations. In LCMC, while business licenses and cabaret licenses are provided for separately, it may make the most sense to amend LCCM Chapter 5 to address Adult Businesses as a whole in a new section. This would allow La Conner to broadly regulate adult businesses while also providing additional regulations for matters relating to the safety and security of live performers.

In addition to a business license, most example municipalities also require manager and entertainer licenses to be obtained by the employees of adult businesses. One required operator licenses as well. This provides the municipalities with an extra level of assurance that all employees of adult business are over 18 years of age and are in good standing with the municipalities. Overall, the issuing of both a business license and a manager or entertainers license affords an extra level of control over the adult business within the municipalities, helping ensure that all applicable regulations are being followed. If La Conner chose to require this, it may make sense to place these regulations in LCMC Chapter 5.

Zoning Regulations:

Zoning regulation are used to determine where adult businesses can be located. This is typically done to prevent adverse secondary effects from spilling over to sensitive populations or locations, such as schools and public parks or areas of worship, while allowing for “reasonable access” for adult businesses. It is important to note that if a site is currently built on and/or supporting another business it still qualifies and counts towards reasonable access.

There are two main ways that planners will zone for adult businesses: concentrated and dispersed. There are pros and cons to both methods. Courts have upheld both strategies, although decisions are quite clear that dispersed zoning cannot be used to claim that there is no appropriate location for adult businesses. Overall, courts have favored the municipalities when legislative zoning laws for adult businesses are argued, as long as the municipalities can prove that there is an acceptable and appropriate location for adult businesses, and the zoning laws are not placing undue hardship and restriction on free speech.

Concentrated Zoning:

This method of zoning outlines a zone where adult businesses are allowed to be located. This allows for a lot of control over where adult businesses are located so municipalities can strictly prevent them opening near sensitive populations and avoid adverse effects. However, this method can result many adult businesses clustered together, which has been shown to increase crime and police activity in an area. It may also create the perception of a watered down “red-light” district, which may result in moral objections down the line. Although these objections would not be based in any legal argument, it is still something the Town should attempt to avoid. Seattle uses a concentrated method of zone control for adult businesses. If the town chooses to develop using this method and the standard of 1000 ft buffer from residential zones, school districts, and public use results in only a very small swath of land in La Conner that could be used for Adult Business. It is likely that designing zoning with such limitations on locations for Adult Business will not be favored if challenged in court, therefore this method of zoning with the standard 1000ft buffer is not recommended.

As La Conner is a very small town, a 500ft buffer was also explored. In towns with low surface area, reduced buffers are often used to maintain clear zoning and prevent adverse effects for sensitive populations. Placing a 500 ft buffer around the school district, residential zone, and public defined area will still prevent adverse effects while expanding the available locations for adult businesses. This method of zoning would essentially only allow Adult Businesses in

the north Industrial Zone in La Conner. Although using a 500ft buffer would expand the node in which Adult Business is allowed, there would still only be one node in town where an Adult Business could be located. This may not be favored if challenged in court.

There is precedent for use of the industrial zone for Adult Businesses. The City of Lacey is an example of a city that limits Adult Business to industrial zones. The City of Lacey, however, has a substantial amount of space that has been zoned for industrial use. La Conner has only two nodes zoned industrial, one in the north end of town, and one in the south end of town. The north industrial zone, as mentioned above, is included using a 500 ft buffer method, but the south industrial zone is not included due to its proximity to Pioneer Park. If La Conner chose to use this zoning method (pink outline), it would likely have to include both the North and South industrial zones in order to meet the constitutional test.

The City of Olympia used variable buffers in order to guarantee the protection of sensitive areas, with increased buffers around schools and decreased buffers around residential zones, as school districts are more sensitive than residential zones to adverse impacts of adult businesses. The use of variable buffers allowed Olympia to successfully protect its sensitive populations while providing adequate opportunities for Adult Businesses to operate. The City of Olympia uses a 330 ft (a typical city block in Olympia) as the lowest buffer between Adult Business and other zoning business. As Olympia is larger than La Conner, a comparable buffer would be 300 ft. The use of the 300ft buffer for residential zones and public spaces while maintaining a 500 ft or 1,000 ft buffer for the school district would help protect the residential zones and extra sensitive school population while allowing adequate zoned space for Adult Business.

Some municipalities consider points of ingress and egress for public trails as “sensitive” areas to the impacts of Adult Businesses. A La Conner has a public trail along the waterfront for the majority of Town, this could also be used to justify a reduction in available space for Adult Businesses.

Dispersed: This method of zoning incorporates aspects from concentrated zoning, but with an additional restriction that requires minimum distances between adult businesses. Theoretically, this dispersion limits cumulative adverse impacts of adult businesses, such as declining property values and urban blight. However, this approach also spreads out the potential adverse impacts of adult business over a wider area. La Conner must be especially careful when drafting this policy because the net effect of minimum distance requirements may eliminate suitable adult use sites due to the small size of the town, which is not a result favored by the courts. 1000ft is a commonly used standard, but given the relative size of La Conner, this may not be a feasible standard for use in our town, as mentioned above. This zoning policy would likely be too restrictive to be favored in courts if challenged.

When drafting regulations for Adult Businesses, it is important to develop a concept of what the regulations are hoping to accomplish, and then build them to support those goals. For example, La Conner's goals may include:

1. Protect sensitive minor populations from adverse effects from Adult Business
2. Ensure all workers at Adult Business are properly licensed and conducting work in a safe environment
3. Preserve the essential character of the Town of La Conner, including in the HPD

4. Protect residential zones from adverse effects from Adult Businesses

As we move forward in this process, it may be beneficial for the Town Council to have an in-depth discussion about the exact goals and priorities La Conner has when zoning of Adult Businesses. The four goals above are an amalgamation of the most common priorities of other municipalities.

The proposed language found at the end of this report first prioritizes protecting minor populations from adverse effects, with the other listed priorities following.



Written Public Comments Submitted about Adult Business Regulations:

All comments are submitted as written.

Public comments received in writing before 3:30 pm 5/15/2023:

Received April 30th (pictures included in submission):

"Dear La Conner Planning Commission, La Conner Town Council, Planners Davolio and Eills, Mr. Thomas, and Mayor Hayes:

We appreciate your mindfulness in considering appropriate locations for adult businesses in La Conner. The "South End Industrial Zone" is not, however, an appropriate location. The existing industrial building lies just across the road from two residential homes, and directly abuts Waterfront park which includes a children's play area and family picnic areas. Likewise, it also abuts Pioneer Park which offers hiking trails, and large family and community gathering spaces. The only routes to this location are through our neighborhood streets, or through Pioneer Park.

For the sake of our neighborhood families and children, our regular fitness walkers, and neighbors from across the channel who transit on foot and bikes, please remove the "South End" from your acceptable options for Adult Business Zoning.

Respectfully,
Amy McFeely and Vincent Fejeran
818 South 4th Street"





Port of Skagit

May 15, 2023

Town of La Conner Planning Commission
c/o Michael Davolio, Town Planner
204 Douglas Street
La Conner, WA 98257

Sent via email: planner@townoflaconner.org

Re: Port Industrial Zone permitted uses

Dear Planning Commission Chair and Members,

Thank you for the opportunity to submit written comments on the proposed inclusion of adult businesses as a permitted use within the Port Industrial Zone.

The stated purpose of the Port Industrial zone 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.” It is the Port’s opinion that the siting of adult businesses within this zone is not aligned with the stated purpose of the Port Industrial Zone.

Thank you again for the opportunity to comment on proposed municipal code updates.

Sincerely,

Heather A. Rogerson
Director of Planning and Development

Real Estate

Airport Services

Marine Services

Community Initiatives

Proposed changes to La Conner Municipal Code: For Planning Commission Review

Chapter 5.25 Adult Business

5.25.010 Provisions.

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

5.25.020 Definitions.

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

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

5.25.030 Adult Business License required

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

¹ As in RCW 49.17.470 (7)(a)

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

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

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

5.25.040 Adult Business License – Application – Requirements

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

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

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

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

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

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

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

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

5.25.050 Adult Business License – Revocation

- (1) The Town may, subject to this chapter, revoke any license issued pursuant to this chapter.
- (2) Upon receipt of notice of the revocation of an adult business license, the licensee shall without delay deliver such license to the city clerk.
- (3) The Town shall revoke a license if the Town determines that
 - a. The licensee has given false information in the material submitted during the application process; or
 - b. The licensee has violated any applicable requirement of this chapter.

5.25.060 Adult Business Manager or Entertainer – License Application – Requirements

- (1) No person shall work or perform work as a manager or entertainer at an adult business without a valid manager's or entertainer's license. All applications for a manager's or entertainer's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. At the time of application, a picture shall be taken of the applicant by the city clerk. All applications shall be submitted on a form supplied by the city clerk, which shall require the following information:
 - a. The date of the application
 - b. The name of the applicant
 - c. The home address of the applicant
 - d. Phone number of the applicant
 - e. Mailing address of the applicant
 - f. Date and place of birth
 - g. Stage name or nicknames used in entertainment, if applicable
 - h. Social security number of the applicant
 - i. Documentation that the applicant has attained the age of 18 years. Any of the following shall be accepted as documentation of age:
 - a. A valid driver's license issued by any state bearing the applicant's photograph and date of birth;
 - b. A valid identification card issued by any state bearing the applicant's photograph and date of birth;
 - c. An official passport issued by the United States of America;
 - d. An immigration card issued by the United States of America; or
 - e. Any other form of identification that the city clerk determines to be acceptable.
 - j. Proof that the applicant has completed training as required by [RCW 49.17.470](#)
 - k. Authorization for the city, its agents, and employees to seek information to confirm any statements or other information set forth in the application.
- (2) A person shall be permitted to hold both an Adult Business manager's license and an Adult Business entertainer's license, provided they are only working in one capacity per work shift.
- (3) The clerk shall deny the application to:
 - a. Any applicant under eighteen years of age

- b. Any applicant who is overdue on his/her payment to the city of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to an adult entertainment business.
- c. Any applicant whose place of business is conducted by an agent, unless such agent possesses the same qualifications required of the licensee, or in the case of a manager of an adult entertainment business, the manager has obtained a manager's license.
- d. A partnership, unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the agent of said partnership.
- e. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the agent of said corporation.
- f. Any applicant who has failed to provide information required on a license application for the issuance of the license or has made, with the intent to mislead, a materially false representation in the application for a license under this chapter which the applicant knows to be false.
- g. Any applicant who has failed to comply with any provision or requirement of this chapter.

5.25.070 Adult Business Manager or Entertainers License – Revocation

(1) The Town may, subject to this chapter, revoke any manger or entertainers license issued pursuant to this chapter.

(2) Upon receipt of notice of the revocation of an adult business manager or entertainers license, the licensee shall without delay deliver such license to the city clerk.

(3) The Town shall revoke a license if the Town determines that

- a. The licensee has given false information in the material submitted during the application process; or
- b. The licensee has violated any applicable requirement of this chapter.
- c. The licensee has knowingly allowed violations of this chapter to occur.

5.25.080 Manager on Premises

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

5.25.090 Moral Nuisance

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

5.25.100 Activities not restricted

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

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

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

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

5.25.110 Adult Business – regulations applicable

(1) Admission to any adult business under this chapter shall be restricted to persons eighteen years of age or older. The age of all patrons shall be verified at the time of entry by an employee of the adult business.

(2) No employee or entertainer shall perform any act which constitutes a violation of Chapter 7.48A RCW.

(3) No employee or entertainer shall wear or use any device, costume, attire, clothing, or covering exposed to view which simulates the breast of a female below the top of the areola, vulva or genitals, anus, and/or buttocks, or any portion of the pubic hair except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(4) No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the non-stage area of the live adult entertainment establishment unless that dance, performance or exhibition is performed at a distance of no less than four feet from any member of the public.

(5) No entertainer shall allow a member of the public to place a tip or gratuity directly upon the entertainers clothing or body.

(6) A minimum lighting level of 30 lux semi-cylindrical measured at 30 inches from the floor or 10-foot centers shall be provided and equally distributed in and about the public portions of the adult business, including the patron seating areas, so that all objects are plainly visible at all times.

(7) No activity or entertainment occurring at or in the adult business, nor any photograph, drawing, sketch or other pictorial or graphic representation of any specified sexual activities or specified anatomical areas, shall be visible at any time from outside the adult business.

(8) A sign at least two feet by two feet, with letters at least one inch high, shall be conspicuously and permanently posted at or near the entrance to the adult business which states the following:

THIS ADULT BUSINESS IS REGULATED BY THE TOWN OF LA CONNER. ENTERTAINERS ARE NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL ACTIVITY AND ARE NOT PERMITTED TO APPEAR NUDE EXCEPT ON STAGE. ENTERTAINERS ARE NOT ALLOWED TO DANCE WITHIN FOUR FEET OF ANY CUSTOMER. TIPS AND GRATUITIES MAY NOT BE PLACED ON THE BODY OR IN THE CLOTHING OF ANY ENTERTAINER.

(9) Any advertisement or signage placed by the adult business shall, in addition to the regulations imposed by LCMC 15.115, not be obscene as judged by consideration of the following factors:

- a. Whether the average person, applying contemporary community standards, would find that the signage taken as a whole appeals to the prurient interest in sex.

(10) It shall be unlawful for any adult business to be operated or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m.

(11) An individual may not possess, consume or serve an alcoholic beverage in the adult business unless, and to the extent, the business is covered by a liquor license issued by the Washington State Liquor and Cannabis Board.

5.25.120 Inspections allowed

(1) An applicant or licensee shall permit representatives of the police department, health department, and other state and local government agencies to inspect the premises of the adult business, at any time the adult business is open for business, for the purpose of ensuring compliance with all applicable statutes, codes, ordinances, regulations, and laws.

(2) Where a condition exists upon the premises of an adult business that constitutes a threat of immediate serious injury to public health or safety (such as, but not limited to, immediate, potential loss of life or limb) any other city official may immediately revoke any license issued under this chapter by issuing a notice setting forth the facts that constitute a threat of immediate serious injury to public health or safety and informing the licensee of the right to appeal the suspension to the city hearing examiner under the appeal provisions set forth in this chapter.

5.25.130 Appeal of denial or revocation of license

(1) In the event the Town denies or revokes a license issued under this chapter, the city clerk shall notify the applicant or licensee in writing of the decision at least ten calendar days prior to the effective date of any such denial or revocation. The notice shall describe the grounds for such denial or revocation and shall inform the applicant or licensee of their right to appeal of the city hearing examiner within ten calendar days of the date of the written decision by filing a written notice of appeal with the city clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested. The notice shall be served either in person or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to the applicant or licensee at their last known address. Service by certified mail in the manner described in this section shall be effective on the date of postmark.

(2) If a licensee timely appeals a decision of the city clerk, then the licensee may continue to engage in the activity for which the license was issued pending the decision of the city hearing examiner, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety pursuant to LCMC 5.25.120 (2).

(3) Within twenty-one calendar days of receiving a timely appeal, the city clerk shall forward the administrative record of the licensing decision to the city hearing examiner.

(4) In the event an applicant or licensee timely appeals the denial or revocation of a license issued under this chapter, the city hearing examiner shall hold a hearing on the appeal within forty-five calendar days

from receipt of the appeal. Written notice of the date, time, and place of the scheduled hearing shall be given to the applicant by the city clerk at least ten calendar days prior to the hearing.

(5) The city hearing examiner shall uphold the decision of the Town unless it finds the decision is not supported by substantial evidence in the administrative record.

(6) The city hearing examiner shall issue a written decision within ten calendar days of hearing the appeal. The decision shall be served either in person or by mailing a copy of the decision by certified mail, postage prepaid, return receipt requested, to the applicant or licensee at his or her last known address. The decision of the city hearing examiner shall constitute the final administrative decision of the city and may be appealed to superior court within ten calendar days. The applicant or licensee shall be responsible for the costs of preparing the administrative record for judicial review. If a licensee timely appeals a decision of the city hearing examiner, then the licensee may continue to engage in the activity for which the license was issued pending the decision of the court, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety pursuant to LCMC 5.25.120 (2).

Pink Zoning:

Chapter 15.140 Adult Business Location Requirements

5.140.010 Provisions.

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

5.140.020 Definitions

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

- (1) All definitions as applied in 5.25.020 LCMC shall be applied to this chapter

5.140.030 Allowed

An adult business shall only be permitted in the following zones as classified in 15.15 LCMC:

- (1) Light and Medium Industry
- (2) Port Industrial

5.140.040 Restricted

An adult business shall not be located or maintained within any of the following zones as classified in 15.15 LCMC:

- (1) Residential
- (2) Commercial
- (3) Public Use
- (4) Historic Preservation District
- (5) Transitional/Commercial

An adult business shall not be located or maintained within five hundred feet, from the nearest property line of the adult business to the nearest property line of any of the following uses or zones located inside or outside the town of La Conner.

- (1) School districts

The above zoning would result

in the pink shaded sections

being available to adult businesses.

**Tiny Home Development –
Ellis**

MEMORANDUM

TO: Town Council
FROM: Michael Davolio, AICP, Planning Director
Ajah Eills, Planning Assistant
SUBJECT: Proposal for Development Agreement
DATE: April 20, 2023

Greg Ellis owns property located at the corner of Whatcom Street and Washington Avenue. The subject property is zoned for residential use, and is located within the town's Historic Preservation District. Mr. Ellis has previously received from the town an approval to subdivide the property, and to develop single-family housing on the site in accordance with Historic Preservation District guidelines.

Mr. Ellis is now submitting a proposal to the Town Council for a developer agreement to develop a tiny home project on the site. As noted in Mr. Ellis' attached proposal, this tiny home development would retain the existing home located at 333 Washington Avenue, and would utilize the remainder of the site for 36 to 40 dwelling units, with associated parking. Included within this proposal is a request to remove the property from the town's Historic Preservation district.

The staff is of the opinion that the Town Council has the authority to act upon this proposal, provided that it is treated as a request to re-zone the property. Therefore, in accordance with LCMC Section 15.130.030, it is recommended that this proposal be forwarded to the Planning Commission for their review and recommendation. We will also ask the applicant to submit a SEPA checklist.

Dear Honorable Mayor Hayes and City Council,

I, Greg Ellis, Manager of Holistic Development & Consulting LLC, am requesting to enter into a developer agreement with the City of La Conner.

The goals of the developer agreement are to develop a very beneficial tiny house/condominium demonstration development on my 6 lots on 333 Washington Ave, La Conner. The project shall consist of the existing house on Lot 8, and approximately 36 to 40 units, 2 high flats stacked for efficiency. The top units may have loft storage, etc. The units shall be on concrete pier foundations, open under for low-impact development, free flow, as existing of any storm water, surface water, and any flood water flow. Additional portable units may be placed on the site where space is available.

We propose to use edible landscaping as much as possible for the benefit of the village, and some for the community. All the building and developer/latecomer fees and other fees, if any, shall be at the rate of 10% of SFR fees for a unit with usable floorspace of up to 400 square feet, and 20% of SFR fees for all units 401 square feet to 700 square feet.

We propose to provide one parking space for every two tiny units as a majority of the units will be 400 square feet or less, and affordable for tenants and/or owners using bicycles or walking in town. Most basic needs are available with approximately 3 blocks of our site including Skagit Transit.

We propose to pave and stripe for angled parking between the existing sidewalk and pavement of Whatcom Street in front of our project.

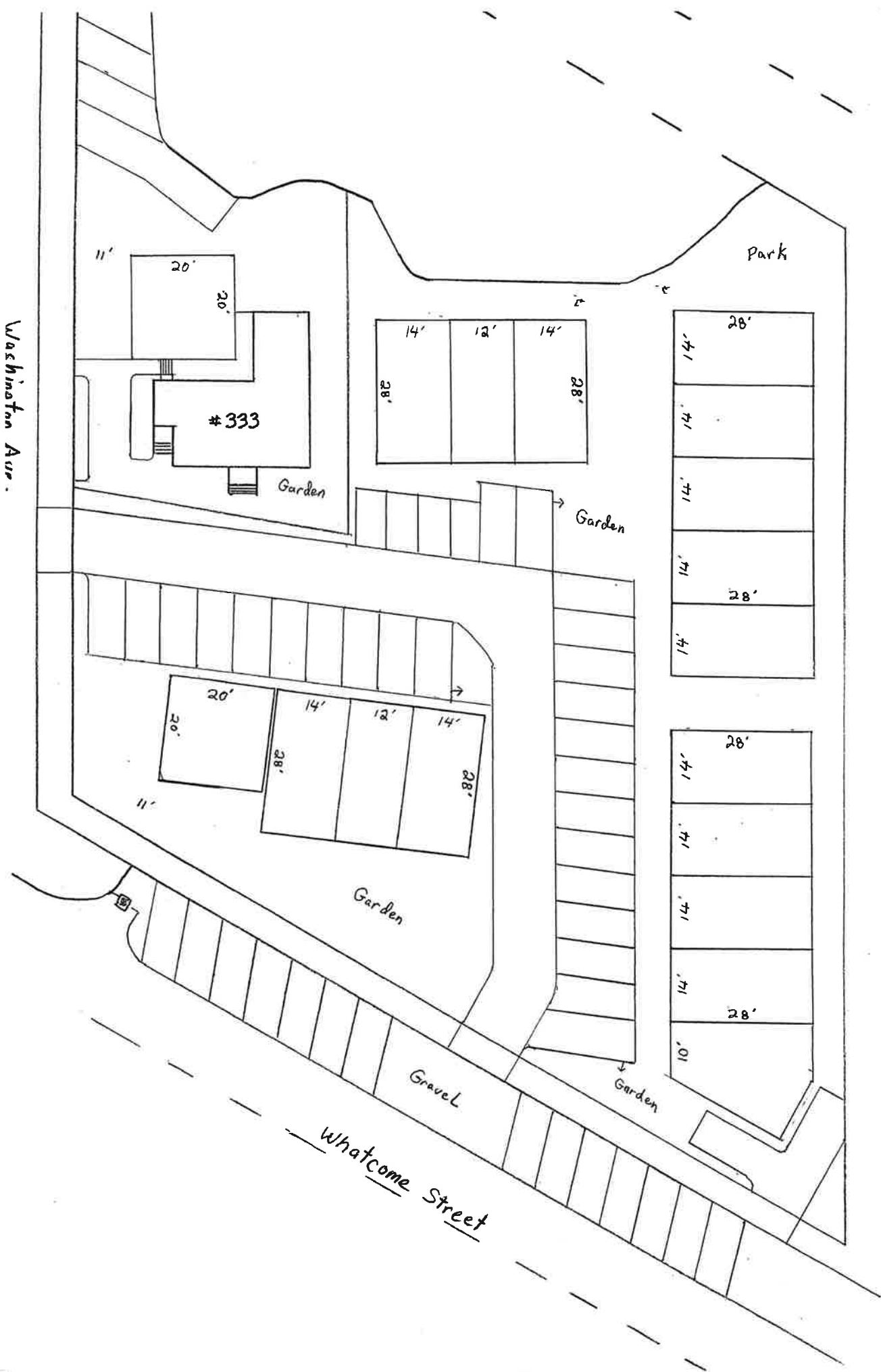
We hereby request that this project is removed from the Historical District as we adjoin two (loud at times) commercial enterprises -- the grocery store loading area and the Firehouse Pub.

Sincerely,

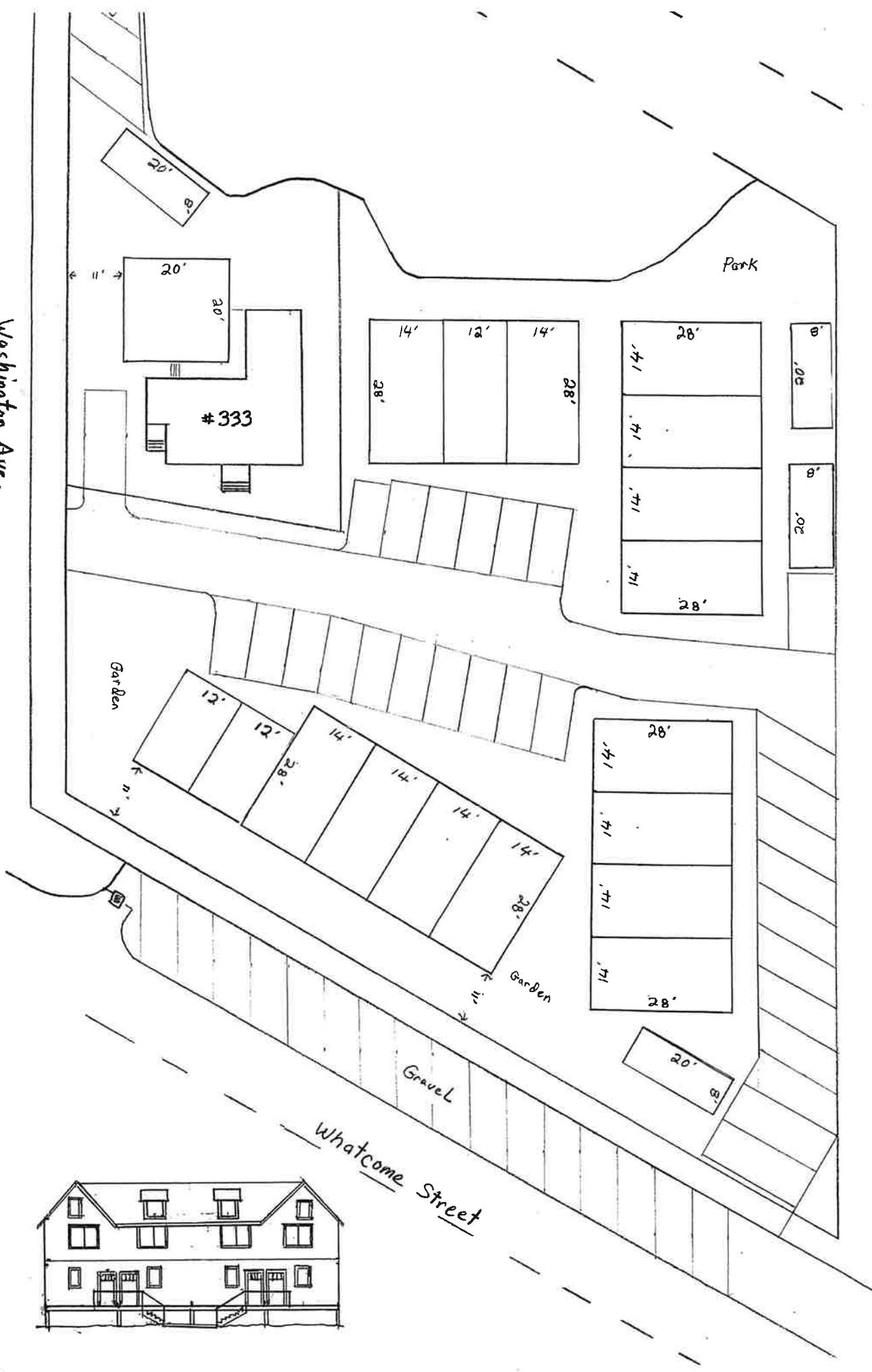


R. Gregory E. Ellis, Manager
Holistic Development & Consulting LLC
LOVE And ABOVE HCO
Energy For Humanity NPO

TOLC Note: Site Plan Option 1 as submitted by Applicant



TOUC Note: Site Plan Option 2 as submitted by Applicant



**Fish Slide –
Discussion**



Town of La Conner

Date: May 16, 2023

To: Town Council

From: Scott G. Thomas, Town Administrator

Subject: Fish Slide

As we are all aware, the Fish Slide at Conner Waterfront Park is in disrepair even though a great many hours contributed by volunteers and Town staff have been dedicated to making the slide useable. Apparently, the slide was constructed in phases with concrete applied to the structure at different points in time. This means that the concrete is not monolithic, and the “joints” between the concrete layers have failed, and are expected to continue to fail.

The Town has asked different contractors to inspect the structure; those that have done so and are willing to undertake repair work (some contractors have refused to do any work) all refuse to offer any sort of warranty that the repairs would last. More recently, the Town’s risk pool conducted an audit of the Town’s park facilities and observed that the Fish Slide is clearly a risk that could result in injuries if it were to be refurbished and reopened and additional failures in the concrete were to occur.

While I recognize and sympathize with the emotional attachment that many members of the La Conner community have with the Fish Slide, the time has come to take steps to prevent any children who would use the slide from suffering injuries. Brian Lease has obtained an estimate of \$1,600 to install concrete to seal up the ends of the slide, and prevent anyone from entering the slide where they might injure themselves. However, this means that the slide will continue to fail over time; eventually the slide will need to be removed as its condition continues to deteriorate.

The Town’s three options with regard to this slide include: (1) continue efforts to repair the slide at an unknown cost; (2) seal the slide, and preserve it in its current location for an unknown amount of time and at an unknown future cost; and (3) utilize Town staff to remove the slide now.

Please let me know if you have any questions.